

# Mental Capacity Act Factsheet

## COURT APPOINTED DEPUTIES

A Court Appointed Deputy is someone who has been appointed by the Court of Protection to make decisions on behalf of an individual.

An individual can apply to become a deputy for someone who is already deemed to 'lack mental capacity' – i.e. they can't make a decision for themselves at the time it needs to be made.



Office of the  
Public Guardian

The **Office of the Public Guardian** sets out who is able to apply to be a deputy and has online application forms for this process; Applications to be a deputy are made to the Court of Protection.

Information on how to become a Court Appointed Deputy and the application forms can be accessed at this site.

[www.gov.uk/become-deputy](http://www.gov.uk/become-deputy)

If the application is successful the person will be authorised by the Court of Protection to make certain decisions on the person's behalf.

There are 2 types of deputy:

- **property and financial affairs**, e.g. making decisions about paying bills, organising a pension
- **personal welfare**, e.g. making decisions about medical treatment and how someone is looked after

The person making the application can apply to be just one type of deputy or both. If they are appointed, they will be given a court order saying what they can/ cannot do.

## What clinicians need to know?

Clinicians **do not have protection from liability** for actions that go against the decision of someone who has been authorised to make decisions for a person who lacks capacity - such as a court appointed deputy. It is essential that clinicians find out if the person has a court appointed deputy and identify what decisions the deputy has been authorised to make by the court.

*For information on the Court of Protection- please refer to the Project's fact sheet on COP*

*This fact sheet was correct at time of writing in December 2016*

