



nockolds LLP
solicitors

looking after you

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Win a set of free wills
worth £400

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Spot the difference:
decoy or real speed
cameras?

When police forces indicated that due to the expense of running speed cameras a number of them would be used as decoys they were met with a mixed response.

The jury is still out on whether the presence (and/or working) of fixed or mobile cameras prevent accidents and save lives and the debate will no doubt continue.

Pete Dodd, Partner in Motoring.

Nockolds have been providing legal advice and services for over 175 years, and the firm has seen a lot of changes during that time. Now we are in the 20-teens, Nockolds are aware, more than ever, of the demands on your time, pockets and well being. This year sees changes in the rules governing who can provide legal services and as new providers come into the industry, we thought it important to look at what we provide you, our clients and what you really want from your solicitor*. The results were pleasing... Nockolds are people-people, we provide clear, straight talking advice and help our clients work out the best solution to make life as smooth as possible. There are always things we can improve on and from what you have told us, we pledge to continue to offer what is important to you:



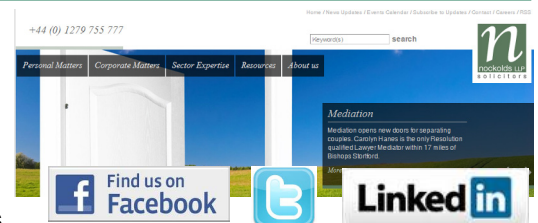
- Transparent fees and charges;
- A named contact, who you can speak to and meet to talk through your issue;
- Clear advice and an honest appraisal of your situation.
- Advice in language you understand.

As part of our on-going commitment to you, we will continue to provide you with useful updates and information. This is the first edition of our new regular newsletter. It gives you a round up of key areas of law that are hitting the headlines and highlight the ways in which you can protect yourself in the future. Each issue will be themed and relevant to everyone, whether you are just starting out in the adult world or have 4 generations of your family to worry about! This first issue looks at Planning for the future. You will also find our **Quick Reference Guides** which will help you to navigate the legal maze. We hope you enjoy our newsletter and look forward to your comments. *research conducted by TOMD April 2011, Full details available on request

The new Nockolds Website & Social Networking

Join the conversation

2011 marked the revamp of the Nockolds website. "Our new website allows us to communicate in a different way" Jennie Jones, Partner & Head of Marketing, "The new site enables us to give immediate updates and comments on developments in the law which affect people, their families and friends. The social networking areas also allow us to have online debates surrounding the issues in the public arena."



The website contains a new section dedicated to Resources with **Quick Reference Guides** on all areas of law from Family, Moving House, Employment and Commercial matters such as setting up your business. There is also a section dedicated to events taking place across the firm and our press activity. If you would like to keep in touch with legal developments you can sign up to our seminars, regular newsletter online and industry updates.

Our new website is www.nockolds.co.uk or you can connect with us on **LinkedIn** and **Facebook** and follow us on twitter at **legal_expert**. We are always keen to receive any feedback, if you have any comments please contact us at marketing@nockolds.co.uk.

Facts not Fiction: Planning ahead



Janette Wand Wills and Probate

Facts not Fiction looks at dispelling those URBAN MYTHS - making sure that you are aware of the facts rather than the fiction so that you can make informed decisions.

In this issue the focus is on Planning Ahead what you need to consider and how you raise this subject with your loved ones so that everyone is part of these decisions.

Whatever stage you are in life, there are always things you are told to do again and again. In Childhood **“Clean your teeth”, “Brush your hair!”, “Wash your face!”** and **“Turn that television / computer off!”**

As a teenager you are repeatedly asked **“Are you really going out dressed like that?”**, **“ Have you done your homework!”** and **“Don’t text at the table!”**

Early adulthood is focussed on planning careers, making plans for a Gap Year and settling down.

Adulthood: Well, actually this is the time when you hope you are a bit more in control of your own life! So this is the time for you to plan ahead for yourself. How about having children? Getting married? Staying married! Buying a home. Selling a home. Developing your career. Planning your retirement and enjoying it.

However coupled with this can be thoughts or worries about protecting assets, writing wills and lasting power of attorneys either for yourself or for your friends or family.

The Do’s and Don’ts of having a Will prepared:

A Will need not be a complex document. Don’t be daunted by the thought of making one. Throw away your superstitions, have a think about what you want to do and then speak to a solicitor.

DO’S	DON’TS
Speak to a qualified solicitor that you trust.	Leave things to chance.
Update your Will regularly or when your situation changes.	Assume everything will go to your husband or wife.
Decide now who you want to deal with all of the paperwork (your Executors).	Expect everyone to “know what you would have wanted”.
Decide now who you want to receive your property and money on your death.	Be scared to speak to a solicitor. We don’t bite and the clock does not start ticking as soon as you call!

The Pro’s and Con’s of Lasting Power’s of Attorney and Deputyship:

A Lasting Powers of Attorney can only be made when you still have mental capacity and are a way to decide who will look after your finances and welfare in the event that you lose mental capacity.

Deputyship is a Court Order appointing someone to look after your financial affairs after you have lost capacity. This would only be needed if you have lost mental capacity and do not already have a Lasting Power of Attorney or an old Enduring Power of Attorney in place.

Pro’s

In applying for Deputyship the Court is involved in deciding who is in control of your affairs and monitors them. You have not had to think about it.

A Lasting Power of Attorney can be registered with the Office of The Public Guardian at the time the document is created.

You choose who looks after your finances in a Lasting Power of Attorney.

In drawing up a Lasting Power of Attorney you know that you have done everything you can to reduce the worry on your friends and family, should you lose your mental capacity.

Deputyship provides an alternative to looking after finances and welfare if you do not have a Lasting or Enduring Power of Attorney .

Con’s

In applying for Deputyship you do not decide who will control your affairs.

Deputyship is applied for at the Court of Protection at the time that the person has lost capacity and can take on average 6 months.

Because a Lasting Power of Attorney has to be drawn up when you have mental capacity, you have to think about a time when you may not be fully in control which can be distressing.

Happy Healthy Holidays



Jennie Jones , Personal Injury

The holiday season is now well underway. We all look forward to our holiday (once we are all packed, arrangements made, cat dropped off at the cattery and neighbours instructed on watering the tomato plants...). For most of us, the 7-14 nights away are bliss and give us important uninterrupted time with family & friends.

If it does not go according to plan, then at best we are left disappointed (and more stressed then when we left!) or at worst, needing medical attention. Over recent years, Jennie Jones and the Injury team at Nockolds have handled a range of claims arising from accidents on holiday. These include:

- **Unsafe villas – not compliant with even the local standards.**
- **Hotel lift that was not properly fitted and closed on a guests arm.**
- **Car accidents while driving abroad.**

This year before you take your break, take a minute to know your basic legal rights.

Package Holidays:

If you have booked your holiday as a package (a combined price for transport, accommodation and, or excursions) then the holiday company are bound by English law under Package Travel Regulations. This allows the English court to deal with the claim and if you are successful and compensate you under English law. The company will also have to look after you in terms of getting you home and dealing with problems such as airline going bust!

Independent Travel:

More frequently, we now make travel plans independently, finding budget airline flights and our own accommodation. This gives us more flexibility but we do not have the same protection if something goes wrong or one of the companies involved goes bust.

There is some financial protection under the Civil Aviation (Air Travel Organisers' Licensing) Regulations 1995, but they will not bring you home.

If there is a problem while you are away, you are injured or the accommodation is not as expected, then what you can do depends on which law applies. Is it English law or that of your Holiday destination? Generally claims can be made here in England, but it is important to get advice from someone who specialises in these issues.

Consumer groups argue that the large organisations who use their websites to sell flights and bolt on hotel rooms, villas & car hire should provide the same protection to their customers as package holiday providers are required to.

However if you have paid for your Independent Holiday with your credit card you will have additional Consumer Protection.

This summer, Nockolds are running a free travel helpline and offering clients an emergency contact card to take on holiday.

These are available in reception at our Market Square office or by emailing Jennie Jones at jsj@nockolds.co.uk .

Clients can then get advice and guidance while they are away and hopefully make the most of what is left of the holiday or make sure they are in the best possible position to seek compensation when they get home. This service is part of the free initial consultation service offered by Jennie and her team.

Check List: Grab it, Snap it & Report It

- Grab your Emergency International Helpline Card, from the Nockolds office or here.
- Take photos of where the accident happened
- Report it – to the hotel staff, holiday rep, local manager and keep a note of who you spoke to.
- If it is a car or bike accident, you may need to report it to the local police;
- If you need medical attention, ask for copies of your records;
- Contact your travel insurer or Nockolds and ask them to contact your insurer for you;
- Keep a note of the names and addresses of other guests or witnesses
- If you think you have contracted an illness, then get advice immediately as it may help to have certain samples for medical testing.



Emergency International Helpline
Call +44 (0)1279 755 777

One of our team of experts will call you back and respond to your query by:

1. Providing practical advice on the steps you need to take whilst abroad
2. Advising on what to do on your return to the UK
3. Liaising with your travel insurance company on your behalf
4. Liaising with Local Authorities or agents to assist you

No expensive call charges as we will call you back.



Nockolds News

Legal Translations: Spanish, Portuguese and Italian



Dalila Segador
Legal Translator

Nockolds are pleased to announce the expansion of the translation services offered by Dalila Segador. Dalila Segador joined the International Team in January 2005. She has a degree in Legal and Commercial Translation from Granada University and a Diploma in Modern Languages from University of Northumbria at Newcastle. Dalila also trained as a translator at the prestigious English Language School in Bath.

She is an Official Translator (English and Spanish) appointed by the Spanish Foreign Office and a Qualified Member of the Chartered Institute of Linguists in the UK.

Dalila is also a Certified Portuguese Legal Translator and a member of the Portuguese Translators Association as well as a qualified Legal Translator for Italian.



Dan Winter
Dispute Resolution

Care Home Fee Challenge Success - saving £1000's

Nockolds Care Home Fees team have had cause to celebrate two major successes over the past months. Daniel Winter working alongside Peter King helped a family to recover thousands of pounds of fees that had already been paid to the care home and saved some £2 million over the course of the client's life.

Mrs C, a middle-aged lady who suffered a serious brain injury, underwent extensive rehabilitation at a residential unit paid for by the NHS. After three years and her condition stabilising, she was moved to a specialist nursing home for young people and after being assessed for Continuing Care was advised that she did not qualify and would therefore have to pay for her care.

As a result Mrs C was moved to a privately owned specialist residential nursing home for young people suffering from severe brain injuries and neurological conditions. Shortly after admission, the local NHS Primary Care Trust began its process of assessing Mrs C's **eligibility to Continuing Healthcare funding**. At the end of the process, the NHS Primary Care Trust concluded that **Mrs C did not have a primary healthcare need and that her needs for nursing care were merely incidental to her need for accommodation**. This meant that Mrs C's family would have to choose whether to continue funding her stay at the home themselves, or for Mrs C to be moved to a local authority care home.

The costs of care at the specialist home were in excess of £1,200 per week. The family decided that Mrs C could not leave the care home where her needs were so well catered for, where she had the individual highly skilled care and attention that simply could not be given at a local authority care home. The family were rightly fearful of what the consequences of moving to such a home could be for Mrs C.

The family funded the care themselves whilst they challenged the NHS Primary Care Trust's decision through Nockolds. We lodged an appeal with the NHS Primary Care Trust and instructed an expert independent nursing assessor to give an unbiased report on Mrs C's care needs. We then prepared for and attended the initial appeal hearing at which the NHS Primary Care Trust upheld their decision. Nockolds then immediately lodged a further appeal to the independent tribunal and after submitting further compelling evidence the NHS Primary Care Trust reversed their decision just weeks before the tribunal was due.

A day in the life of ... wills and probate

Being part of Nockolds is much more than a 9– 5 job, we take our work very seriously and go the extra mile to look after our clients. A day in the life of gives you a taster of what our days are like and gives you a feel for the personality behind the names. Janette Wand in our Wills and Probate team shines a light on her day in our first edition



Janette Wand
Wills and Probate

Jobs To Do:

9am: Will Signing Mrs & Mrs Louis
(before they start their working day)

1pm: Check arrangements for Mr Hill's funeral

230pm: remind team of Mr Hill's funeral today

4pm: Isla Lunn: Nursing Home visit mental capacity assessment

5PM: Home visit wills and lasting power of attorney

Our team has 3 Solicitors, a trainee Legal Executive, Trust Manager, experienced Probate Executive and a Trainee Solicitor as well as an incredibly able team of support staff.

For a Solicitor in the Wills & Probate team, the day generally involves speaking to a number of new clients on the telephone – giving free preliminary advice, providing factsheets, discussing possible options and arranging a meeting if required.

There could be an early morning will signing for a young working couple I'll also be drafting other Wills and possibly going on a hospital visit or a home visit for people who can't come into the office.

Hospital visits are interesting events: a recent visit to an elderly client involved me trying to assess whether there was any question over mental capacity. This is a difficult issue but it is one that we have to consider with every client, particularly those who are vulnerable in some way. We often take guidance from medical professionals and involve them in the procedure. On this occasion I had taken our

Trainee Solicitor with me and we both left the meeting completely confident that the client had understood everything. I was not so confident about the client's eyesight though as she asked me whether the Trainee Solicitor was my daughter! So, I came back to the office with a bruised ego and a laughing Trainee!

I also help sort out people's affairs after they have died. The legal jargon word for this is Probate. It can involve as much as registering the death and arranging the funeral, gathering all the papers from the deceased's house and dealing with everything from beginning to end. Or it can be as little as just completing the inheritance tax declaration and the Court application papers. Either way, it is always a fascinating job and it's a privilege to be able to help families out at such a stressful time.

Events and Seminars Reviews

Bishop Stortford's Carnival 18 June 2011 – Laughter and giggles come rain, hail and shine

Adults and children took a welcome break from the buzz of the carnival atmosphere at the Nockolds' stand, relaxing on the picnic rugs provided whilst Jezzo entertained them with his Magic and Laughter Show.

Nockolds staff mingled with the crowds making sure that everyone was comfortable and had all they needed. Nockolds has been supported by the local community for over 175 years and in the current economic climate, the firm wanted to say Thank You. What better way to do this than being involved with one of the largest community events of the year. Peter King, Partner was on hand all day and was happy to report that *"The reaction of the General Public was amazing; they really enjoyed the free refreshment and live show. The crowd ate their way through around 250 cakes, bowls of Pineapple and lolly pops on the day. Jezzo the entertainer went down a storm both with the audience and staff with his comic routines, dry wit and balloon modelling. We had some very brave members of the audience and staff who volunteered for the stocks. This included Jennie Jones, Partner in Personal Injury who was 'beheaded' along with, Andy Morris and a young lady from another stall."*



In the news...care homes



Recently our headlines have been full of stories concerning Care Homes. From the Southern Cross Care Home group who are facing closures to the Care Home Abuse scandal reported on BBC's Panorama and the Dilnot Report on Social Care and funding. Here we summarise the legal implications of all three of these stories.

A recent BBC Panorama production highlighted the extent to which abuse occurs in the Care Home environment, but what can you do if you are worried about how a relative or friend is being treated or even worse, abused?

The first step should always be to report it. If the abuse is taking place in a care home inform their senior management. If this does not allay your concerns speak to a GP or nurse or other trusted medical professional.

Keep a diary of your concerns and if physical injuries are involved take photographs. This is the best evidence of injuries occurring and will be invaluable to your solicitor if it becomes necessary to consider legal proceedings.

There are also a number of other bodies to whom you can report your concerns including [Action on Elder Abuse](#), the Local Authority and the Police.

The government is acutely aware of the problem of abuse especially in care homes and they therefore set up the Quality Care Commission which began operating in April 2009. Their powers and duties include:

- Registering providers of health care and social care
- Monitoring how providers comply with the standards
- Using their enforcement powers
- Acting to protect patients whose rights are restricted

Closure of Care Homes:

The Southern Cross story has been unfolding over a number of weeks culminating in the decision to close the company. If new owners are not found for all of its 752 homes what happens to the thousands of elderly residents who require care?

The responsibility of finding a new suitable Care Home is linked with the funding of that care, so for instance if a resident is funded by the Local Authority then it is the Local Authority's responsibility to find alternative residence, however if a resident is privately funded it is down to the individual resident and or your Attorney for Health and Welfare or Next of Kin (as appointed in your Lasting Power of Attorney for Health and Welfare).

The Dilnot Report into Social Care Funding:

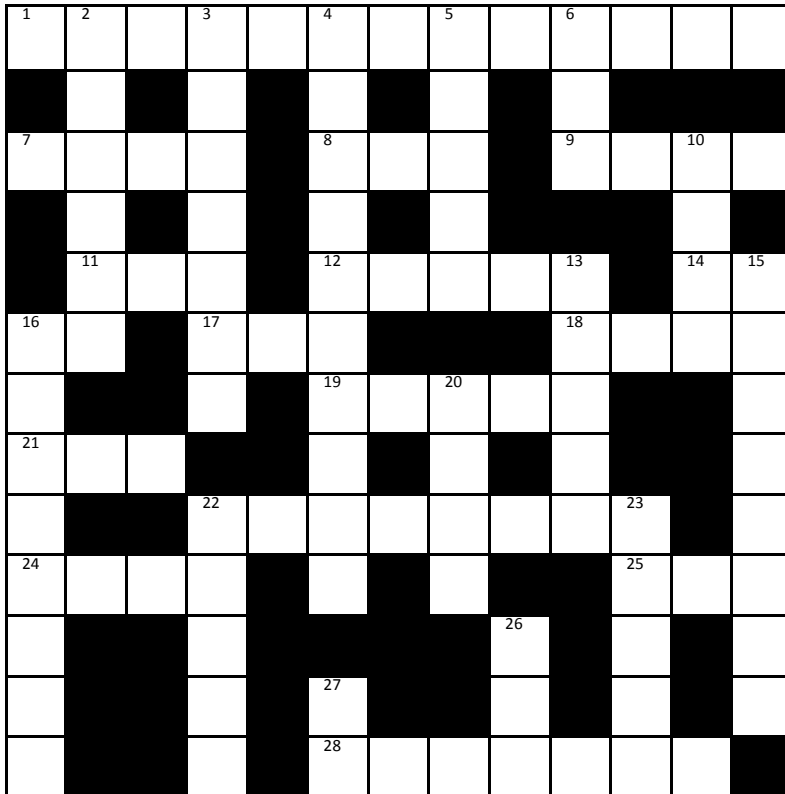
You will have probably heard the news about the Dilnot Report into Social Care funding. Some of the reporting has been rather poor, presenting the report as though it has been adopted when in fact it is merely a collection of proposals yet to be fully considered by Parliament.

The report proposes that the ceiling on protected personal assets is raised from £23,250 to £100,000, so that this higher amount cannot be touched for care home fees. In addition, a cap in costs paid by an individual is proposed between £25,000 and £50,000 when currently there is no cap and an individual's entire wealth could be used to pay.

Interestingly, pure accommodation and food costs are not included in this cap and their payment will presumably remain on a means tested basis. If these proposals are adopted, there is likely to be a raft of insurance products made available for people to plan ahead for care home fees in the knowledge that the costs are fairly foreseeable.

Daniel Winter, Ivan Moody and News Team

Cross word - first correct entry wins a free a pair of free wills worth £400 + vat



Across:

- 1. Old name for a trainee solicitor (8,5)
- 7. Home for chickens (4)
- 8. A favourite British hot drink (3)
- 9. Sound made by a pig (4)
- 11. Adam's companion, apple-lover (3)
- 12. Bill, Chairman of Microsoft (5)
- 14. Nickname for Australia, we won the Ashes from them in 2010/11! (2)
- 16. You and me (2)
- 17. Type of music, from Jamaica originally, revived by The Specials (amongst others!) (3)
- 18.vore: animal that eats animals and vegetables (4)
- 19. Type of renewable energy (5)
- 21. Islands are surrounded by it (3)
- 22. Field, public park in Bishop's Stortford & name of local auction house and surveyors (7)
- 24. Harvest / short haircut (4)
- 25. Lovely place to have a pint of beer (3)
- 28. Current Chancellor of the Exchequer

Down:

- 2. Bishop's Stortford born businessman, founder of De Beers diamond company and named a country after himself
- 3. Dress to (7)
- 4. An action brought in court to enforce a particular right (10)
- 5. A preliminary or first copy of a document (5)
- 6. Star sign for 23 July to 22 August (3)
- 10. Midday (4)
- 13. Type of renewable energy (5)
- 15. Post-colonial name of the country named after 2 Down (8)
- 16. Outside of the normal working day (8)
- 20. Ken, British comedian from Knotty Ash famous for his tickling stick, also the name of a Nockolds' partner! (4)
- 22. Gap / The universe (5)
- 23. Home country of the Red Fury, Rafael Nadal and Catherine of Aragon (5)
- 26. Friend of Winnie the Pooh, Kanga's son / Wayne's nickname (3)
- 27. Run ... You: Names of songs recorded by Bryan Adams, Roxette and Whitney Houston (2)

Send your answers to Nockolds: The first correct entry wins a free Will or pair of Wills worth up to £400 plus VAT!

Enter your name:

Your address / email:

Your comments on our newsletter:

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Commercial Division

Your questions: your opportunity to ask the experts the answers to those burning questions.

- Harlow Business Exhibition**

June 16th marked the second Harlow Business Exhibition. This year Nockolds sponsored the seminar room promoting their Business Tool Kit.

- Nockolds Olympic Legacy**

Nockolds client Zero C Holdings Limited is constructing 77 homes at Portland, to be built to a high level of sustainability and will be used as the athletes village for 2012 sailing event.

- Autumn Seminar Program**

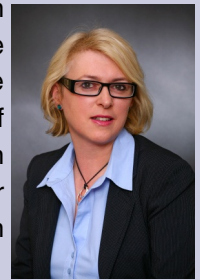
Nockolds commercial division are planning their Autumn Seminar Program—be one of the first to find out about this season’s schedule. Email jdowning@nockolds.co.uk.

- Business Newsletter**

Second edition due this Autumn. Please subscribe if you would like to receive a copy.

Q. I have just been called for an ‘At Risk’ meeting. Am I going to lose my job, what does this actually mean and what are my options?

A. An ‘At Risk’ meeting is the start of the redundancy process and means that your job **MAY** (not WILL) be made redundant. Redundancy is one of the 5 ‘potentially fair reasons’ for ‘dismissal’ and it arises in one of 3 situations: a) the business closes, b) the place of business closes or c) an employer requires fewer employees to do a particular type of work. Therefore it is a dismissal for a reason that is not specifically related to the individual concerned. If you have been placed ‘at risk’ a procedure should then be followed: a consultation process to consider all ways of avoiding redundancies and suitable alternative work. The process may involve the application of ‘selection criteria’ to decide which employees are to be made redundant. The consultation process will vary depending on the size and nature of the business and the number of employees that are affected. If a fair procedure is not followed then an employee may have a potential claim for unfair dismissal. For more information contact **Bev Moseley** on (01279) 712572.



Want to find out more? *Sign up for our regular updates and newsletters to ensure you are up to date with topical legal changes.*

What’s more, we want feedback and comments on our articles and the newsletter format. We would be pleased to answer your questions and concerns you have so please contact us on **(01279) 755 777** and newsteam@nockolds.co.uk.

Please tick your area of interest and return it to us by fax or email and we will inform you of events and updates in these areas:

First Name		Surname	
Email Address		Telephone	
Address			
Town		Post Code:	

Family Matters	Wills, Probate and Trusts	Employment	Moving House	Motoring	Personal Disputes	Accident & Injury	Commercial Property
Business Issues	Business Employment	International Issues	Debt Recovery	Commercial Disputes	Commercial Newsletter	Private Client Newsletter	Medical Negligence

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