



# 2024 Annual Conference 'Working Together'

**#PDFConf24**





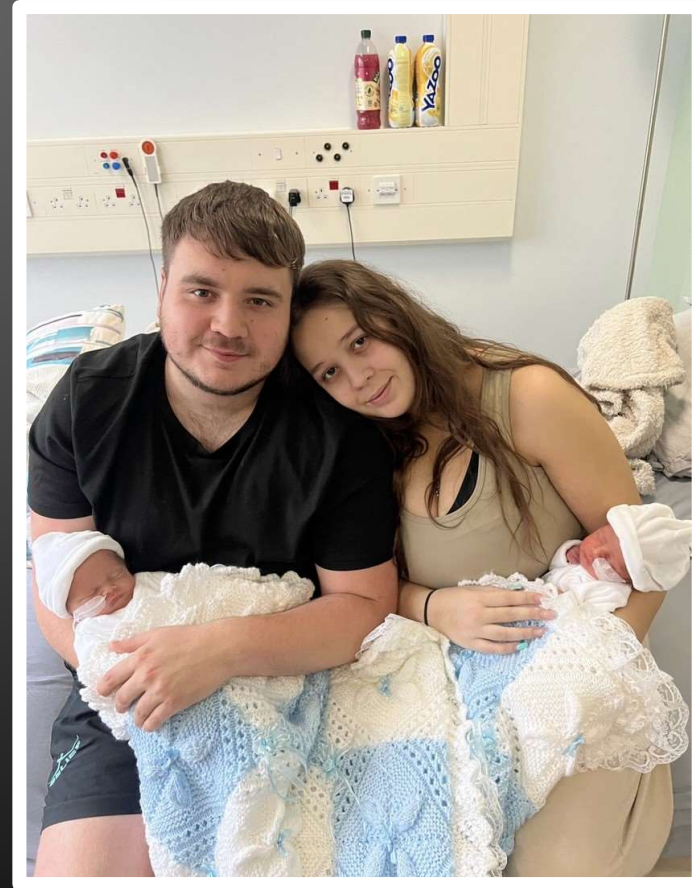
# THE DOUBLE EDGED **SWORD** OF FINANCIAL DEPUTYSHIP.

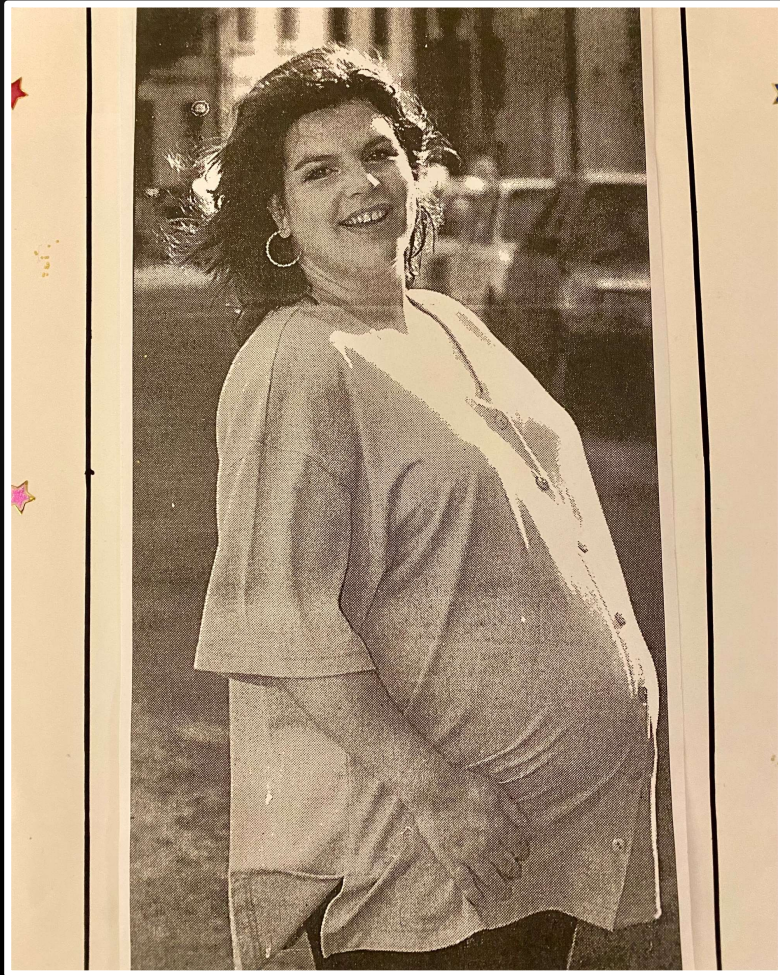
BERNADETTE HURLEY

# MY INTENTIONS TODAY

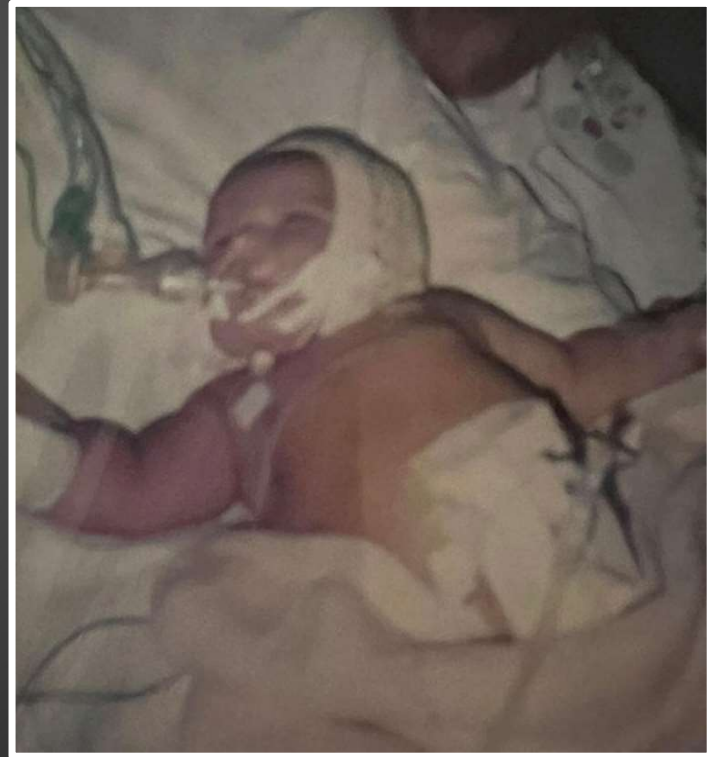
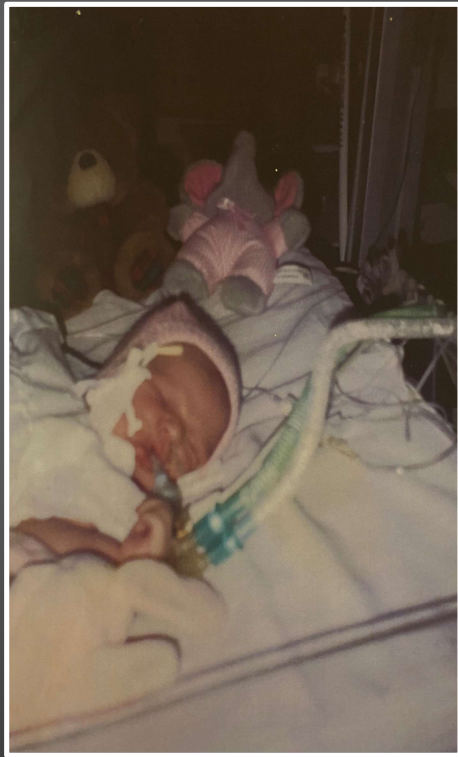
- TO TRULY RELAY THE **EMOTIONAL IMPACT** THAT PROFESSIONAL INTERACTIONS HAVE ON FAMILIES.
- TO ENCOURAGE FLEXIBLE THINKING REGARDING HOW TO **BALANCE** THE BEST (EMOTIONAL) INTERESTS OF THE CLIENT, WHILST PROTECTING THEIR ASSETS AND ENSURING LONGEVITY OF FUNDS.
- TO ENCOURAGE A CONVERSATION BETWEEN PROFESSIONALS TO ADDRESS THE ISSUES SURROUNDING **WHEN IT IS APPROPRIATE TO 'ENJOY' LUMP SUMS.**  
(ASSUMING FUTURE CARE NEEDS HAVE BEEN PROTECTED/ACCOUNTED FOR).
- TO **RESPECTFULLY HIGHLIGHT** SERIOUS FAILURES AND APPEAL FOR CONSISTENCY REGARDING ACCOUNTABILITY AND THE ENFORCEMENT OF REGULATORY STANDARDS.

# OUR FAMILY





## Promoting Healthy Pregnancy



# THE DELAY IN HER DELIVERY RESULTED IN THE FOLLOWING;

- APGAR SCORE OF 1/10 @1 MIN
- APGAR SCORE OF 1/10 @5 MIN
- SATURATION LEVELS OF 83% IN 100% OXYGEN
- SUFFERING FROM MULTIPLE ORGAN FAILURE-
- FAILING KIDNEYS, LIVER, HEART, BI-LATERAL PNEUMOTHORAX AND HER BRAIN WAS BEING STARVED OF OXYGEN.
- DEVELOPED DISSEMINATED INTRAVASCULAR COAGULATION (D.I.C) OR AS IT IS OFTEN REFERRED TO UNOFFICIALLY, 'DEATH IS COMING.'



My mother  
**prayed**  
daily at her  
bedside.



# I WOULD NEVER BE THE SAME

Our memories have voices, too.  
Often sad ones that clamor like  
**raised arms in the dark.**

Stephen King

quote fancy

**WHAT'S THE  
POINT OF ME?**





'I WANT TO FEEL LIKE I AM GOING TO WORK, NOT JUST ANOTHER INJURY CENTER.

ITS IMPORTANT THAT I CAN SAY I AM GOING TO WORK, SO I DON'T FEEL THAT I AM DIFFERENT, AT A DISADVANTAGE, OR LOSING OUT AT ALL.'

(EMILY-ROSE HURLEY)

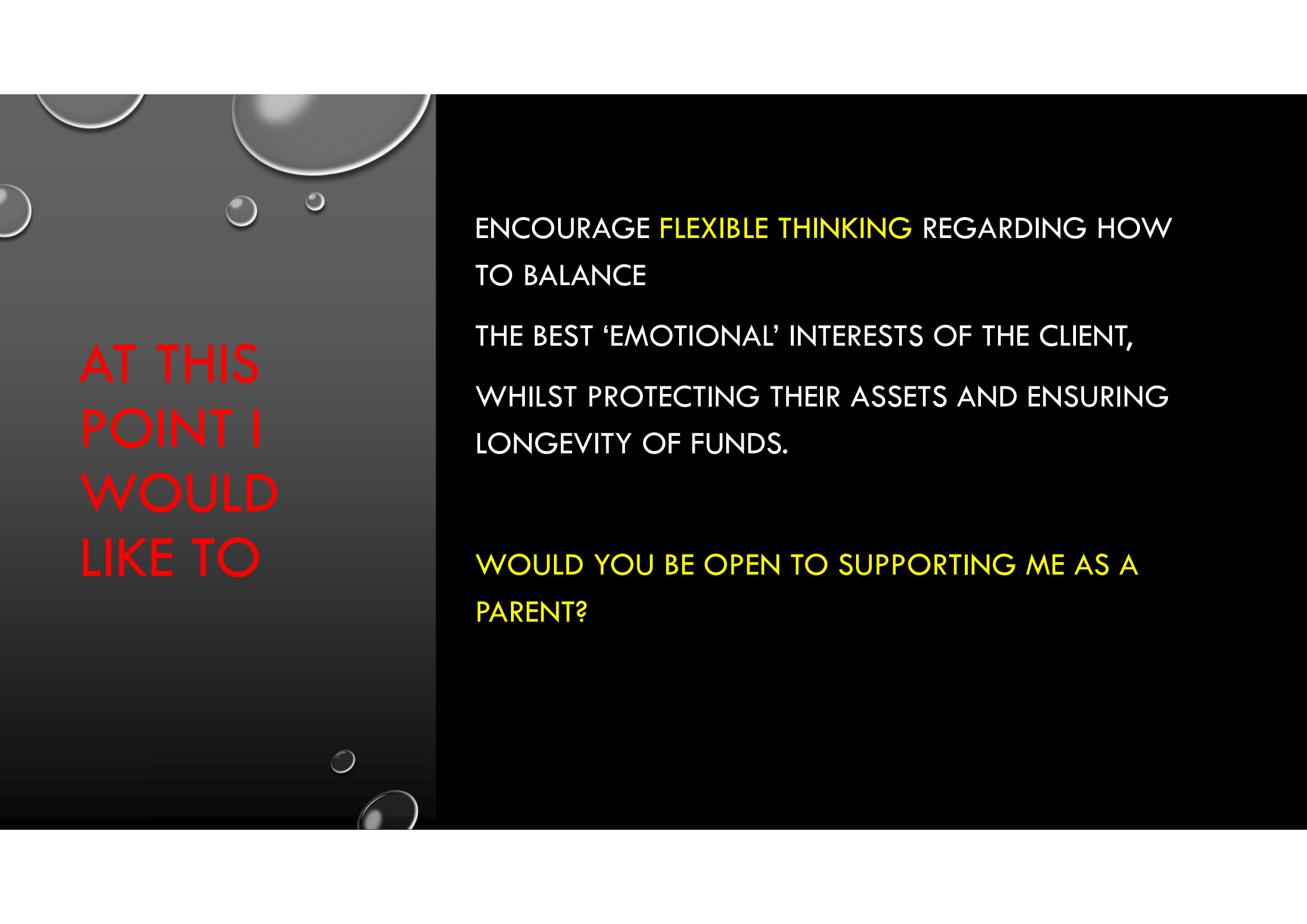


MOSS-ROSE COTTAGE  
WHERE WE CELEBRATE **HIDDEN TALENTS**  
THAT ARE OFTEN MASKED BY **INVISIBLE BARRIERS.**



WHICH  
MODEL DO  
YOU THINK IS  
IN EMILY'S  
BEST  
INTERESTS?

- THE TRADITIONAL APPROACH, WHERE EMILY'S FUNDS REMAIN IN THE BANK?
- THE ALTERNATIVE APPROACH, WHERE EMILY'S FUNDS ARE SPENT TO ENHANCE HER WELLBEING?



AT THIS  
POINT I  
WOULD  
LIKE TO

ENCOURAGE **FLEXIBLE THINKING** REGARDING HOW  
TO BALANCE

THE BEST 'EMOTIONAL' INTERESTS OF THE CLIENT,  
WHILST PROTECTING THEIR ASSETS AND ENSURING  
LONGEVITY OF FUNDS.

**WOULD YOU BE OPEN TO SUPPORTING ME AS A  
PARENT?**



**THE COST OF  
MAKING US MONEY**

THE LEGAL REQUIREMENT NOT TO GIFT, THREATENS THE SURVIVAL OF MOSS ROSE COTTAGE AND WITH IT, EMILY'S OPPORTUNITY TO LIVE THE FULL AND SATISFYING LIFE THAT SHE WANTS AND DESERVES.

Breaking rules isn't bad when what you're doing is more important than the rule itself.

Kim Harrison

quote fancy

Do you agree ?



## AS- RE A [2015] EWCOP 46.

- 23-AT THE HEARING ON 21 APRIL 2015 MR HOLMES, ON BEHALF OF THE OFFICIAL SOLICITOR, EMPHASISED THAT "THE DEPUTY'S PRINCIPAL FUNCTION IS TO PROTECT AND CONSERVE THE FUND." THERE IS AN ELEMENT OF TRUTH IN THIS, BUT IT IS AN OVERSTATEMENT. PRUDENCE IS USUALLY A VIRTUE BUT, IF ALLOWED UNREASONABLY TO EXTEND TO OVER-CAUTIOUSNESS AND AUSTERITY, IT CAN BECOME A VICE.
- ...ALTHOUGH THE JUDGE WAS REFERRING TO HEALTH AND WELFARE DECISIONS, THIS PRINCIPLE APPLIES EQUALLY TO PROPERTY AND AFFAIRS
- 35-IN CONSIDERING A'S BEST INTERESTS AT A PARTICULAR TIME, THE DECISION-MAKER MUST TAKE A HOLISTIC APPROACH AND CONSIDER HER WELFARE IN THE WIDEST SENSE, NOT JUST FINANCIAL, BUT SOCIAL AND EMOTIONAL.

WHAT DO  
YOU  
PRIORITISE?

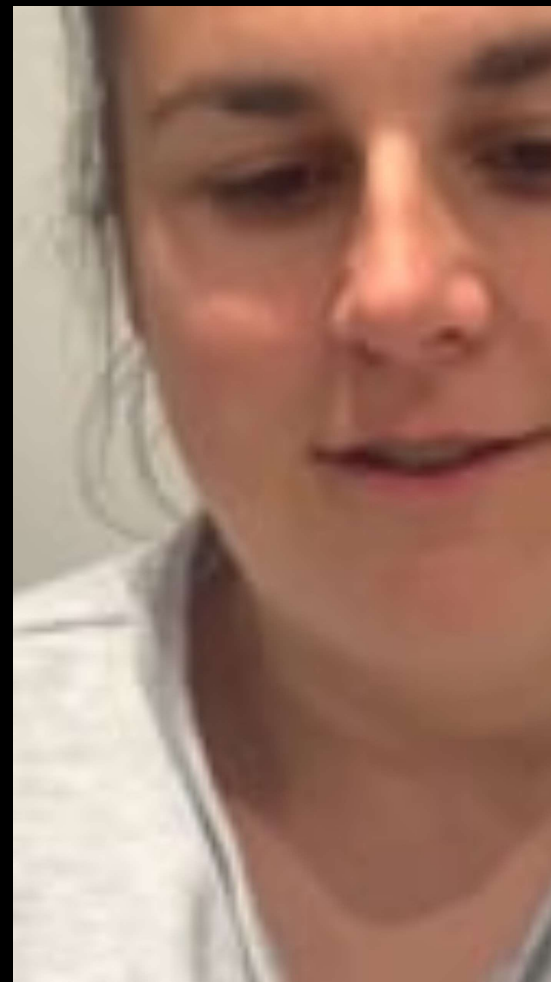
- A-YOUR CLIENT LEAVING/DYING WITH A SIGNIFICANT **FINANCIAL SURPLUSE** ?
- B-YOUR CLIENT **UTILISING THEIR FUNDS CREATIVELY** TO CREATE A FULL AND SATISFYING LIFE FOR THEMSELVES?



INTRODUCING, MY INCREDIBLE  
DAUGHTER, **EMILY-ROSE HURLEY.**

**TO VIEW  
VIDEO VISIT**

<https://vimeo.com/1009196036>



Considering Emily-Rose's eloquent points;

I would like to encourage a conversation between professionals to address the issues surrounding when it is appropriate to 'enjoy' lump sums.

(Assuming future care needs have been protected/accounted for).

AS- RE A [2015] EWCOP 46.

- 50-(E)- ... 'IN RE S AND S (PROTECTED PERSONS), C V V [2009] COPLR CON VOL 1074, 'HER HONOUR JUDGE HAZEL MARSHALL QC DISCUSSED COUNTERVAILING FACTORS THAT COULD JUSTIFY OVERRULING P'S WISHES. AT PARAGRAPH 58 SHE SAID: "IT MIGHT BE FURTHER TESTED BY ASKING WHETHER THE SERIOUSNESS OF THIS COUNTERVAILING FACTOR IN TERMS OF DETRIMENT TO P IS SUCH THAT IT MUST OUTWEIGH THE DETRIMENT TO AN ADULT OF HAVING ONE'S WISHES OVERRULED, AND THE SENSE OF IMPOTENCE, AND THE FRUSTRATION AND ANGER, WHICH LIVING WITH THAT AWARENESS (INSOFAR AS P APPRECIATES IT) WILL CAUSE TO P." P'S FAMILY CAN ALSO FEEL DISENCHANTED AND DISENFRANCHISED'.



HOW DO  
YOU  
MEASURE  
SUCCESS?

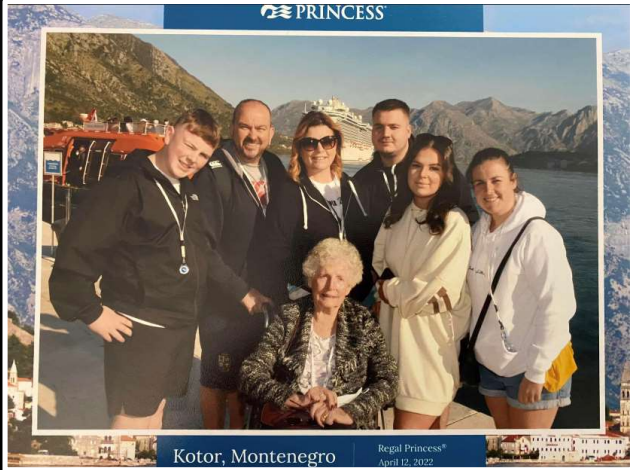
IF YOU WERE HER DEPUTY, WOULD IT MAKE YOU FEEL AS THOUGH YOU HAVE DONE A GOOD JOB, SAVING FOR A FUTURE THAT HAS ALREADY BEEN FINANCIALLY ADDRESSED/ACCOUNTED FOR?

IF THAT WAS YOUR FINANCIAL SITUATION-  
**WHEN WOULD YOU SPEND YOUR MONEY?**

WOULD YOU WANT TO DIE WITH IT ALL IN YOUR BANK?

HOW RICH DO YOU THINK MY CHILD SHOULD BE WHEN SHE DIES?

# THE POSITIVES





# THE NEGATIVES

Dirty

Sullied

Shame



Inappropriate

Judgement

Guilt

Cruelty



Integrity is doing the right thing,  
even when no one is watching.

C. S. Lewis

The background is a dark grey gradient with several realistic-looking bubbles of various sizes scattered across it. The bubbles have highlights and shadows, giving them a three-dimensional appearance. They are located in the top left, top right, and bottom right areas of the slide.

I WOULD LIKE TO

**RESPECTFULLY HIGHLIGHT** SERIOUS FAILURES AND  
APPEAL FOR CONSISTENCY AND TRANSPARENCY  
REGARDING ACCOUNTABILITY AND THE  
ENFORCEMENT OF REGULATORY STANDARDS.

Sometimes things go wrong.

### The (new) SRA Principles

- “You act:
1. In a way that upholds the constitutional principle of the rule of law, and the proper administration of justice
  2. In a way that upholds public trust and confidence in the solicitors’ profession and in legal services provided by authorised persons
  3. With independence
  4. With honesty
  5. With integrity
  6. In a way that encourages equality, diversity and inclusion
  7. In the best interests of each client.”

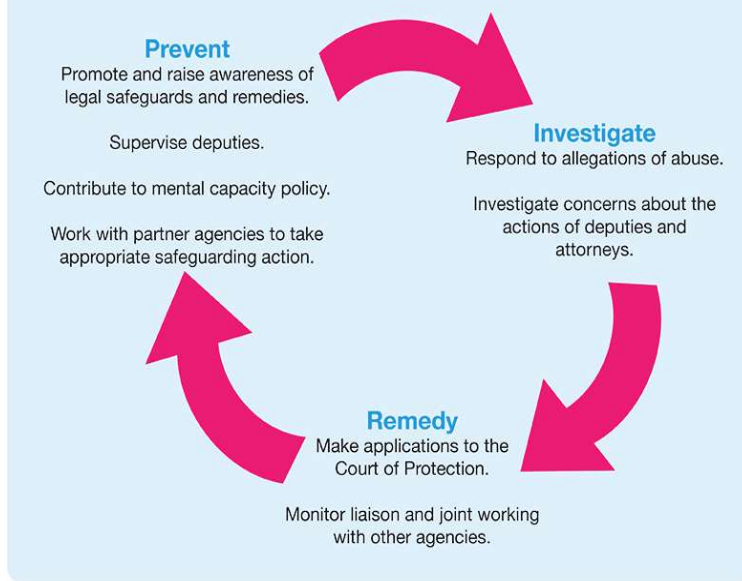


## Our values

### NHS

- Patient-centred**  
Putting our patients at the heart of our care
- Respect**  
Treating our patients and each other positively
- Excellence**  
Supporting Innovation, improvement and learning
- Safety**  
Ensuring patients and staff are free from harm
- Compassion**  
Caring for our patients and loved ones

## Office of Public Guardianship



## I feel as though I am being punished.

- AFTER GIVING UP ALL FINANCIAL FREEDOM AND OPPORTUNITY IN ORDER TO SUPPORT MY CHILD, SOMETIMES IT ALMOST FEELS LIKE I AM BEING PUNISHED FOR BEING SO DEVOTED AND PRO-ACTIVE.
- I FEEL COMPLETELY AT THE MERCY OF MY DAUGHTER'S FINANCIAL DEPUTY AND BEHOLDEN TO THEM (AS A SYSTEM) REGARDING;
- MY LIVELIHOOD. I AM PAID AS A FAMILY CAREGIVER WHIST I AM WELL ENOUGH TO DO SO-  
WHAT HAPPENS IF I BECOME ILL?
- MY FUTURE. I CANNOT PLAN FOR THE REASONS ABOVE.
- MY BUSINESS-EMILY'S PRIDE AND JOY. (WHAT IF THEY DECIDE TO CHARGE RATES WE CAN'T AFFORD AND WE ARE FORCED TO CLOSE?)
- AND MY HOME. EMILY LIVES THERE FOR NOW WITH US, WHAT IF SHE MOVES OUT?  
I HAVE NO FINANCIAL MEANS OF BUYING IT FROM HER OR BUYING SOMEWHERE ELSE NOW?

INTERESTINGLY, I COULD AVOID ALL OF THESE STRUGGLES  
IF I FOLLOWED THE TRADITIONAL MODEL WHERE;

- I **CONTINUE MY CAREER** AND ENJOY THE FINANCIAL BENEFITS IN THE SHORT AND LONG TERM.
- I **LEAVE MY CHILD** WITH SUPPORT WORKERS TO ATTEND HER CURRENT NEEDS  
BUT DO NOT PROVIDE AN ENVIRONMENT PROVIDING FULL SATISFACTION OR A CLEAR PLACE OF MEANING, PURPOSE AND BELONGING FOR THE FUTURE.
- I **HAVE THE FINANCIAL MEANS** AND CREDIT RATING TO PURCHASE A SIMILAR PROPERTY.



**CAN YOU SEE WHY  
I WOULD FEEL PUNISHED?**

# HOW CAN, OR SHOULD PROPORTIONATE PARENTAL FINANCIAL RECOGNITION BE IMPLEMENTED?

- 34-JOHN DONNE FAMOUSLY WROTE THAT 'NO MAN IS AN ISLAND', AND AT THIS STAGE IN THEIR LIVES IT IS IMPOSSIBLE TO CONSIDER A'S INTERESTS IN ISOLATION FROM THOSE OF HER FAMILY AS A WHOLE. HER WELLBEING IS DEPENDENT UPON THEIR WELLBEING AND THIS INVOLVES BEING TOGETHER, MEETING EACH OTHER'S NEEDS, HELPING EACH OTHER TO PURSUE THEIR DREAMS, AND ENJOYING AS SATISFACTORY A QUALITY OF LIFE AS THEY CAN IN WHAT ARE, BY ANY STANDARDS, EXTREMELY EXACTING CIRCUMSTANCES. THEIR WELLBEING ALSO INVOLVES FORESEEING AND AVOIDING SETBACKS AND NEGATIVE EXPERIENCES, WHEREVER POSSIBLE, AND IT IS CLEARLY ADVANTAGEOUS TO A TO REDUCE THE LEVELS OF BURDEN AND ANXIETY WITHIN THE FAMILY IN A MANNER THAT IS LIKELY TO HAVE A POSITIVE OUTCOME FOR EVERYONE.

AS- Re A [2015] EWCOP 46.

What would your criteria be?



31 -MANY, INDEED MOST, FAMILIES ARE AS DEPENDENT UPON A DAMAGES AWARD FOR PERSONAL INJURY OR CLINICAL NEGLIGENCE AS THE RECIPIENT OF THE AWARD IS DEPENDENT UPON THEIR FAMILY. PARENTS IN THIS SITUATION ARE ALL TOO AWARE OF THEIR RELIANCE ON THEIR CHILD'S AWARD, AND IT IS BOTH INSENSITIVE AND DEMEANING TO STIGMATISE THEM FOR DECIDING TO SACRIFICE THEIR OWN CAREERS AND EARNING POTENTIAL BY STAYING AT HOME AND CARING FOR THEIR PROFOUNDLY DISABLED CHILD ON A FULL-TIME BASIS.

AS- Re A [2015] EWCOP 46.

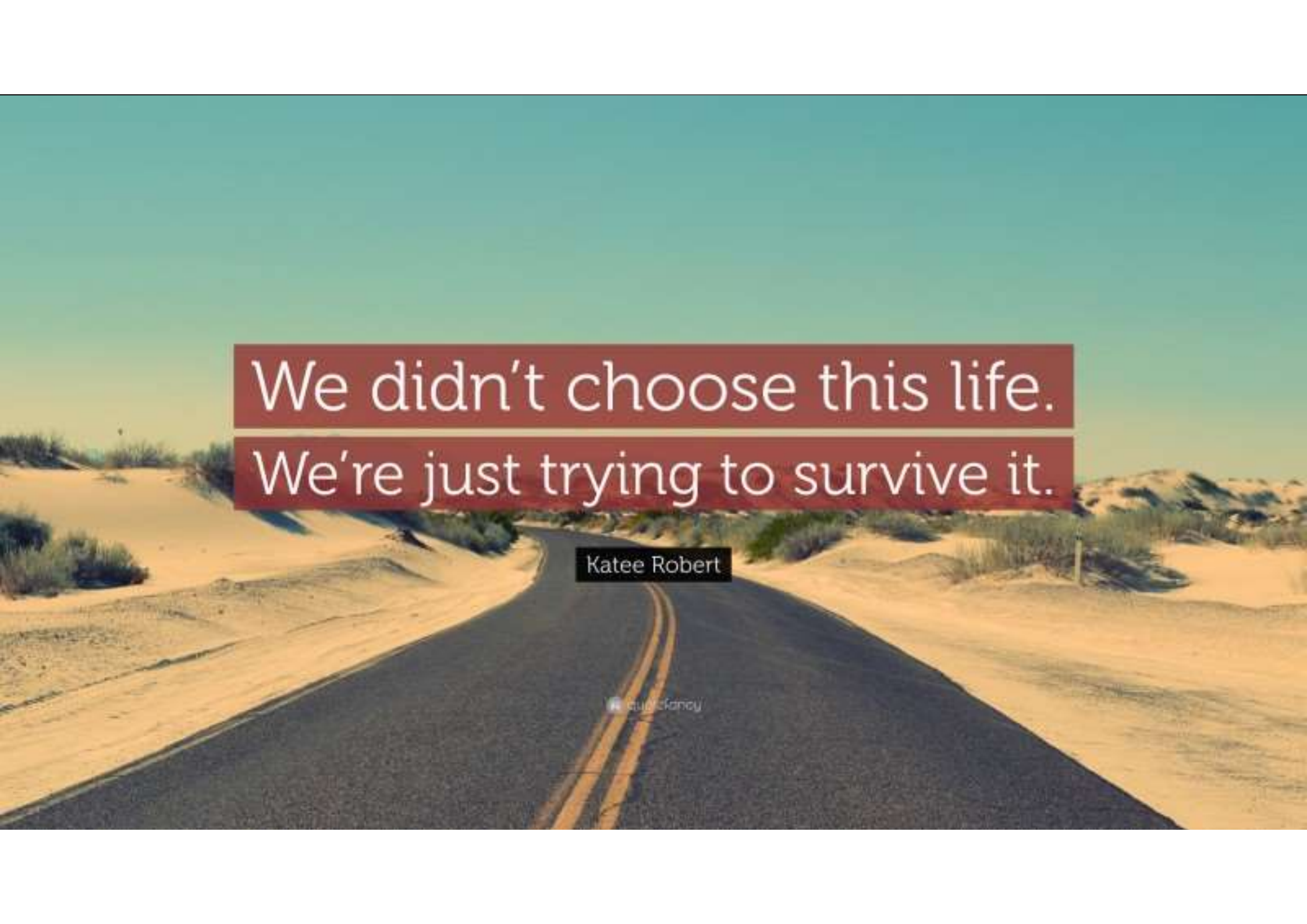
Can/Should parent's contributions ever be separated and accounted for as a separate 'Head of Claim' for example?

# THE DOUBLE EDGED SWORD OF FINANCIAL DEPUTYSHIP

- Peace of mind that my child is cared for after my death.
- A team of professionals to consider appropriate use of funds/care after my death.
- Professional financial investment.
- Luxury holidays.



- Feeling sullied by any apparent financial gain.
- Feeling guilty asking for any monetary amount.
- Feeling helpless as neither Emily or I are entirely clear on how Emily can spend her money and this leads to huge distress.
- Living in fear that a Financial Deputy may change, or just change their mind and our world may fall apart.



We didn't choose this life.  
We're just trying to survive it.

Katee Robert

 @kateerobert

*‘Why is the measurement of success  
how much money is in my bank and not  
how much I’ve enjoyed my life?’*

*(Emily-Rose Hurley 2024)*

**Thankyou!**

**PDF** | THE PROFESSIONAL  
DEPUTIES FORUM

