



Court of Protection Deputy

Your Responsibilities as a Deputy

When someone has lost capacity to deal with their own affairs but doesn't have an Enduring or Lasting Power of Attorney in place, an application to the Court of Protection is usually necessary to appoint a Deputy to manage that person's affairs under the supervision of the Court of Protection, known now as the Office of the Public Guardian (OPG for short).

The Court exists to protect vulnerable people who lack the mental capacity to make decisions. These decisions may relate to their finances, health or welfare.

Being appointed a Deputy for someone is an important job. So, if you are considering becoming a Deputy, it's very important to carefully consider what's involved and what your legal obligations are.

First Steps

As the body that will look after you, the OPG will contact you soon after your appointment. The official documents (or court orders), provided to you by the Court, will confirm that you are legally entitled to make decisions about someone else's affairs. This includes matters that involve his/her finances.

Office of the Public Guardian (OPG)

Looking out for someone else and making decisions in their best interests can be daunting. However, the OPG will contact you in the initial stages to make sure you are supported in your role as Deputy. *They will discuss:*

- The terms of the court order
- The overall financial situation
- How to make decisions
- What you can and can't spend money on

Letting people know

Initially, it's important that you let interested parties and organisations know that you are the Deputy. Your appointment will impact those involved with financial matters. So this may include the following:

1. **Department for Work and Pensions (DWP):**
This will relate to state pension or benefits;
2. **Banks, building societies, life assurance companies and National Savings & Investments:**
This will relate to any accounts held;
3. **Private pension(s):** If appropriate;
4. **Solicitors:** If a law firm that holds the person's Will and/or property deeds;
5. **Care or nursing home, or hospital:** where the person resides, or is cared for;
6. **Local Authority:** In relation to housing benefit or local authority help with fees.

Most of the organisations above will require official confirmation. This will include an original sealed copy of the Deputy order (they may not accept photocopies), proof of your, and the person's, name and address.

Good Book Keeping – The Deputyship Report

Keeping financial records is one of your most important duties. The law states that deputy's finances and the person's finances must be kept separately. This will involve a lot of organisation on your part.

By law, you are required to include financial details (including all incomings and outgoings) as part of the Deputyship report, which you will have to submit at least once a year.

Finances and Assets

We would recommend that you start by:

1. **Recording transactions** and decisions about the person's assets (including property) and finances, as soon as you can;
2. **Keeping receipts**, invoices, statements and notes or any other payments, you have made. All these details will need to be entered in the annual report;
3. **Cancelling** any out of date standing orders and direct debits. This will help with streamlining your accounts.

Remember; all decisions must be made in the person's best interests.

How Can We Help?

Please don't hesitate to get in touch if you need help or advice on completing your Deputyship Report. Indeed, we're very happy to provide advice to you on all other legal queries you may have in respect of Court of Protection Deputyships.

Further Information & Support

Office of The Public Guardian

Mail: PO Box 16185 Birmingham B2 2WH

Call: 0300 456 0300

Email: customerservices@publicguardian.gsi.gov.uk

Hours: Mon-Fri 9am-5pm, except Wed 10am-5pm

Web: www.gov.uk/government/organisations/office-of-the-public-guardian

Our Fees

Dependent upon the nature and complexity of completing your annual Deputyship report, our fees would be charged on a fixed price or hourly rate basis. Please contact us to make an appointment for further information.

**Very pleasant people
who explained things to
us very well.**

ML & CT Dunsmore

We're here to help.

Freephone 0800 056 6042

Bulwell Office

96 Main Street
Bulwell
Nottingham
NG6 8ET

Clifton Office

160 Southchurch Drive
Clifton
Nottingham
NG11 8AD

