



Filling in your deputy report form

Property and financial decisions



About the deputy report form

Why do you need to fill in the deputy report form?

The deputy report form:

- gives the Office of the Public Guardian (OPG) financial accounts
- tells us about decisions you've made for the person you're acting for (called 'the client' in this guide)
- gives us information so that we can help you to act in the client's best interests

Sometimes OPG needs extra information. We might ask you to tell us more or we might ask a Court of Protection visitor to visit you or the client to find out more.

What happens if you don't send us your form or there are concerns?

By law, you **must** complete a deputy report form if OPG asks you to.

If you don't fill in and send OPG your deputy report when we've asked for it, or if there are concerns because of it, we may review your deputyship. Ultimately this could lead to us applying to the Court of Protection to remove you as a deputy and appoint another deputy instead.

Worries and problems

If there is anything about being a deputy that is worrying you, tell us about it in your report form on page 20. We will contact you and try to help.

For a quicker response, call or email your OPG case manager.

Call the OPG contact centre team: 0300 456 0300
Monday to Friday 9am to 5pm; Wednesday 10am to 5pm
Email: customerservices@publicguardian.gsi.gov.uk

Is this your first year as a deputy?

We know that the first year of being a deputy can be difficult. Get in touch with your OPG case manager for help with:

- keeping financial records
- advice about dealing with banks and companies
- understanding your duties
- involving the client in decisions that affect them

Send your completed form to:

Office of the Public Guardian
PO Box 16185
Birmingham B2 2WH

Filling in the form

Section 1: Deputy and client information

Reporting period (page 1)

Your reporting period is on the letter we sent you with your report form. It is usually 12 months from the date when your court order is issued (not the date you receive it). You'll find that date on the first page of your court order. For example, if your court order is dated 10 June, the reporting period is 10 June to 9 June of the following year.

It is **not** the tax year.

You'll usually have to send us a report each year from the anniversary of the date of your court order but sometimes we might ask you to send reports more often.

Section 2: Decisions made over the reporting period

You need to tell us whether the client's mental capacity to make financial decisions has changed or stayed the same during the reporting period. (You do not have to ask a doctor or other professional to assess the client's mental capacity just for this report.)

'Mental capacity' means being able to make a specific decision at the time that it needs to be made.

Significant decisions: deputy decisions (page 2)

Tell us about any important decisions you made for the client – not just financial decisions. We also need to know about decisions that have a big effect on the client's welfare or circumstances.

Significant decisions might be about:

- buying, selling or renting property
- buying or selling investments or shares
- holidays or frequent day trips
- making gifts
- paying for another nursing or care home

You do not need to include here small, day-to-day decisions such as buying food or toiletries.

Significant decisions: client's involvement (page 2)

Tell us whether or not the client was involved in making the decision. Don't leave this blank. If the client has no mental capacity and can't make any decisions, note that here.

Mental capacity can change. The client may be able to make some types of decisions but not others – or only make decisions at some times.

You **must** help the client make all or part of a decision, if they can. You should only make a decision if the client can't make it when they need to.

For advice on involving the client in making decisions, see chapter 5 of the Mental Capacity Act Code of Practice, available at www.gov.uk/opg/mca-code

Section 3: People you consulted

We need to know about the client's general situation. You don't need to list every person you've contacted. However, we do need an idea of the people you consult when acting for the client, especially when making significant decisions.

We may need to contact them if something happens and we have to carry out an investigation.

If possible, you should talk to people who know the client well about the client's wishes, feelings, beliefs and values, as well as to people who work closely with the client.

If you didn't consult anyone, you need to tell us why you didn't.

You've been sent an extra sheet in case you need more space. Photocopy it as many times as you need.

Section 4: Safeguarding

Contact with the client (page 4)

As well as decisions about finances and assets, we also need to know about how the client is looked after, and what contact they have with you and others.

We ask questions about who visits the client and how often. This is because we want to understand if there is anyone who could tell you if they were worried about the client. This might be about a problem with the client's living arrangements, or their needs not being met.

Not all deputies are able to visit their client regularly, and this is not always a problem. If there is an independent person who would alert you if they had a concern, you can tell us about it here.

Care arrangements (page 5)

In this section we ask you about:

- how the client's care is paid for, and who provides the care
- when the client's care plan was last reviewed

We ask you about how the client's care is funded. This helps us understand how paying for care affects the client's finances. We may be able to tell you if the client could be entitled to more funding to help with their care.

Benefits (page 5)

We also ask questions about benefits and income received by a third party. This is because deputies should check that the client gets all the benefits they should. Deputies should also know about any money that someone else receives, to make sure that these funds are also managed properly. A common example is a care home receiving benefits on behalf of a client.

Section 5: Bank accounts

You must record the money that's gone in and out of the client's main bank account during the reporting period. This is the bank account that you use on behalf of the client for things such as food, bills and other living expenses.

Don't list savings accounts, ISAs or bonds **unless** they're used regularly for paying for everyday items – put them under **Assets** (section 6).

You'll see that some types of money paid in and out are marked with an **i**. This means we need more information about these payments. Turn over to the More detail section to give us this information. **If you don't fill in this section, we may not be able to accept your report.**

More than one main account?

If you use more than one main account for the client's everyday living costs, you need to give a summary of each one. You've been sent extra sheets in case you need more space. Photocopy them as many times as you need.

Summary of money paid in and paid out (pages 7 and 9)

Use the client's bank statements to fill in this section, showing payments in and out of the account. You'll find it easier to balance the account using information from bank statements. Don't rely on receipts or from memory.

Client's personal allowance: The client's personal allowance is their own spending money for small items.

Some people who lack mental capacity can manage small amounts of money but not make decisions about all their assets and finances.

If the client is given a small amount of money to spend by themselves, put this amount under the client's personal allowance.

If the client lives in a care home, you should also include any day-to-day expenses paid for out of money given to the home for agreed spending, such as hair cuts or manicures.

More detail on money paid in and out (pages 8, 10 and 11)

Have you sent us a deputy report in the past? You might be used to combining the extra information about payments from more than one bank account in the same section. This has changed. You now fill in a separate section 5, including the More details sections, for each bank account in regular use. You can make as many copies of section 5 as you need.

Balancing the accounts (page 12)

We need to make sure that we have an accurate summary of money going in and out of the client's bank account from one report to the next. The closing balance for this reporting period will be your opening balance for the next reporting period.

It's not always a problem if the account doesn't balance, but you need to tell us why. For example, if you've made a payment by cheque and the funds haven't cleared, you wouldn't be able to balance the account. If you tell us why, we're less likely to have to contact you for more information. **If you don't explain why, we may not be able to accept your report.**

If the dates for the opening and closing balance don't match the dates for your reporting period, you need to explain why. There are many good reasons why these dates wouldn't match. For example, it takes a while for deputies in their first year to access the client's bank accounts. There can also be a delay getting their court order.

Using spreadsheets

Filling in a spreadsheet, or making a list of money coming into the account(s) and spending from the account(s), as you go along can help you fill in the deputy report form.

If you have kept a spreadsheet or some other log of income and spending, send OPG a copy with your completed deputy report form. If there are errors, a spreadsheet might help us spot them and save you from having to redo the form (although we can't accept a spreadsheet instead of your report).

Section 6: Client's assets and debts

If you've sent us a deputy report before, you'll see that we're asking for more detailed information about the client's assets.

We want to have as full a picture as possible of the client's situation.

Property (page 13)

Tell us about any property partly or fully owned by the client. We need to know about who lives there, and whether it's rented out or not. This will help us understand what effect this asset has on the client's situation.

For example: a deputy may find that the client needs more funds for their care. If the client's property is empty, it may be easier to sell the property than if it is occupied or partly owned by the client.

Before any sale of the client's property, you must make sure your court order allows you to do so. If you're not sure, contact your case manager.

Savings accounts and cash ISAs (page 14)

Don't put in any accounts that you use regularly for the client's everyday living expenses – put them in section 5.

Court Funds Office (CFO) (page 14)

If you have money held in a CFO account for the client, give details here.

Opening a CFO account is one way of managing money for the deputy. See www.gov.uk/court-funds-office-processes

Investments (managed under an investment portfolio) (page 14)

List the total values of any investments managed in this way. We don't need a breakdown of all the assets within the portfolio. Don't list any investments you manage yourself.

Stocks and shares (not managed under an investment portfolio) (page 15)

If the client has any shares you manage yourself, list them in this section.

Give us the most up-to-date valuation. An estimated value is fine: we understand that the value of this type of asset can change from day to day.

Cash in hand (page 16)

Tell us about any cash you have left over at the end of the reporting period from the funds you've withdrawn from the client's account.

Try to avoid holding large amounts of the client's money as cash.

Other valuable assets (page 17)

If there are any other assets you've not listed elsewhere in the report, record them here. This might be a valuable collection of wine or stamps, or an expensive television or computer.

Getting valuations for property, artwork, antiques, jewellery and other assets

You don't have to have all the client's assets valued every year by, for example, jewellers, art dealers or estate agents. We just need an estimate. Use the same figure that you've used for insurance, look at what similar properties in the area sell for and look online to see what the client's vehicle might be worth if sold now.

Assets held in trust (page 18)

We want to know if any of the client's assets are held in trust or have been placed in a trust before. Tell us about anyone else involved – people who manage and benefit from the trust. We also need more detail about the assets held in trust.

We ask if the client has received any income or capital from a trust during the reporting period. This helps us understand how a trust affects the client's finances.

You should hold up-to-date accounts for any trust that affects the client. It's also a good idea to have copies of the trust deeds, as we may need to see them.

Financial advice (page 19)

You need to do the best you can to look after the client's money and assets. If you've taken independent financial advice, note the name of the adviser or company and the date you spoke to them here.

Check your court order

You might be expected to take financial advice.

Debts owed by the client (page 19)

Most deputies don't incur debts on behalf of their client. However, if you do incur a debt, we need more information.

You can't take out any loans on behalf of the client without permission from the Court of Protection.

Section 7: Decisions in the next reporting period

Tell us about any concerns you may have now, and decisions you think you'll have to make in the next reporting period.

We'll read what you've written and get in touch if we can help.

You can also call or email your OPG case manager, particularly if you need an urgent answer. Your letters from OPG have your case manager's contact details.

Section 8: Deputy's declaration

You must read the declaration on page 21 before you sign and date it.

You're signing to say that, as far as you know, you have given correct information. If you have any doubts, contact your case manager before signing.

You must be aware of your duties as set out in your court order, the Mental Capacity Act 2005 and the Mental Capacity Act Code of Practice. The Code of Practice has advice and examples for deputies.

You can find it at www.gov.uk/opg/mca-code

What happens next?

Once you've filled in your report with as much information as you can, send it to:

Office of the Public Guardian
PO Box 16185
Birmingham B2 2WH

We will send you an acknowledgement letter once we have reviewed your report, telling you:

- dates for the next reporting period
- opening balances of the client's account(s) for the next reporting period

We may ask for more information. This might be:

- bank statements for the client's accounts
- receipts
- other documentary evidence

We usually ask for more information by telephone, and if necessary follow up with a letter.

Glossary

Best interests: deputies should always consider what action is in the client's best interests when making a decision. You should also take into consideration the client's past and present wishes and think about consulting others.

Case number: every letter from the Office of the Public Guardian will have your case number: look for 'OPG reference'. Your case number is also on the first page of your court order in the top right-hand corner.

Client: the person you have been appointed by the Court of Protection to help make decisions for.

Code of Practice: a guide to the Mental Capacity Act available in print from OPG or at www.gov.uk/opg/mca-code The code contains much valuable information for deputies.

Court of Protection visitor: someone who is appointed to report to the Court of Protection or Public Guardian on how deputies are carrying out their duties.

Deputy: you – the person who is appointed by the Court of Protection to look after the client's affairs.

Lay deputy: a non-professional deputy, such as a husband, wife, child, partner or friend.

Local authority: sometimes known as 'local council'.

Mental capacity: the ability to make a decision about a particular matter at the time the decision needs to be made. The legal definition of a person who lacks mental capacity is set out in section 2 of the Mental Capacity Act.

The Mental Capacity Act 2005: the act is designed to protect people who can't make decisions for themselves. This could be due to a mental health condition, a severe learning disability, a brain injury or a stroke. The act's purpose is to allow adults to make as many decisions as they can for themselves and for a deputy or others to make decisions on their behalf.

Personal welfare deputy: a deputy appointed by the Court of Protection to manage the health and care of the client.

Professional deputy: someone who charges for being a deputy, such as a solicitor, accountant or local authority deputy.

Property and affairs deputy: a deputy appointed by the Court of Protection to manage the financial affairs of the client.

Reporting period: the period of time covered by your deputy report (it's usually 12 months).