



Adams & Remers

# A&R. Care

Specialist services for care home owners

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A solid and reliable law firm that gives quality advice to clients at good value.

CHAMBERS UK  
INDEPENDENT LEGAL DIRECTORY

## Advising the owners and operators of care homes and nursing homes requires both specialist advice and access to a broad range of legal services.

Our commercial property, employment, corporate and commercial lawyers all have the expertise to help you make the most of your care home business. We can offer you specialist advice on :

- Selling, purchasing and refinancing care homes
- Employment law
- Commercial contracts, data protection and intellectual property
- Legal services for you and your residents
- Contentious Trusts and Probate
- Debt Recovery

## Selling, Purchasing and Refinancing Care Homes

Instructing a team that regularly deals with the sale and purchase of all types of care home businesses gives you the best chance of a successful and speedy transaction.

How do you ensure that all parties are tied into your transaction as soon as possible given the delays that can occur with DBS and CQC registration? If selling, what preparation should be done to ensure a smooth transaction? If buying, what pitfalls need to be avoided? How are the staff and residents affected?

These are the types of practical issues our team deal with regularly. This means we can provide the answers that will avoid delays.

Our experience in acting on care home sales and purchases and dealing with banks' requirements means that we can assist however your transaction is structured. Good and early preparation is usually the key. We would be happy to have a preliminary discussion with you with no obligation.

We have expertise in :

- All legal aspects of buying, selling and refinancing care homes
- Buying and selling care homes by way of share transactions
- The requirements of banks who fund care home transactions
- Putting your care home into a self-invested personal pension (SIPP)
- How to structure your sale or purchase; including the difference between buying or selling the shares or the assets
- Intellectual property, data protection and website issues
- How to prepare your care home for a successful sale
- Employment Law

Contact our A&R Care Property team :



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## Employment Law

A care home's staff can be its most valuable resource. However, employing staff is not always plain sailing, and care homes face particular challenges relating to working time and shift patterns.

Our specialist employment law care home team has a strong reputation based on technical excellence and commercial focus. We pride ourselves on our strategic and collaborative approach and a willingness to help solve legal problems as well as to highlight them. We will give you clear and considered guidance from the recruitment stage to dismissal.

Our employment law team can assist you with :

- Contracts of employment
- Handbooks, policies and procedures in compliance with the CQC, SOVA and DBS. In an industry where employers are dealing with service user clients, their relatives or other visitors, reputation is paramount. With so many areas of employment law regularly changing it is worthwhile spending time to ensure that your procedures are compliant with employment law best practice.
- Absence Management
- Dealing with poor performance and disciplinary issues
- Dismissing fairly
- Reorganisation
- TUPE issues that arise on the sale or purchase of a care home or outsourcing
- The Working Time Regulations and its impact on rest breaks, annual leave and shift work
- Resolving workplace issues quickly and efficiently. This is particularly important if an allegation of harm or risk of harm to a vulnerable person is raised.
- Defending Employment Tribunal claims when these arise
- Advising on when to refer allegations of harm to the local SOVA team at Social Services. We provide a pragmatic approach on how to conduct an investigation into matters which are subject of an ongoing investigation by either SOVA or the police to ensure that contamination of evidence does not occur.

Contact our A&R Care Employment Specialist :



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Partner

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## Commercial Advice

Like every business, it is important that suitable contracts are in place to ensure that supplies of goods and services are provided when required and at agreed costs. We have the experience to advise on all aspects of commercial contracting and to guide you through any contractual difficulties that may arise. We can also navigate the myriad of consumer law which applies to your contracts with residents.

We can also advise on the marketing of your business, from how to protect your name and brand, to how to ensure that your website and marketing practices are legally compliant.

We also advise on all aspects of data protection law helping you to understand what you can and can't do with residents' personal information.

We have expertise in :

- Contracts for supplies of goods and services
- Management services contracts
- Terms and conditions for residents
- Hire purchase and leasing
- Intellectual Property and branding
- Website issues and ecommerce requirements
- Data protection and privacy laws

Contact our A&R Care Commercial Specialist :



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They are very responsive – a fantastic team.

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## Legal Services For Your Residents

Helping residents to ensure that their legal affairs are in good order will benefit both the resident and the home.

Ensuring that residents have Powers of Attorney in place can not only help the resident's family but can also make the difference between being paid on time or having to suffer delays if a resident becomes incapable of managing their own affairs. Similarly, if a resident has an up-to-date Will in place, this can help to ensure that the resident's wishes are carried out as efficiently as possible when the resident dies. Considering these issues can be of service to residents and can stop potential problems before they arise.

## Legal Services For You

A care home or nursing home is a valuable asset and may be exempt from Inheritance Tax on your death, so it is important to take specialist advice to make sure that your tax position is appropriately considered. You should also consider what will happen to the business on your death so that whatever succession planning you have in mind can be put into place following your death or in the event of your physical or mental incapacity. Planning for the future through Wills will help to minimise potential problems and allow the business to be dealt with the way you want.

## Contentious Trusts & Probate

Adams & Remers are one of the few firms outside of London to have a dedicated and expert Contentious Trust & Probate team.

We have expertise in :

- Investigations regarding the financial abuse of the elderly and/ or vulnerable and actions to recover misappropriated assets
- Disputes regarding the validity of Wills in circumstances where the testator may have lacked capacity, or may have been unduly influenced
- Claims under the Inheritance (Provision for Family & Dependents) Act 1975 where insufficient or no provision has been made for an individual under a Will
- Situations where it is alleged that an Attorney / Deputy / Trustee / Executor is failing to fulfil their obligations and / or responsibilities
- Trust Disputes
- Other estate / probate issues which may give rise to a dispute

Contact our A&R Care Private Client Specialist :



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Contact our Contentious Trust & Probate Team :



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## Find Out More

Please contact us today for more information on what we can provide and how we can assist your business.

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