

# DEPUTYSHIP

## ROLES AND RESPONSIBILITIES OF A DEPUTY

Where someone lacks the capacity to manage their own affairs then an application to the Court of Protection will need to be made for a Deputy to be appointed. The role of a Deputy is to manage their affairs for them. That Deputy can either be lay (for example a family member) or professional (for example a Solicitor).

Even though someone has been assessed by a medical expert as lacking the capacity to manage their own affairs the Deputy will still work closely with them and provide all practicable assistance and support to help them make their own decisions. In the event that is not possible the Deputy will need to make whatever decisions are necessary and are in the best interests of that person. Just because someone has been assessed as lacking capacity does not mean they should be treated as being unable to make any decisions.

All Deputies (both lay and professional) will need to work very closely not only with the person lacking capacity but also with a wide range of others who are closely involved in supporting them. This will include both the Court of Protection and the Office of the Public Guardian but may also include:

- The client's family,
- Case managers,
- Support workers/buddies/carers,
- Financial advisors,
- Accountants,
- The local authority and
- Medical professionals.

The Court of Protection will issue an Order authorising the Deputy to make decisions on the individual's behalf. That Order will grant them responsibility for making a wide variety of decisions which could include:

- Maintaining a bank account,
- Taking out a security bond,
- Making a statutory will,
- Investing money and budgeting to ensure that the funds last and, where appropriate or possible, grow,
- Paying bills,
- Claiming benefits and preserving entitlement to them,
- Filing tax returns,
- Employing a care team and dealing with any employment issues which may arise from that employment,
- Arranging holidays,
- Buying and adapting property,
- Support and advice to the client and their family to ensure that every reasonable step is taken to act in the clients best interests and implement their wishes,
- Appointing and liaising with other experts/professionals, and
- Accounting to the court on an annual basis.

The Order appointing the Deputy will end when either the individual has regained capacity or has died. The Deputy may also apply to resign or retire from the role and can therefore be replaced.

 **CONTACT US – 0800 044 8488**