



SFE NATIONAL CONFERENCE 2022 - CASE STUDY

Beware - Your Gins Will Find You Out!

Chronology

1993	Stuart and Nina met at school
1996	Ben born with Down syndrome (Stuart & Nina's first child)
2005	Charlotte born (Stuart & Nina's second child)
2008	Grace born (Stuart & Nina's third child)
Jan 2019	Stuart started secret affair with Vicky
Dec 2019	Stuart's work trip abroad with Vicky
Jan 2020	Nina discovers Stuart's relationship with Vicky and couple discuss separation
March 2020	PM said stop non-essential contact & travel – Stuart & Nina decide to give it another go for the kids, Vicky goes to live lockdown with her family in Yorkshire
Sept 2020	Aurora born as country starts locking down again (Vicky's child but Stuart never told Nina) – max rule of six indoor imposed and outdoor social gatherings more than six banned in England, then working from home re-introduced
5 Nov 2020	Second lockdown till tiered restrictions in time for Christmas easings
Jan 2021	Third lockdown starts
July 2021	Third lockdown ends
28 May 2022	Stuart dies

Case study challenge – how would you sort this out?

You are approached by Nina Wright, a 44-year-old widow. She is in total shock because her husband, Stuart Wright, died suddenly and unexpectedly on 28 May 2022 in a car accident on the M4.

In his 20s, Stuart had started a small family gin distillery with his father in Wiltshire and he is now the major shareholder, although his elderly parents still hold a small shareholding each in the company. Stuart's parents have stepped back from the business, which now sells to supermarkets as well as wine merchants and more local stockists and farm shops. The business did well in lockdown because

gin was popular, and Stuart created a new successful side business in hand sanitiser. The family business made the most of the fact that the base product for hand sanitiser is ethanol and they started producing it in quantity for companies and organisations. Having managed to comply with the strict regulations and struggles to source small plastic bottles, they found it to be a lucrative additional revenue stream during the pandemic and it is still doing well.

Nina and Stuart got married only a few years after Stuart left university, having met at school, and they have three children together: Ben aged 25 years old, Charlotte (Lottie) aged 17 years old and Grace aged 14 years old. Ben was an unexpected baby born when Nina was 18. In the years that followed Nina dedicated herself to bringing up the children. Grace was in the vehicle with her father at the time of the accident and although she has no life changing injuries, she is extremely traumatised and is in need of mental health support for serious anxiety and flashbacks from the accident.

Stuart and Nina live in the five-bedroom family house next to the distillery, but the house is a family home and not part of the company premises next door, although it was originally all bought as one plot and there is some overlap of the entrances and out buildings. Stuart loved the family business and had his own office at the distillery where he had grown a small team of employees. Stuart was a devoted father to his daughters, and they occasionally helped him out in the business, but he had concerns about the girls getting involved too early in the company, especially as Lottie was growing into a serious party girl with a taste for gin and tonic. Stuart had been keen that Lottie should take a year out and then go to university in order to 'grow up' before coming back to work in the family business.

Nina worries about Ben who she loves dearly as their first born and around whom she has focused her life because of the additional needs he requires. Ben was born prematurely with Down's Syndrome, and he had to have immediate corrective heart surgery. Nevertheless, Nina always hoped that the Down Syndrome would not impact on how Ben lived his life and she had wanted him to remain in mainstream education for as long as possible, but this had proved challenging. Ben has slow physical development and his speech and hearing are impaired and he has cognitive disabilities. When Ben was twelve years old Nina project managed an extension to their home with the romantic idea that Ben could live at home for the rest of his life.

Ben remained in the local primary school until he was 6 but after a challenging time, he moved to a school that specialises in education for people living with Down Syndrome. Since Ben reached 18 years old and finished school the family have struggled to meet his needs at home. The last 7 years have been very difficult, but Nina had really wanted Ben to remain in the extension, she knew that she would be heartbroken if he moved out. Nina and Stuart had reluctantly started to discuss the issue of whether Ben should be sent to stay in residential accommodation where he can have help with meals, washing and dressing but Nina still does not understand the adult care system or any of the benefits or rules. Stuart had been taking the lead on sorting out the finances and decisions and Nina would focus on the day-to-day care. Unfortunately, Ben who is now a six-foot-tall strong adult is becoming difficult at home and he has struggled to understand that his father is not coming back.

In the six months before the first lockdown Stuart had wanted to branch out the business and he had started going on more frequent work trips with one of the newer employees, Vicky. Nina had thought nothing of it but in February 2020 she discovered that Stuart had been having an affair with Vicky for almost a year. Nina and Stuart argued endlessly once Nina found out, with Stuart blaming Nina for focusing too much on their children. He also blamed her for spending too much of their money on frivolities and hobbies since the girls had been at school, although Nina feels this is unfair because in the last year during lockdown she has had to look after Ben at home on her own.

In March 2020, Nina persuaded Stuart that they should stay together for the sake of the children during lockdown and see how it went. He had agreed to give the marriage another chance and he put all his energies into building the new business ideas into reality. Although the children had benefited from living in the country in lockdown, the arguments between Stuart and Nina had continued over Nina's spending online on clothes for herself and things to entertain the children with at home. On top of that Stuart had accused Nina of drinking too much and not being suitable to look after the children.

After Nina found out about the affair, Vicky had moved away to Yorkshire to be with her elderly mother in lockdown and Stuart had worked hard with the new hand sanitiser project as well as keeping the gin production going. Stuart's hard work paid off and the pandemic had been surprisingly successful for the business. Unbeknown to Nina, Vicky had Stuart's baby Aurora in September 2020. When Stuart found out about Aurora, he started sending money to Vicky every month from a personal account that Nina knew nothing about but has only just discovered.

Going through all the office and home papers to prepare for the meeting, Nina is distraught to realise that not only did Stuart have an illegitimate child that he had kept a secret, but he died without having ever made a Will. It was something that they had been meaning to do over the years as they watched their family and the business grow, but life was good, and Stuart had felt invincible. During lockdown they had discussed it many times, but since Stuart's affair a lot of trust had gone and they had not been able to agree about who would look after the children if they both died, what they would leave to each other or what to do about Ben.

Nina is in such a state of shock that she cannot begin to understand how to start sorting out her late husband's estate or what to do about the business. In addition, Ben has been getting close to one of the women at one of the new support groups he is going to and has been saying she is his girlfriend and that he would like her to live with him in his annexe. Nina knows that the woman in question has been telling Ben that she needs money, and that Ben has been giving her small gifts every time that they meet. Nina is concerned about what influence and control she will have on Ben's relationships in the future and without Stuart around she does not know who to turn to for help.

To make matters worse, since Nina told the banks that Stuart had died, they stopped the direct debits from his personal account, Vicky is now claiming a share in the family business for Aurora and someone has told Nina that she may not inherit the whole of Stuart's estate because some of it might go to the children. Nina feels isolated and has turned to drink for comfort, meaning she is arguing with Lottie for the first time ever because Lottie is worried about her mum's drinking and behaviour.

Lottie has demanded to know who will look after her, Ben and Grace if her mum dies and she has announced that she feels that she is the most responsible person to take over the business because she knows that her dad never wanted the distillery to leave the family and he had been training her up to take over!

Nina has no idea where to start. Luckily, her friend has referred her to her local SFE solicitor – YOU, and has reassured her that you will be able to sort it all out for her.