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SOLICITORS FINANCIAL CHECKLIST



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CONTENTS

Client Details	4
Benefits Entitlement	6
Loss of Income	8
Pension Loss	9
Loss of Employment Benefits	10
Periodical Payment Orders	11
Matrimonial and Family Matters	12



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Providing industry leading litigation support through its highly qualified team of expert witnesses for over three decades.

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CLIENT DETAILS

Case no:

Client name:

D.O.B:

Date of negligence:

Partner/parents name:

Life expectation:

Key carer:

Religious Beliefs:

Privacy notice provided:

Sensitive data consent
obtained:

Parental Consent:

Funding of claim:

 Legal aid CFA Private

Income source & amount:

 Both for claimant Partner/Parents



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BANKRUPTCY

Is the Client bankrupt or do they have any other arrangements with Creditors?

Yes

No

If YES: Consider the position of the Trustee in bankruptcy;

If NO: Tell the Client to inform you if they do go bankrupt

TRUSTS FOR MINORS

Is your client under 18?

Yes

No

Is the award likely to be in excess of £50,000?

Yes

No

If yes then discuss with your consultant the viability of establishing a Minor Trust

If no: if remaining in Cash discuss with your FT Consultant a suitable alternative to the Special Account

BENEFIT ENTITLEMENT

Are they entitled to any benefits?

Yes No Don't know*

If so are they getting maximum entitlement?

Yes No Don't know*

If declined are they in time to appeal (30 days) or do they need help to reapply?

Yes No Don't know**

Are they currently receiving any form of Local Authority funding for care/education/support? Have you arranged for a financial assessment?

Yes No**

Are they receiving any funding from elsewhere or could they be entitled to it?

Yes No**

ACTION TAKEN

Contact Point: enquiries@frenkeltopping.co.uk

* Get a welfare benefits review

** Speak to someone in our welfare benefits team

Our Welfare Benefits and Expert Witness services are not regulated by the Financial Conduct Authority.



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PROTECTED PARTIES

If liability has been admitted have you appointed a financial deputy?

Check with COP team on costs.

Yes No

If a Lay Deputy you may need an approval for gratuitous care to be paid.

Talk to COP team re. process & cost.

ACCOMMODATION

If required, have you claimed the costs for legal advice and insurances?

Check with Property Team

Yes No

Are you purchasing/ adapting a property?

Yes No

Have you claimed the cost of conveyancing and referred this to conveyancing team?

Yes No

Will the Client be renting a property either permanently or on a temporary basis?

Yes No

Do you need help calculating costs?
If so, talk to us.

Our Welfare Benefits and Expert Witness services are not regulated by the Financial Conduct Authority.

LOSS OF INCOME

Do you need a Loss of Income Report?

Yes

No

Our report will provide consistency throughout the claim for Tax, NI and Pension Contributions. Accurately deal with career development, employee benefits, employee benefits and different earnings levels.

N.B. We are not employment experts , but can assist in formulating an appropriate career path and then provide calculations in one document covering Loss of Earnings and Pension Loss.

ACTION TAKEN

PENSION LOSS

You should be looking for the following:

Anybody who would but for the accident/negligence have worked in an employed capacity post 2012.

This will include:

1. Those unable to ever return to work as a result of the accident/negligence.
2. Those who will be unable to work for an extended period as a result of the accident/negligence.
3. Those who will have a reduced income as a result of the accident/negligence.
4. Minor cases where the child may never work or will have reduced earnings capacity as a result of the accident/negligence, where life expectancy takes the claimant beyond age 22 years.
5. Fatal Accident cases, even if the deceased had a pension that has paid out a widow's pension and or a lump sum death benefit.
6. Any case where a carer or carers will be employed by the claimant for more than £10,000 per year - claim the cost.
7. **Anybody** who is a self-employed 'worker'. A worker is basically someone who provides work or a service as part of someone else's business. For example, an electrician working for a building contractor could be a worker for employment law purposes even if they are self-employed for tax law purposes. 'Workers' have a minimum set of employment rights to help protect them, including the right to be paid the minimum wage, to a workplace pension and to annual leave.

If any cases that you are dealing with fit into the above, we will require basic information, including claimant name, DOB, contact details, any litigation friend or Deputy details, a copy of the schedule of loss and any medical reports that are available. Also a copy of any existing pension scheme information that you have on file.

However, even if you only have very basic information, we can still help, as we may be able to source the information on your behalf.

Failure to consider pension loss could result in the under-settlement of a claim and could lead to a professional negligence claim in the future.

Have you considered a Lost Years claim if there is reduced life expectancy?

Yes

No

NEW STATE PENSION

Loss of NIC's - will claimant have paid enough NIC's to qualify for full new State Pension - i.e. 35 years?

*Also applies to fatal cases**

Yes

No

If unsure apply for a free viability check and email enquiries@frenkeltopping.co.uk

ACTION TAKEN

** Check with us about possible claim*

LOSS OF EMPLOYEE BENEFITS

Were they in employment prior to accident?

Yes

No

Did they receive additional benefits- free travel, staff discounts?

Yes

No

Company Car

Yes

No

Private Health (including family members)

Yes

No

Permanent Health Insurance

Yes

No

Death in Service

Yes

No

Does "C's" life expectation exceed Normal Retirement Date?

Yes

No

ACTION TAKEN

Get details and contact us, you may have a claim.

PERSONAL INJURY TRUSTS

Is your client or their partner in receipt of means tested benefits or are they likely to be so in the future?

Yes

No

Have they been in receipt of any payments either from fundraising/an accident policy/from their insurer?

Yes

No

Are they likely to need a personal injury trust to protect their benefits or local authority funding?

Yes

No

If in doubt email enquiries@frenkeltopping.co.uk for confirmation.

PERIODICAL PAYMENT ORDERS

As a result of the implementation of the Care Act 2014, how will a PPO affect existing funding particularly if there is a reduced settlement because of litigation risk or contributory negligence?

Is your client in receipt of income protection payments?

Yes

No

Will these be affected by a PPO?

Yes

No

If liability is admitted have you arranged for a PPO expert to meet with the family?

Yes

No

CPR Part 41 Rule 41.7 you need to state the reason for the claimant's preference for the financial structure for the award.

Will you need advice on the financial structure of the award?

Yes

No

You must get a financial report if there is a reduced settlement or the client is a protected party.

Do you need help with the Order?

Yes

No

Have you checked the maximum indemnity cover for the insurer?

Yes

No

Is your client receiving funding from an Income protection plan / Permanent health Insurance?

Yes

No

If yes, check how this may impact on funding from a PPO or discuss with your FT Consultant.

ACTION TAKEN

MATRIMONIAL & FAMILY MATTERS

- Is there a chance that your client's relationship will breakdown as a result of injuries sustained?
- Have you claimed the cost of a prenuptial/postnuptial agreement?
- Have you claimed the cost of divorce advice and proceedings?
- Are there any other known children outside of current relationship?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

Speak to family lawyer if yes re. Section 1 of the Children's Act to protect award.

- Does your client have a will?
- As a result of the negligence is your client now going to need a will?
- Have you claimed the cost of testamentary advice?
- Have you applied for an anonymity order?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

POST SETTLEMENT ADVICE

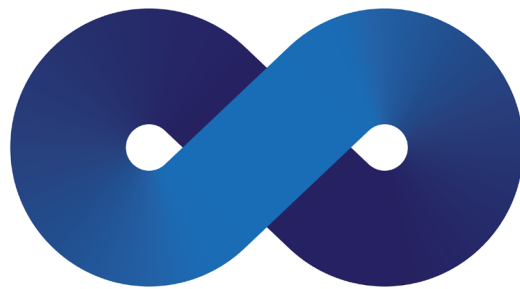
Make sure you direct your client to an IFA who is experienced in this field of work, otherwise they may receive inappropriate advice and you may be negligent.

- Will 'C' need a Trust Bank Account or advice on best deposit rates?
- Does your client need to discuss their needs and objectives or how best to get the most suitable advice for their award?
- Have you asked your client if they would like to take advantage of a life after settlement meeting free of charge?
This will ensure that the optimum work goes back to the firm as well as providing the opportunity to receive specialist financial advice.
- Does your client wish to invest on specific religious or ethical grounds?

<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
<input type="checkbox"/>	Yes	<input type="checkbox"/>	No

ACTION TAKEN

enquiries@frenkeltopping.co.uk or call 0161 886 8000



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