

ADR & FAMILY LAW

The COVID-19 pandemic has seen the world go through very radical changes (some probably for the better, in the long run), very fast. It will probably be some time before we are back to anything resembling the old 'normal' and we have all adapted to doing things very differently.

As a firm we have embraced technology to ensure we can continue to serve our clients. However, the Court Service took a very difficult direct hit from the pandemic and was soon inundated with urgent cases concerning adults and young people immediately made more vulnerable by the lockdown at a time when, practically speaking, it was even harder to accommodate all those cases. It is quite right that the most vulnerable are prioritised, but it required us to think inventively to minimise the impact of the delays on our clients, who were waiting to have their less urgent financial and children matters decided.

The Court system must, by necessity, be fairly standard for all situations. This can result in a situation where unnecessary work has to be carried out that won't be of any benefit to the parties in their particular case.

Furthermore, the increasing Court workload means their staff are under tremendous pressure to move cases through the system. It is inevitable that sometimes there is insufficient time for a case to be completed on the allocated day, or for the most appropriate level of judge to decide it, resulting in more delays for the Court and the parties, and extra costs and disappointment.

This is where ADR (Alternative Dispute Resolution) makes its grand entrance. In reality, it has always been bubbling away happily in the background, used by our colleagues in civil law but the rules meant that, until recently, the opportunities to use it in family law were much more limited when, in fact, it is ideal for the issues many of our clients face.

Thankfully those rules have been addressed and now we have a full array of options we can offer clients for resolving their disputes, whilst avoiding the potential delay and cost of Court.

Many forms of ADR are as binding as a Court decision and therefore provide the same level of certainty and assurance at potentially less cost and in less time, whilst others are designed to give people a 'taste' of what a Court might decide. Equipped with that



LOCAL CHARITY HELPS BATTLE LONELINESS

Whilst the global coronavirus pandemic has brought a host of new experiences such as working from home and online socialising, it has also brought its challenges and increased loneliness of many people.

We all feel lonely sometimes but the pandemic has intensified these feelings of loneliness amongst many of us especially during the weeks of lockdown and social distancing. From not being able to hug our family and friends to having to isolate for weeks on end; these are only some of the struggles that we have all had (and continue) to face during the pandemic.

So, how could Omega help to battle the loneliness that this time is bringing?

Omega is a small but passionate end of life charity based in Shrewsbury and works across the UK, with a strong presence in the West Midlands. They work hard to raise standards in end of life care by supporting caregivers over the age of 75 looking after someone with a terminal illness, people who are themselves end of life, and those who have been bereaved.

In 2012, Omega launched their befriending service, Chatterbox Action Against Loneliness. This programme is a free, confidential, short-term telephone befriending programme. It is designed to support those who are lonely and isolated due to their caring role, bereavement, age, or life-limiting and end of life challenges.

People are carefully matched with a dedicated volunteer Befriender who will make a weekly phone call throughout the programme to talk about the things that matter to you.

Our offices are now open for pre-arranged appointments and to drop off documents, we continue to offer meetings via telephone and video.

Here to Help

HOW MANY BALLS CAN YOU JUGGLE?

This was a question I asked myself when the government had no choice but to 'lockdown' our country to protect us all from the COVID-19 virus – something that we will hopefully never have to experience in our lifetimes again.

Prior to the announcement Lanyon Bowdler had already started making plans about how we could ensure our clients needs could be met, and their legal requirements dealt with in the event our offices would need to close. One of the first objectives was to ensure as many staff as possible had remote access to allow them to work from home as though they were in the office. Friday 20 March was the big test day – the day when we were all to work from home and test to see if the system could cope – so glad I was not part of the IT team that day!

The system coped and so we were all ready to go when the lockdown announcement was made on 23 March. But what about the other issues we were all going to have to face? I confess this was a struggle for me – I like working, I like my work family who I spend the majority of my week with, and I enjoy working with clients and getting them the results they deserve. Suddenly I had to work at home, my daughter's school had to close, my son and husband were furloughed and I had moved my Dad in, as he lives alone and I was worried about him – not to mention three dogs who were completely confused about how the quiet house they are used to having to themselves was suddenly full of five people, and

who really did not have a clue about what was going on. It's okay I thought, I've got this, it's only for a couple of weeks!

So it begins... logging on early in the morning, before everyone gets up, wearing pyjamas and thinking that it is actually quite nice not to have to worry about combing your hair, putting your make up on (although I do brush my teeth!), reading through emails that may have been sent the evening before and setting what the days work will be, and ensuring that the files can be progressed as far as possible.

But then it starts, the issues of not working in your normal environment! Your family slowly appearing making their breakfast in the kitchen whilst you are on the telephone to a client, playing music on their phones without their headphones, asking you questions "what can I have to eat", "look at this piece of work I have done for school", "Mum what's the answer to this question" (thank god for Google!), or just being in your eye line, knowing that they are bored and they want you to try and entertain them whilst you are working on your computer, the dogs barking because a pigeon dared to wander into the garden whilst you are reading a complex document, the washing machine going on to its spin cycle just as your boss calls to check in and then... the worst of all... wanting to use the bathroom, but being worried that if you are away from your desk and someone calls they won't believe that you are actually working!

I confess the first few weeks were stressful. Suddenly I am working in a bubble at home with only virtual contact with the outside world, I am a mother, a professional, a teacher, a cook, a cleaner, a counsellor, a doctor and even a hairdresser! I'm all of these things, but not actually feeling like myself.

So when it became apparent that the 'couple of weeks' were more likely going to be a few months I took stock and realised that I can actually juggle all of these balls. I can be the teacher to support my daughter, the tea can be cooked at the end of the working day as it normally would be, the floors can be moped at the end of the day (even if its at 9pm in the evening), I can be positive in unprecedented times and it's okay to use the bathroom even though you are working at home!

So months later and I've got this. I can work at home and still do a good job for my clients and they can call and email me whenever they need to, I can still speak to new clients who need help, cases can be moved forwards and rehabilitation can be arranged, even if it has to be virtual and cases can still be settled. I can support my daughter with her schooling and I can keep house all at the same time.

By Karen Clarke.

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knowledge after an opportunity to explore the issues with an impartial expert, people can be helped to negotiate a settlement and feel that they have really participated in the process leading to the final decision.

ADR also enables parties to agree, with the help of their solicitors, what the most important issues are and equally what they don't need to be looked at, which once again saves time and the frustration of having to go over issues that they may not feel are relevant.

Essentially, ADR can be tailor-made to the particular circumstances of the case to ensure best use of time and money, and bring about a swift and economical conclusion to a problem.

Our team are well-versed in the various forms of ADR available for family law and would be happy to discuss them with you and explore how your case could benefit.

By Caroline Yorke.

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STAMP DUTY HOLIDAY AND HOW IT WILL WORK

Chancellor Rishi Sunak announced a stamp duty land tax (SDLT) holiday which will run between 8 July 2020 and 31 March 2021 inclusive, in a bid to boost the housing market.

What has changed?

If you purchase a residential property between 8 July 2020 and 31 March 2021, you only start to pay SDLT on the amount you pay for the property above £500,000. These rates apply whether you are buying your first home or have owned property before.

You can use the table below to work out the SDLT due:

Property, lease premium or transfer value	SDLT rate
Up to £500,000	Zero
The next £425,000 (the portion from £500,001 to £925,000)	5%
The next £575,000 (the portion from £925,001 to £1.5 million)	10%
The remaining amount (the portion above £1.5 million)	12%

From 8 July 2020 to 31 March 2021 the special rules for first time buyers are replaced by the reduced rates set out above.

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Chatterbox offers additional emotional support and help with finding services, information and social groups etc.

Omega's other services also include their 'A Letter from Louise' pen pal service. This is a free pen pal correspondence service that matches volunteer pen pal writers with clients, of any age, for regular friendly conversations and sharing of stories. Clients are carefully matched with someone of similar interest who they can write to and will also receive a hand-written, thoughtful letter. If clients don't feel they can write back, they can send newspaper or magazine articles that interest them, photographs, or simply receive these special letters with no obligation to reply.

For more information on the Chatterbox programme, please contact the Chatterbox team on 01743 245 088 or email them at chatterbox@omega.uk.net.

Alternatively, for more information on the Pen Pal Service, please contact Carol Moody on 01743 245 088 or email her at aletterfromlouise@omega.uk.net.

By Rita Ella.



How much could you save on Stamp Duty?

With wide variations in house prices, the average savings that home buyers in England can typically expect to make from the stamp duty holiday vary from hundreds of pounds to as much as £15,000, according to calculations from Rightmove.

The website analysed average asking prices across the country in June to calculate the average saving a buyer might expect to make from the stamp duty "nil rate" band being raised temporarily to £500,000.

Here are Rightmove's estimates for the amounts that buyers could typically save, depending on where they live:

- North East: £646
- Yorkshire and the Humber: £1,550
- North West: £1,638
- East Midlands: £2,222
- West Midlands: £2,262
- South West: £6,100
- East of England: £8,153
- South East: £10,980
- London: £15,000

If you have any questions in respect of the new rules please do not hesitate to contact the residential property team.

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COURT OF PROTECTION TEAM TREBLES IN SIZE

The firm's Court of Protection team has trebled since the standalone department was launched just over a year ago - with referrals now coming in from all over the country and beyond.

The new department was created after a huge rise in demand for Court of Protection matters previously handled within the firm's private client department.

The Court of Protection makes decisions on financial or welfare matters on behalf of individuals who lack mental capacity. Where there are likely to be continuing decisions to be made, the Court appoints deputies to make those decisions for the person concerned.

Lanyon Bowdler is one of the few firms in the region who are able to take on Court of Protection cases for people with degenerative conditions, such as dementia, Alzheimer's as well as those with complex acquired brain injuries.

Neil Davies, associate solicitor and head of the department, said: "Court of Protection work had grown significantly over the five years before we took the decision to launch our own standalone department in May 2019.

"That decision has been completely justified with demand for our services in this very important legal field continuing to increase over the last 12 months. It's a very specialised area and we are proud to have established one of the most respected reputations in the country.

"The growth in demand has seen us take referrals from across the country and even further afield. It's been an extremely successful year for our team who always strive to deliver the best service for our clients - some of the most vulnerable people in our community."

Neil is recognised as a Recommended Lawyer and a Rising Star in the 2020 edition of The Legal 500. He is regularly appointed by the Court of Protection as a professional deputy. The other members of his team are associate solicitor Lucy Speed, solicitor Sian Danford, legal executive Naila Kossier, trainee solicitor Omar Jones-Lewis and legal support assistants Toni Reeves, Helen Head and Carole Walker.



Neil Davies



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