



Family Barrister joins team

Karol Kaliczak is a Barrister specialising in family law who joins Moore & Tibbits from New Walk Chambers in Leicester. Karol will become our in-house expert in dealing with child arrangement issues and will provide clients with an all-inclusive service. His experience as a barrister means that he will be able to represent clients at court hearings, providing a seamless service.

Karol has expertise in all aspects of family law, and particularly in respect of private law child-related disputes (including contact, residence, and parental responsibility issues), divorce and matrimonial finance, and domestic violence.

Carline Gayle-Buckle (Head of the Family team) says:

“ We are delighted to have Karol join our team and we have no doubt that he will be a real asset. Karol’s expertise as a barrister enables us to provide our clients with a specialist all-round service especially with regard to child contact and domestic violence issues. ”



Karol Kaliczak

Barrister

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If you think we are the right solicitor for you, we can be instructed instantly.

You will then have access to your own personalised portal 24/7 allowing you to receive real-time updates when key stages have been completed.

As well as being accredited with the Law Society’s Conveyancing Quality Scheme, the mark of excellence for the home buying process, we hope this innovative online service will provide a smooth, stress free experience for all our clients.

Our specialist Health & Community Care team regularly attend support groups, including Parkinson’s, Alzheimer’s and various Dementia Cafes. Topics discussed can be tailored but usually include; Lasting Powers of Attorney and paying for care.

If you would like us to attend a support group in your area, please email: esmeh@moore-tibbits.co.uk

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To sign up to receive our free legal updates and newsletter, or if you no longer wish to receive this, please email esmeh@moore-tibbits.co.uk

Health, Social Care and the 'Dementia Tax'

You can hardly have missed the recent headlines about health and social care; from bed blocking to the hastily abandoned social care proposals of the general election. Who pays for care is the big issue no one seems willing to tackle.

A dementia tax?

The dementia tax refers to the current unfair arrangements around paying for care. Put simply, if your needs are deemed to be 'health,' the full cost of your care will be met by the NHS, but if those needs are classed as 'social,' you pay the full cost, until or unless your capital is below the 'threshold' of £23,250 and even then you will pay a contribution to your fees. This means that the decision about whether your needs are 'health' or 'social' will mean the difference between paying thousands, or nothing for your care.

The unfairness stems from the fact that the type of illness you have is likely to have a significant impact on

which side of the health and social divide you end up on. Whilst there is a widespread consensus that those with cancer, for example, have 'health' needs, those with dementia (and many other debilitating illnesses) are generally seen as having 'social' care needs.

Here's where we come in...

You won't be surprised to know that the decision about whether your needs are 'health' or 'social' is not a straightforward one. Hospital discharge procedures, adult social care assessments and most importantly NHS continuing healthcare assessments all determine the type of care you need and ultimately who pays. It really is a case of what you know and that's where we can help.

Our team, including solicitors and a nurse, help hundreds of families each year to navigate this often fraught system. For the cost of one or two weeks nursing care, we scrutinise

care records and liaise with care providers to represent you, giving you reassurance that you have the best possible opportunity of your needs being considered 'health' rather than 'social' care.

It really is the case of social care being the poor relation of the NHS and families are regularly left to fend for themselves as social care teams struggle to cope with ever decreasing resources. The arbitrary line between what is 'health' and 'social' care has become a battleground and source of worry for many families. This looks set to continue, not least because the latest budget blatantly ignores social care.

By Louise Courtney

Debbie Anderson is a specialist in Care at Moore & Tibbitts solicitors. Call **01926 491181** or email **debbiea@moore-tibbitts.co.uk** for free initial advice or to arrange a consultation.

Our Commercial Team, 12 Months on

It has been 12 months since Robin Koolhoven (Director) and Alexander Francis (Solicitor) joined our Commercial team, so we thought it was a good time to give you an update on what they have been up to...

Moore and Tibbitts' Commercial Team have had a successful year completing on a number of high profile transactions as well as dealing with a variety of high value disputes.

Key deals completed by the team include:

- Advised the directors of a specialist Waste and Energy Project development on a Joint Venture agreement with a contractor.
- Advised the directors and shareholders of a million pound IT consultancy business, on its intra group reorganisation.
- Acted for a seller on a £1.5 million pound share sale providing support to the seller on the legal aspects of

the transaction including pre-sale planning and advice on the sale process.

Insolvency work and Dispute resolution work includes:

- Advised on issuing possession proceedings of a high value property portfolio.
- Advising a client in a multi-million pound creditor dispute with Administrators of a business.
- Advising liquidators in a dispute with the assistance of mediation in reducing a £650,000 claim to £275,000.

Due to the growth of the team, the firm transferred the whole of the commercial team to 11A High Street.

The team has also been further boosted by the recent recruitment of paralegal Monika Krtenova.

Robin Koolhoven, Director and Head of Commercial, said

“The progress made in the last 12 months has been very pleasing. We hope to continue to grow both our team and our reputation.”

Contact **Alex Francis** on **01926 674544** or email **AlexF@moore-tibbitts.co.uk** or **Robin Koolhoven** on **01926 674544** or email **RobinK@moore-tibbitts.co.uk** for free initial advice or to arrange a consultation.



The Mythical 'Common Law Marriage'

Unmarried couples who live together are all too often unaware of their rights, or lack thereof, should the relationship come to an end.

Resolution, a national organisation of family lawyers, has carried out a survey and made the worrying finding that as many as two-thirds of cohabiting couples wrongly believe that 'common-law marriage' laws exist and will assist them when it comes to dealing with financial issues on separation.



Although there are growing calls for changes to the law (there are some protections in Scotland, for example), it seems unlikely that there will be any imminent changes given the government's current preoccupation with Brexit.

Unmarried couples should therefore be mindful of the risks.

Some significant differences between cohabiting/married couples:

› If one cohabiting partner dies without leaving a will, the surviving partner will not automatically inherit anything - unless the couple jointly own property. A married partner would inherit all or some of the estate.

- › An unmarried partner who stays at home to care for children cannot make any claims in their own right for property, maintenance or pension-sharing.
- › Cohabiting partners cannot access their partner's bank account if they die - whereas married couples may be allowed to withdraw the balance providing the amount is small.
- › Cohabiting couples are not legally obliged to support each other financially, but married partners have a legal duty to support each other.
- › If you are the unmarried partner of a tenant, you have no rights to stay in the accommodation if you are

asked to leave - but each married partner has the right to live in the 'matrimonial home'.

Resolution has seen an increase in the number of cases involving cohabiting couples, with some 98% of Resolution members reporting having worked with an unmarried couple who they could not help due to the lack of legal protection.

Call Carline Gayle-Buckle on **01926 491181** or email Carlineg@moore-tibbits.co.uk or Karol Kaliczak on **01926 491181** or email KarolK@moore-tibbits.co.uk for free initial advice or to arrange a consultation.

New beginnings are often disguised as painful endings

No-one plans for marriage or relationships to end. Divorce and separation can leave us feeling lost and hurt, and can completely disrupt our sense of identity as well as family life.

Getting the right legal support is so important to understand your rights, what happens next, and to help you find your feet again.

**Moore & Tibbits
Solicitors**

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Our News

Macmillan Cancer Support Cake Sale

We are proud to announce that our recent cake sale made a very impressive total of **£318.80!**

A massive thank you to Nicola Gillet, our star baker who ensured that there was enough cake for everyone.

**WE ARE
MACMILLAN.
CANCER SUPPORT**



Moore & Tibbits join forces with Age UK Warwickshire to combat loneliness.



Loneliness and isolation can be distressing for many older people often leading to depression and anxiety.

To help overcome this Age UK Warwickshire is launching a free service which enables those affected by loneliness in Warwick and Leamington to make new friends over morning coffee or afternoon tea.

Debbie Anderson of Moore and Tibbits says 'we have longstanding connections with Age UK Warwickshire and are delighted to support this valuable new service'

For further information on this and the countywide befriending service, phone **01926 458 113**.



LASTING POWERS OF ATTORNEY THE DO'S AND DON'TS

After the huge success of last years 'Lasting Powers of Attorney Seminar we are already taking names for our 2018 seminar. If you, or someone you know would like to book your place, please register your interest by emailing esmeh@moore-tibbits.co.uk or calling **01926 491181**.

Join us
at our **FREE**
Seminar for you
and your
attorney.

**REGISTER YOUR INTEREST
FOR OUR NEXT SEMINAR**

Dementia Action Alliance

DAA
Coventry & Warwickshire
Dementia Action Alliance

We are proud to be a part of the Coventry & Warwickshire Dementia Action Alliance.

Moore and Tibbits are working with other local organisations to improve the lives of people with dementia and their carers.

Did you know?

All of our useful guides and top tips are available on our website?

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