



Filling in your deputy report form

Health and welfare decisions



About the deputy report form

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

The deputy report form:

- 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 support you in making sure that the client has as good a quality of life as possible

Sometimes OPG needs extra information. We might ask you to tell us more or ask a Court of Protection visitor to visit you and 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 concerns

If there is anything about being a deputy that is worrying you, tell us about it in your report form on page 7. 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:

- advice about dealing with care homes
- 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.

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.

Does the client spend time at more than one address?

We need to know about any other place where the client spends a reasonable amount of time. If there is somewhere the client spends weeks at a time, then let us know on page 8.

This is because we may need to organise a visit to the client. It's helpful for us to have an up-to-date record of where the client spends their time.

Section 2: Decisions made over the reporting period

In this section, we ask you about:

- the client's mental capacity to make health and welfare decisions over the reporting period – whether their mental capacity has changed or stayed the same during that time
- significant decisions you made for the client during the reporting period

We need to know if the client's mental capacity has got better or is improving, and why. It might be that they don't need a deputy any more.

'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)

You need to list all the important decisions you made for the client during the reporting period that had an effect on their health, care or other circumstances.

We'd also like you to tell us about decisions you know about that someone else has made. This might be a care worker, GP or someone from the local authority.

A significant decision might be about:

- moving the client to another nursing or care home
- changing their day centre
- agreeing to medical treatment
- who the client lives with
- day-to-day care, including diet and dress
- helping the client take part in leisure or social activities
- making a complaint about the client's care or treatment

You do not need to include small, day-to-day decisions here.

Significant decisions: client's involvement (page 2)

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

Write down the details of people you consulted in helping the client, such as:

- care home, social services or local authority staff
- family members
- close friends of the client
- GP and other health staff

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: Contact with the client

We ask questions about who visits the client so we can be sure they are not isolated. Not every deputy is able to visit their client regularly. But there should be someone who could tell you if anything was wrong with the client. This might be a family member or friend you speak to regularly who visits the client.

Section 5: Client's health and welfare

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
- the client's general health, and any medical or care appointments or reviews
- activities and social events the client took part in

We ask you about how the client's care is funded. This is because we may be able to tell you if the client could be entitled to more funding to help with their care.

We don't need to know about every single appointment or minor incident. We want a general understanding of the client's health, and a record of any significant incidents or appointments.

For example, a person with epilepsy might regularly have seizures. We wouldn't need to know about each one, but you could tell us that they had a few seizures over the course of the year which may be normal for that person.

However, if a person with an ongoing condition got worse very quickly, or had a major accident, we would want to know about that.

Section 6: Concerns and changes

Tell us about any concerns you may have now, and changes you think may happen in the next reporting period.

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

If you need a quicker answer, call or email your OPG case manager. Your letters from OPG have your case manager's contact details.

If you think that your client is in immediate danger, call the police on 999.

Section 7: Any other information

If you want to tell us anything that's not been raised elsewhere in the form, put it here. You don't have to fill in this section.

Section 8: Deputy's declaration

You must read the declaration on page 9 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

When we have reviewed your report, we'll send you an acknowledgement letter. This will have the dates for the next reporting period.

We may ask for more information. This might be:

- an update on the client's living arrangements
- details of other people involved in the client's care
- 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.

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 the Court of Protection has appointed to look after the client's affairs.

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

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).