

Deputy for Property and Financial Affairs

Factsheet

Specialist services from the
Tax and Estate Planning Department

What is a Deputy?

A Deputy is appointed by the Court of Protection when someone does not have a valid Lasting Power of Attorney and they have lost mental capacity to make decisions for themselves in relation to their property and financial affairs.

Applications to appoint a Deputy can be made on behalf of anyone who lacks mental capacity for example:

- Someone who has a serious brain injury or mental illness;
- Someone living with dementia;
- Someone with severe learning difficulties.

Who can be appointed as Deputy ?

Family members and friends (over the age of 18) can apply to the Court to be appointed as someone's deputy. Alternatively, a professional can be appointed. Our Managing Director, Stephen Beck, is a professional panel Deputy and acts as for a number of clients.

Powers of a deputy

The powers given to the Deputy are set out in the Order granted by the Court of Protection. If the Deputy wants to make any decisions not authorised by the Order an additional application to the Court will need to be made.

Common powers given to a property and financial affairs Deputy:

- Access to bank accounts and authority to open a Deputy account;
- Paying bills;
- Managing and applying for pensions and
- Liaising with institutions such as in relation to bonds or other investments.

How much does a Deputy application cost?

- We offer fixed fee initial consultations
- If you then instruct us to make an application, our fee is calculated on a time basis. From our experience of previous cases this is usually in the region of £1,500 - £2,500 plus VAT to include the initial meeting, drafting all forms and documentation and liaising with necessary parties;
- £365 application fee to be paid to the Court of Protection; and
- If a GP needs to be instructed to complete the Capacity Assessment their fee is typically in the range of £350 - £500

Our fees are payable by you as the proposed deputy. However in most cases the court gives permission for reimbursement of costs associated with the deputyship application from the funds of the person for whom the application is being made.

How long does the application process take

It will take on average 6 months for a Deputy Order to be granted.

The application process

There are a number of forms that need to be completed when making an application to the Court of Protection:

- Application form;
- Financial information form;
- Capacity assessment – this needs to be completed by a medical professional, and
- Deputy declaration - to be signed by each person applying to be appointed as Deputy.

Our lawyers can assist with completing all of the forms and guiding you through the process from beginning to end.

Other information

All Deputies are supervised by the Office of the Public Guardian and have to pay an annual fee for this supervision (this can be paid from the funds of the person you are acting for).

Each year the Deputy needs to file a report with the OPG, this details any financial decisions you have made and needs to include justifications as to why the decisions made were in the best interests of the person you are acting for. For example copies will need to be kept of:

- Bank statements;
- Receipts and
- Any documents executed in your capacity as Deputy.

If appointed as Deputy you will need a security bond, this is a type of insurance that protects the finances of the person you are Deputy for. You will get a letter from the Court explaining how to do this before the Order is granted.

Related services

You may also be interested in speaking to our lawyers about:

- deputyship applications relating to personal welfare;
- disabled persons trusts;
- education law including special education needs.

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We balance our practice between our business and personal clients. This ensures that every single client will receive the very best advice, support and quality of work, no matter what their background, tailored to their specific needs.

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