

Perspectives

Personal law updates from Morr & Co

Newsletter
SPRING 2026

Hello,

Welcome to the latest edition of Perspectives, our newsletter which provides information, news and insights into the most recent legal developments that may affect you and your family.

I am delighted to share the latest edition of our Perspectives newsletter and to reflect on a positive and progressive start to 2026.

The year has begun with real momentum. We are proud to have celebrated a number of well-earned promotions across the firm, including in our Dispute Resolution and Private Client teams. More of our lawyers are now accredited as Lifetime Lawyers, recognised as able to deliver the best outcomes for clients who are facing important life decisions. These achievements underline the depth of talent we are proud to have at Morr & Co.

Our teams have remained actively engaged in the issues that matter most to our clients, contributing to industry discussions and providing insight on key legal developments.

We have also continued to invest in the future of the firm - by welcoming new talent across several practice areas, alongside enhancing our use of leading technology - allowing us to focus on the added value our years of experience brings to supporting our clients.

As we look ahead, our focus remains on building on this strong foundation, investing in our people, strengthening client relationships and continuing to evolve to meet the changing needs of those we support.



I hope you enjoy this edition of Perspectives.

Catherine Fisher
Managing Partner

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When family care isn't "just helping out"

Families often assume that caring for a loved one is simply part of family life, given freely and without legal consequence. Phrases like "that's just what we did" are common and historically, Courts have treated such care as motivated by love and affection, with no expectation of payment.

However, a recent High Court decision has confirmed this presumption is not absolute.

In *Rogers v Wills* [2025], the Court considered an adult daughter who provided extensive, full-time care for her mother over several years, giving up her home, income and independence. Although there was no written agreement, the evidence showed a clear understanding that her care would not be unpaid. The Court held that the estate should compensate her.

The judgment makes clear that a formal contract is not required. Where a family member has significantly reorganised their life to provide care, and there is an expressed or implied expectation of payment, the law may recognise a right to be paid. Even without a contract, estates may still be liable where they have benefited from substantial unpaid care.

The decision highlights an important distinction: occasional help is very different from assuming full responsibility for someone's day-to-day care. The latter may go beyond informal family support.

Disputes often arise after death, when expectations were never recorded. Clear discussions and simple written agreements can help protect caregivers, manage expectations and avoid conflict.



If you have any questions or would like any further information on the content of this article, please do not hesitate to contact our [Dispute Resolution](#) team, who will be happy to help.

**Katie Woodcock – Partner,
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Communication after a relationship breakdown

When a relationship ends, keeping the lines of communication open can help resolve issues that arise from separation.

However, recent cases have shown that it's important to be mindful of what you say and how you say it - especially in the immediate aftermath of a breakup.

These days, we rely heavily on emails, texts and messaging apps to communicate, which means Courts now often have to decide whether informal online conversations between separating partners, can be considered legally binding agreements.



A recent case involved a husband and wife exchanging several emails and WhatsApp messages agreeing that the husband would transfer his share of the family home to his wife. Other issues arose and the overall settlement wasn't formally finalised.

Before the Family Court could issue a final order, the husband was declared bankrupt and his assets (including his share of the house) were passed to the bankruptcy trustees. The trustees sought to realise his share of the house to pay off creditors, but the wife argued that their informal messages were enough to show he'd already transferred his interest in the property to her.

The Court had to consider whether those messages satisfied the legal requirements for an immediate transfer.

In another recent case, this time involving an unmarried couple, one partner relied on messages sent just after their breakup to argue that the other no longer had any interest in their joint property.

These messages included "I don't want the house, it's yours, it's always been yours!" and "I give my full consent to be removed from the mortgage." However, as emotions cooled and before anything was formalised in a separation agreement, there was a change of heart. The Court then had to decide whether those early messages amounted to a binding transfer of interest in the property.

Cases such as these highlight how important it is to get legal advice before you commit to any agreements about finances or property after a separation. Taking time to reflect and obtain legal advice ensures you understand your position and avoids unintended consequences.



If you have any questions or would like any further information on the content of this article, please do not hesitate to contact our [Family](#) team, who will be happy to help.

**Anne McAllister – Partner,
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What's happening in the property market?

As we move into Spring, the UK property market continues to show resilience, albeit against a backdrop of economic uncertainty. Transaction levels remain steady and house prices are forecast to grow modestly, with most predictions suggesting annual increases of around 2–4% - a welcome return to stability after the volatility of recent years.

However, mortgage rates remain a key consideration for buyers and investors. The Bank of England has held its base rate at 3.75%, but ongoing inflationary pressures, driven in part by rising global energy costs, mean that expectations of further rate cuts have softened and some forecasts now even point towards potential increases later in the year.

As a result, mortgage pricing has been less predictable in recent months. While some of the most competitive fixed-rate deals earlier in the year dipped below 4%, rates have edged upwards again, with average five-year fixes recently exceeding 5% in response to market volatility. That said, longer-term forecasts still suggest mortgage rates will stabilise in the region of 3.75–4.5%, offering a more balanced lending environment than we have seen in recent years.



Buyers are adapting to a 'new normal' of higher borrowing costs and with supply levels improving, there are opportunities for those prepared to act decisively. Buyers and sellers who take early advice and remain flexible in their approach will be best placed to take advantage of opportunities as they arise, particularly as confidence continues to build through the remainder of 2026.

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Deliberate deprivation of assets: what you need to know

Deliberate deprivation of assets occurs when someone gives away money, property or other valuables to reduce the value of their estate.

This most often becomes an issue when a person is assessed by their local authority to determine how much they must contribute towards the cost of care.

If the local authority believes that a transfer was made to avoid paying care fees, it may decide that deliberate deprivation has taken place. This can have serious financial and legal consequences.

Why do people give away assets?

People often make gifts for entirely understandable reasons – to help family members, to pass on wealth during their lifetime, or as part of long term estate planning. Others may hope that reducing their assets will lower the amount they need to pay for future care.

However, even well intentioned gifts can cause problems if they are later scrutinised during a financial assessment for care.

How deliberate deprivation is assessed

Local authorities are entitled to look closely at gifts or transfers, even if these were made years before care was needed. They will consider factors such as when the transfer took place, the person's health at the time and whether they could reasonably have anticipated needing care.

If the authority concludes that the transfer was made to avoid care costs, it can treat the person as if they still owned the asset. This means care fees may be calculated on the basis of assets that no longer exist, potentially requiring the person to meet care costs they cannot afford.

What are the consequences?

Where deliberate deprivation is found, the local authority can disregard the gift when calculating care fees. This may leave the individual without sufficient funds to pay for care and can result in a debt to the authority. In some cases, steps may even be taken to recover money from the person who received the gift.

These situations can be extremely stressful and may lead to financial hardship or legal action.



The importance of professional advice

Before giving away assets or transferring property, it is vital to seek independent legal and financial advice. Proper advice can help you understand the potential impact on future care costs and ensure decisions are carefully documented.

Attorneys and deputies have additional responsibilities. Under the Mental Capacity Act 2005, they must act in the person's best interests and take professional advice before making gifts. Failure to do so can result in personal liability and legal consequences.

Giving away assets does not guarantee lower care costs and can create serious issues later. Taking advice early can help protect your position, reduce risk and ensure your care needs, or those of a loved one, are properly planned for.



If you have any questions or would like any further information on the content of this article, please do not hesitate to contact our **Court of Protection** team, who will be happy to help.

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Upcoming changes to flexible working – what this means for you

Over the past few years, many of us have seen our working lives change dramatically. After Covid-19, hybrid working quickly became the norm and lots of employees found real value in having a mix of home and office working. However, recently some employers have been asking staff to return to the office full time and unsurprisingly, that shift hasn't gone down well with everyone.

The good news is that upcoming reforms to the flexible working regime are expected to make the process fairer and more transparent for employees.

One of the major updates proposed is the requirement that employers make decisions which are “objectively reasonable.” Put simply, your employer won't be able to rely on vague concerns or objections when refusing a flexible working request. Instead, they will need to show that any request was genuinely and properly considered and that any refusal is evidence based, not just preference.

For example, if your employer says your working pattern wouldn't work because it would inhibit tasks from being easily shared amongst the team, they will need to prove that they actually looked at whether duties could be reorganised or even whether bringing in extra help was a realistic option.

If they say your proposed arrangement is rejected on grounds it would harm performance or quality, they will need something more concrete than speculating or asserting that would be so. In fact, where there's no real evidence either way, employers may increasingly be expected to trial your suggested arrangement before ruling it out. This shift should encourage a more open minded and practical approach, thus increasing the prospects of requests being accepted or at least properly considered.

The new statutory consultation process is expected to come into effect from 1st January 2027. Employers will be required to sit down with you to discuss your request; explore possible alternatives were appropriate; and keep a written record of the discussion. Many employers already take this approach but enshrining this in legislation provides for greater clarity and consistency and increases the consequences for employers who don't comply.

Interestingly, the proposed process doesn't include certain features from the ACAS Code, such as the right to be accompanied by a companion at the meeting nor the right to appeal if your request is refused. It's not yet clear whether omitting these will lead to confusion or issues in practice. Some employers may decide to offer them anyway to maintain fairness and good working relationships.



Ultimately, these reforms are pushing for more accountability and better reasoned decisions. As an employee, that means your flexible working request should receive more thorough consideration, with your employer expected to explain their reasoning clearly and back up any refusal with evidence. It also means you can expect a more structured and transparent process when you make a request.

The good news - if you're considering making a flexible working request from January 2027 onwards, the upcoming reforms are designed to give you a stronger, clearer framework on which to rely.



If you have any questions or would like any further information on the content of this article, please do not hesitate to contact our **Employment** team, who will be happy to help.

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Our offices

Our **Farnborough** office is temporarily closed while we relocate to new premises. Our staff can still be contacted and remain working remotely.

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