

# Deputyship Presentation

SPRINGFIELD SCHOOL

# Questions that you may have

- What is mental capacity?
- What is a Deputy and what do they do?
- Can my child not apply for a Power of Attorney?
- If I am an appointee for benefits do I need a financial deputyship as well?
- Do I need a solicitor to apply for Deputyship?
- What is the process for an application?

# Introduction – Louise Elsbey

# What is Mental Capacity?

- Being able to make and communication your own decisions
- Mental Capacity Act 2005 - presumption of capacity

# What is a Deputy?

- Someone who is legally responsible for someone who lacks capacity to make their own decisions
- Two types
  - Property and Financial affairs
  - Health and Welfare
- Who can be a deputy?
  - Over 18
  - Financial deputy cannot be bankrupt
  - Usually family or close friend
  - Sometimes a professional deputy



# What does a deputy do?

- Make decisions in the person's best interests
- Required to take out a bond (an insurance policy)
- Pay an annual supervision fee
- Submit an annual report

# What decisions are made by a deputy?

- Day-to-day decisions will still be made by the individual (with support if necessary).
  - For example -what to wear, what to eat, how to socialise.
- However the decisions that have more impact and wider reaching will be made by the deputy
  - For example - Changing medication, Agreement to medical treatment, Where the person will live, How they will spend their money

# Can my child not apply for a Power of Attorney?

- The difference between LPA and deputyship
  - Lasting Power of Attorney – person appoints their own attorney
  - Deputyship – Court of Protection makes decision – person who wants to apply makes application



# If I am an appointee for benefits do I need a financial deputyship as well?

- An appointee is someone who applies to benefit issuing authorities (DWP, LA etc) to deal with a persons benefits on their behalf.
- If the young person lives at home and has no significant savings then this will most likely be sufficient
- However if you are planning for them to live independently then a deputyship would be recommended.

# Do I need a solicitor to apply for Deputyship?

- A solicitor is not necessary, however if you do choose to use one they will charge a fee for their services in addition to the Court of Protection Fee.

# What is the process for an application?

- You need to make an application to the Court of Protection
- It can be quite a longwinded process – taking upwards of 20 weeks to be completed
- There are various forms that have to be completed including a capacity assessment which is usually completed by a social worker.