



BECOMING A DEPUTY



"Catherine was very prompt and considerate in her replies, and very patient and informative with all my many questions!"
C.M

How do I become a Deputy?

If you decide that your loved one (the Individual) can no longer make decisions about their affairs for themselves, you can make an application to the Court of Protection (COP) to become their Deputy. You can do this by filling out various forms and sending a cheque for an application fee to the COP (currently £385). These forms will include full financial details of the individual.

You will need a medical practitioner, usually a consultant, to complete an assessment of capacity form before you can make an application. There is normally a charge for providing this.

Once a stamped copy of your application has been returned to you, you will need to tell the person you are applying to be a Deputy for and the people who are named in the application (i.e. the Individual's spouse or relatives), and let the Court of Protection know that you have done this.

You must tell the individual:

- Who is applying to be their Deputy;
- That their ability to make decisions is being questioned;
- What having a Deputy would mean for them; and
- Where to get advice if they want to discuss the application.

How long does the application process take?

For a standard application the Court aims to notify you of their decision within 16 weeks of receiving the application. The Court may decide however that a hearing is necessary to determine whether to make the Order appointing you as a Deputy, or it may require additional information so the process can take a lot longer than this. The average time is around 6 months.

If a decision needs to be made urgently, you can make an application to the Court to make a specific decision on the individual's behalf immediately, before the deputyship order is issued.

Is there just one type of Deputy?

No. You may apply to become a Property and Financial Affairs Deputy, a Personal Welfare Deputy or both. As a Property and Financial Affairs Deputy you will be able to make decisions relating to the management of the individual's property and money.

In contrast a Personal Welfare Deputy may be able to make decisions about the individual's day-to-day activities such as where they live, what contact they have with other people and giving or refusing consent for health care treatment (this does not include treatment that is life-sustaining). A Welfare Deputy is only likely to be appointed where there are conflicting opinions as to the best interests of the Individual or there is a need for regular ongoing medical decisions to be made. A one off Court Direction is often used instead of a Welfare deputyship.

The Court can appoint two or more Deputies who may act either jointly, whereupon the Deputies must always agree unanimously and act together when making decisions, or jointly and severally so they may make decisions either together or independently.

How involved will the Court of Protection be during my appointment as Deputy?

The Office of the Public Guardian (a branch of the COP) is responsible for supervising you whilst you are acting as someone's Deputy. You will be required to complete an annual return in relation to the Individual's welfare and financial affairs. Occasionally a Court appointed visitor may visit you and report to the COP. These visitors will also investigate complaints or concerns made by others to the Court, but these are rare in practice.



WHAT OUR CLIENTS HAD TO SAY

"Friendly exact explanations on all legal aspects, helpful throughout and always with a smile" Mr & Mrs C, Westbury

*"Very understanding. I'd recommend Emma Taylor for all later life matters"
Mrs W, Chippenham*

*"We liked Phillip's quiet efficiency, his understanding and knowledge of the subject"
R & L Bunnett, Corsham*



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CREATING A TRUST ISN'T AS COMPLICATED AS YOU MIGHT THINK.

Speak to your lawyer for more information.

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