

PRIVATE CLIENT DEPARTMENT

COURT OF PROTECTION FACT SHEET

Dean Wilson LLP Solicitors

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Court of Protection

The Court of Protection is the only legal institution that has authority to make Orders in relation to people who lack capacity to make certain decisions about their lives whether these decisions are in relation to their property and finances or their health and welfare.

Commonly we apply for orders appointing a Deputy. A Deputy is the person with authority to assist a person in relation to making decisions either about their property and financial affairs or in relation to their health and welfare. As well as managing a large number of matters where members of Dean Wilson are appointed as Deputies we also assist non-professional applicants who need to obtain authority from the Court of Protection to assist a friend or relative who lacks capacity.

A deputy is appointed by the Court of Protection when someone loses capacity to make decisions if they have not put in place a valid Lasting Power of Attorney. Deputies are commonly appointed in relation to a person's property and finances however sometimes the Court will appoint health and welfare deputies.

You can apply to be a financial deputy and/or a health and welfare deputy depending in what area the person lacks capacity. It is important to note that just because a person lacks capacity to make certain decisions; it does not necessarily mean that they do not have capacity to make other decisions.

Once a deputy is appointed by the Court it is the deputy's responsibility to make sure that the decisions they are making are in the person's best interests, to involve the person as much as possible and consider what decisions the person would have made themselves if they still had capacity.

It is also the deputy's responsibility to involve other people where appropriate such as Case Managers, Occupational Therapists and other medical professionals where they have the level of expertise and can assist the deputy in making the right decision.

Financial deputies are required to make sure that they act responsibly with the person's money and take appropriate independent financial advice as to how best to invest the person's money on their behalf taking into account all of their needs and financial circumstances.

Deputies are supervised by the Office of the Public Guardian who will visit the deputy and the person to whom they are appointed to make sure the deputy is properly carrying out their role.

Financial Deputies are required to complete a report annually which is sent to the Office of the Public Guardian to assess what decisions have been made in that year and to check the person's funds and accounts are being properly administered.

Financial Deputies are required to have a security bond in place which is a form of insurance policy designed to protect the person to whom the deputy is appointed in event of any loss of their money.

Our Court of Protection Team specialises in the following:

- Acting as professional deputies for clients.
- Preparing applications to the Court of Protection to appoint non-professional deputies.
- Assisting non-professional deputies with completion of annual deputy reports.
- Applying for Statutory Wills, where a person lacks capacity to make a Will.
- Applying to the Court for specific decisions separate to deputyship or in relation to issues arising within deputyship. For example the permission to purchase a property, medical treatment decisions or tax planning decisions.
- Assisting deputies with the day to day running of person's affairs such as arranging insurances, paying monthly outgoings, paying other professionals costs and arranging adaptations of the person's home.

Meet The Team

Sophie Auckland



- Heads the Court of Protection Team.
 - Sophie Auckland has extensive experience in managing and handling Court of Protection cases, these cases include clients with acquired brain injury and elderly clients.
 - Having over 5 years' experience in this field has resulted in her developing her knowledge and skills in dealing with Court of Protection cases and has both a professional and compassionate approach with the clients.
 - Sophie works with people who lack capacity either in relation to decisions about their property and finances or about their health and welfare. This involves working closely with clients, their families, carers and other professionals to ensure that their finances and their welfare are protected.
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- Highly organised, caring, and pro-active Sophie is a pivotal point of contact for our clients. Sophie deals with the day to day running of the cases and works closely with the deputies as well as having a good rapport with the clients, clients' families, case managers and other professionals.
 - Sophie's role often involves managing and organising specialist projects for her clients. These can range from the building and adaptation of housing to meet client's specific needs, the recruitment of case managers to co-ordinate care and therapies, recruitment of care teams and planning and organising events such as holidays.

Frances Pierce



- Frances has been a professional deputy for over 10 years and is dedicated to her clients in ensuring that the decisions she makes are in their best interests. Frances is very committed to her role as a deputy and is happy to be as involved as the client and the client's family wishes. She really goes the extra mile when needed to help her clients.
 - Frances has a fantastic rapport with her clients and clients' family many of whom she has known for decades. She really cares. Frances' clients are often people who have suffered catastrophic brain injuries after accidents and lack capacity to deal with their financial affairs.
 - Frances is also Head of the Personal Medical Injury Team at Dean Wilson LLP. Several of the clients Frances has secured large settlements for she now acts for as their deputy.
- Frances is also a Trustee for several Personal Injury Trusts, which is where a person has capacity to make financial decisions and has received a sum of money through a personal injury settlement and the monies are put into a Trust which then is managed by Frances.
 - Frances will often hand-pick the team of professionals who support her clients' rehabilitation and long-term needs from neurologists to carers. She has over 25 years' experience of dealing with clients with severe injuries and is recognised as a leader in her field.

Who We Help

We assist many different types of people with different needs from the very young to the elderly as well as their families and loved ones.

Typically our clients may be suffering from dementia, or have sustained a serious brain injury or had an accident which has left them unable to look after their affairs alone due to physical injuries.

We also assist elderly clients who are not physically able to go out and deal with everyday task themselves.

We use a holistic approach looking beyond just assisting with financial affairs and liaise closely with a number of other professional agencies, companies and local charitable organisations to ensure that people are supported in every aspect of their lives.

We also specialise in the following:

Lasting Powers of Attorneys and Enduring Powers of Attorney

<https://deanwilson.co.uk/dw-content/uploads/2016/02/Lasting-Power-of-Attorney.pdf>

Personal Injury Trusts

<https://deanwilson.co.uk/dw-content/uploads/2018/01/Personal-Injury-Trusts.pdf>