

# Client Newsletter

## Now offering Legal Aid for Community Care

We are pleased to announce that we have expanded the services we can provide after successfully bidding for a legal aid contract from the Legal Aid Agency.

Clients eligible for legal aid can be provided advice and legal representation in respect of the following matters:

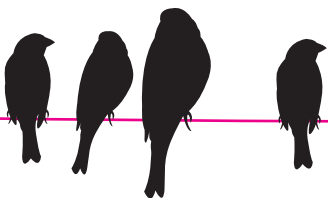
- Challenging Councils regarding:
  - A failure to assess needs
  - An inadequate assessment of needs
  - A failure to provide services following a needs assessment
  - Disputes about arranging and paying for care
- Disputes about care home placements
- The withdrawal or change of community care services
- Representation in the Court of Protection regarding an incapacitated person's best interests in relation to where they should live, who they should have contact with and their package of care.
- Challenging a deprivation of liberty authorisation



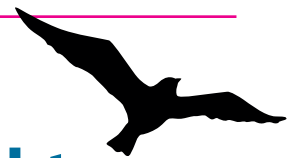
**Debbie Anderson**, Head of Health and Community Care commented that she was extremely pleased to hear the team had been successful in their bid.

Not only does the Legal Aid Agency's decision to award our team a community care contract expand the specialist advice and representation we already provide to our clients, but it also means that we can provide advice to the most vulnerable at legal aid rates.

## #DivorceDay



## Our Family Barrister's thoughts...



You may have heard in the news that Monday (7th January 2018) was 'Divorce Day': the day when lawyers have come to expect a significant surge in the number of divorce enquiries after the dust has settled on Christmas. This then begs the question: what is it about the Christmas period that leads to this surge in marital breakdowns?

Although for many families Christmas is a special time, it can also be an extremely challenging one for couples who are separated or whose marriages are in difficulty. Arguments can often arise in respect of financial issues, and in respect of the arrangements for children. Although it can be lovely having family members around to visit, the added pressures and family obligations over the Christmas period can lead to tension and flare-ups. And if Christmas goes wrong, then there can be a real feeling of resentment in the aftermath – a raw sense that what should have been a happy time was ruined by your partner's unreasonable actions. On top of that, many individuals in the new year start thinking in terms of fresh starts, and if they have decided that their marriage is over then they find the motivation to begin what will inevitably be a difficult process.

Whatever the season, the breakdown of a marriage is always going to a difficult time for those involved. By way of general advice, we would suggest to anyone in that position to be patient and to try to be reasonable. Getting a divorce and sorting out all the issues that arise – financial, and/or child-related – will be difficult and will take time. The more constructive the atmosphere in which these issues are dealt with, the better. It may be easier said than done, but as far as possible anger and resentment should be put aside as it will only lead to stress and increased legal costs. Keep your eye on the prize: sorting out the divorce as quickly and painlessly as possible, reaching agreement in respect of the financial or child-related issues, and beginning the next chapter of your life. Divorce is never easy, but you can make it a lot harder for yourself, in which case only the lawyers will benefit. It is especially important to approach things constructively when there are young children involved – the impact of an acrimonious divorce can be hugely damaging for them.

If you would like advice in regard to divorce, separation or children disputes - you can make an appointment with our Family Team today: 01926 491181 or email: [CarlineG@moore-tibbits.co.uk](mailto:CarlineG@moore-tibbits.co.uk)

# Commercial Property Seminar - A review of the event

**Our Solicitor James Williams hosted his first Commercial Property Seminar in conjunction with KLO Financial Services and Together at The Ardencote Manor in Warwickshire.**

The Seminar addressed the topic of whether or not Property was still a good investment, with James speaking on behalf of the firm from the legal perspective of investment and the other two guest speakers highlighting how to finance the purchase and the best "vehicle" to purchase the investment with.

The event was well attended with 30 guests in the audience, including clients, valuers, surveyors and property investors.

Of course, Brexit was also touched on and the effect it would have to property prices generally. There was agreement from the speakers that regardless of the market, Brexit would be blamed in any event, however, it is safe to suggest that the property market does require some correction as to prices.

It was also agreed that prices would drop, however the suggestion by the Bank of England that prices would drop by 33% was proposed as possible scaremongering.

All things considered, properties (residential in particular) continue to be built at a ridiculous pace and prices will remain dictated by supply and demand. Investment in property, the same as investment in anything, is all about timing and that said, property will of course remain a good investment now and in the future, despite any issues Brexit may bring up.

**Really good event James - thanks for the invite. A lot to think about!**

Karena Ellis - Greenway, Green Chameleon

**James, Thank you for your kind invitation and I thoroughly enjoyed the presentations and lunch. It struck just the right balance and a pleasant location.**

Paul A Britten, Godfrey - Payton Chartered surveyors



## Are you facing redundancy? What you need to know...

**Many Businesses are facing uncertainty with not only Brexit, but also challenges in China and from elsewhere. Downturn in trade and the need to cut costs are forcing companies to address the need for redundancies.**

Redundancy ranks as one of the most stressful life experiences for many people and it is important that you protect your interests by ensuring the redundancy process is carried out in accordance with your contract and legal redundancy rights.

Important issues to consider are:-

- Do you know what you are facing – voluntary or compulsory redundancy or something else?
- Do you know who to talk to?
- Do you know your entitlements?
- Do you know whether you have to work your notice?
- Do you know your options?
- Do you think your redundancy is fair?
- Have you been asked to sign a settlement agreement?

Seeking legal advice at a very early stage can protect both the employer and employee from unsatisfactory arrangements or claims and can help the process run as smoothly as possible for everyone.

If you are unable to answer the above questions and would like some assistance you can call the employment team at Moore & Tibbits for an initial first free interview to help and support you with your next steps.



Contact Tim Ollerenshaw or Parveen Sidhu on **01926 674544** to find out more.

# Increase in probate fees from April 2019

Many families who have lost a loved one, will face increased probate fees from April 2019, assuming formal approval of the proposals by the House of Commons.

The increase will see the end of the current flat fee approach and the introduction of a new scaled approach based on the value of an estate.

Currently probate fees are a £215 flat fee if applied for by the friends or family of the deceased, or £155 if a solicitor makes the application. The fees are currently charged on any estate worth more than £5,000.

However, under the new rules there will be a sliding scale of fees for probate applications depending on the size of the estate. Fees will start at £250 for estates worth more than £50,000 and up to £300,000, while, at the top end, estates worth more than £2 million will have to pay £6,000.

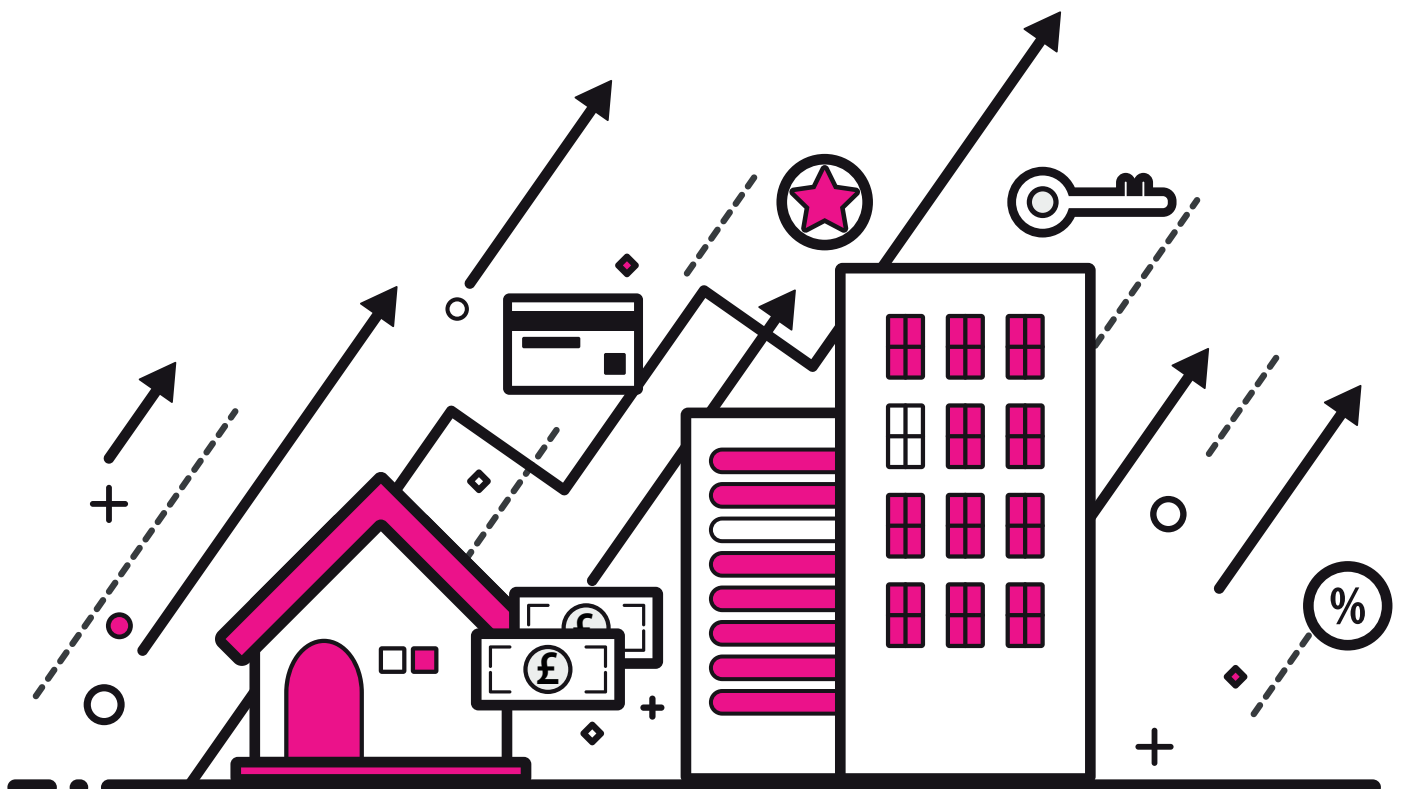
However, the value of an estate below which no fee is payable will rise from £5,000 to £50,000, lifting some estates out of paying any fee.

Value of estate (before inheritance tax)	Proposed Fee
Up to £50,000 or exempt from requiring a grant of probate	£0
Exceeds £50,000 but does not exceed £300,000	£250
Exceeds £300,000 but does not exceed £500,000	£750
Exceeds £500,000 but does not exceed £1m	£2,500
Exceeds £1m but does not exceed £1.6m	£4,000
Exceeds £1.6m but does not exceed £2m	£5,000
Above £2m	£6,000

These increased fees will only apply to Estates in England and Wales.

Executors will have to pay the fee up front before reclaiming it from the estate once probate has been granted which could mean with many people being asset rich, but cash poor, some families will be left with no choice but to borrow to be able to pay the fee.

If you have any queries regarding probate, please do not hesitate to contact our team on **01926 491181**.



# Christmas Jumper Day 2018

Our team got into the festive spirit and donned their finest knitwear to support Save the Children's Christmas Jumper Day campaign. In total an impressive £150 was raised for the charity, contributing towards much needed medicine and equipment.



## MacMillan Coffee Morning



Our very own Nicola once again provided the rest of the team with a vast array of amazing cakes for the MacMillan Cancer Support Coffee Morning. After eating our own body weight in cake, we were pleased to hear that we had raised £350 for such a worthy cause.

**WE ARE  
MACMILLAN.  
CANCER SUPPORT**

## Proud sponsors of Racing Club Warwick Youth Team

Tim Ollerenshaw, Director and Head of Sports Law says:

It's great to be sponsoring a local team who will be playing pretty much on our doorstep most weeks. As a company we are proud to not only be supporting a local team but also the Warwick community, to which we have been providing our legal services for many years. We look forward to following the Youth team through the coming season and wish all the players and committee a successful 2018 – 2019.



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## NEWS

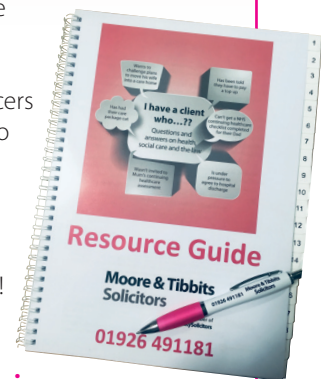
### Success story!

Our Commercial Property Team successfully completed sale of a multimillion-pound business. Thanks to their effective and pragmatic approach, a highly positive outcome was achieved after two months of dealing with various complex issues, including not only commercial but also property aspects.

### Our Legal Updates for Care Seminar

5 venues | 5 counties and  
over 90 attendees...

After a busy couple of months, our Health and Community Care Team have successfully presented their Care Act Seminar to five separate venues. From health care professionals, care workers, information officers and advocates to charity workers and support officers, our list of attendees reached over 90!



Great training,  
informative and captivating.

Fantastic seminar!  
Very informative, well  
explained and presented.

If you would like to register your interest for any future events please email: [esmeh@moore-tibbits.co.uk](mailto:esmeh@moore-tibbits.co.uk) or call **01926 354704**.

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