

# Deputyship

Deputyship is the process of getting authority to act on behalf of a vulnerable person in respect of their property and finance or welfare decisions.

## What is a Deputy?

A deputy is an individual appointed by the Court of Protection to make decisions for someone else (the protected person) who is unable to make decisions for themselves. This is because they lack the mental capacity to do so.

The Court of Protection can appoint a deputy to make decisions about a person's property and financial affairs and in some circumstances, a deputy to make decisions about a person's health and welfare.

A deputy for property and financial affairs has responsibilities including paying the protected person's bills, ensuring assets are secure and general financial management. Whereas a deputy for health and welfare would have responsibilities for decisions in regard to the protected person's medical treatment and their day-to-day welfare.

You can apply to become someone's deputy if they do not have a Power of Attorney in place and they lack mental capacity which means they cannot make a decision for themselves at the time it needs to be made, for example due to ill health.

## How do you become a Deputy?

The application process to become someone's deputy for property and financial affairs can now be made online and starts with the preparation of a number of forms for the Court. These forms set out the application you are making and provide the financial background of the protected person. You will also need to submit a report confirming that the protected person has lost capacity and a declaration signed by the proposed deputy to confirm that they are a suitable person to take on the role.

As part of the application process, you will need to identify at least 3 individuals involved with or related to the protected person, who need to be notified about the application and who are given the opportunity to object.

After submitting the application to the Court of Protection, it may take five to twelve months before a final Order is made. This timescale may be increased if there are errors in the application paperwork, or missing information. Until an Order is made by the Court, no one has the right to access the protected person's funds or pay for their care.

There is no guarantee that the Court of Protection will grant you the deputyship when you apply. For example, if the protection person's financial or family situation is complicated, the Court may consider appointing someone else for the role instead, such as a professional deputy.

## What happens after a Deputy Order is made?

Once a Deputy Order is made, the deputy will be under very strict duties and restrictions about what they are allowed to do with the protected person's money and property, including what gifts, if any, they are allowed to make. All decisions made need to be in the protected person's best interests.

Deputies are under an obligation to report to the Office of the Public Guardian on an annual basis to detail the funds that they have spent, and the decisions which they have made. The Office of the Public Guardian will scrutinise the accounts and provide regular support and guidance to the deputy.

# Meet our team



**Phillipa Bruce-Kerr**  
Partner, Private Client

T: 03301 075 965  
M: 07725 242 162  
E: pbkerr@hcrlaw.com



**Tonina Ashby**  
Partner and Notary Public,  
Private Client

T: 01604 463 167  
M: 07468 014 117  
E: tashby@hcrlaw.com



**Lauren McGurk**  
Senior Associate (TEP),  
Private Client

T: 01242 246 473  
M: 07715 063 130  
E: lmcgurk@hcrlaw.com



**Georgia O'Reilly**  
Associate, Private Client



**Stephanie Waters**  
Solicitor, Private Client



**Elizabeth Hunt**  
Paralegal, Private Client



**Alia Moorhouse**  
Paralegal, Private Client



**Hila Habibi**  
Paralegal, Private Client