

Deputyship Following A Head Injury

A guide Deputyship in the Court of Protection

Expert advice

It's important that the finances and welfare of the most vulnerable members of society are protected, and this is the role undertaken by the Court of Protection.

When someone has suffered a serious head or brain injury, their mental capacity can be affected and they may no longer be legally capable of making certain decisions for themselves. In such cases, a Deputy can be appointed by the Court of Protection to ensure that decisions are made in the person's best interests.

What is a Deputy?

If someone becomes mentally incapable of handling their welfare and/or their property and financial affairs, and a Lasting Power of Attorney is not already in place, it's necessary for the Court of Protection to appoint a Deputy to manage those affairs on their behalf.

A Deputy is usually a family member or close friend who will look after the best interests of the person who lacks capacity. The Deputy's responsibilities will include:

- budgeting
- arranging payments
- completing annual reports, accounts and tax returns
- liaising with healthcare and medical professionals
- buying, selling or adapting property

What is a Professional Deputy?

If there's no suitable Deputy, or a Deputy wishes to retire from that role, a Professional Deputy can be appointed.

A Professional Deputy is someone whose profession is to regularly act as Deputy for a number of people who lack mental capacity. This would usually be a lawyer with specialist expertise in Court of Protection law.

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They've given our son, Harry, a quality of life we never thought possible. He now has the security for a brighter and happier future.

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What can Slater and Gordon do?

Slater and Gordon's Court of Protection team's largest proportion of work is providing Deputyship services.

We regularly receive referrals from other law firms with personal injury and medical negligence practices to act as Professional Deputy or to advise Deputies.

We take care of all the day-to-day detail of the financial and legal affairs as Professional Deputy and will keep in regular contact with the family and care professionals to ensure that we're meeting expectations.

If a Deputy is appointed, i.e. a family member, we can also assist. We know that for many people, becoming a Deputy for a loved one is a daunting prospect and can offer advice, support and guidance to help new Deputies carry out their duties successfully and confidently.

We have a dedicated employment support team, providing payroll, legal and HR support to Deputies who directly support staff.

If you wish to speak to one of our Court of Protection experts about appointing a Deputy or Professional Deputy, please don't hesitate to contact us.