



PRACTICE NOTE

Requesting a search of the Public Guardian registers

Summary

The Public Guardian has a duty to establish and maintain registers of:

- lasting powers of attorney (LPAs)
- enduring powers of attorney (EPAs)
- court orders appointing deputies (deputyship orders)

The Public Guardian's authority comes from the [Mental Capacity Act 2005](#) and the [Lasting Powers of Attorney,](#)

[Enduring Powers of Attorney and Public Guardian Regulations 2007.](#)

This practice note explains the Public Guardian's policy on:

- what information is on the registers
- how we handle requests for information held on the registers
- how we handle requests for information not held on the registers



What we hold on the registers

The Public Guardian's policy is that the registers hold:

- the name of the person the power of attorney or deputyship order is about
- the date of birth of the person the power of attorney or deputyship order is about
- whether the register entry relates to an LPA, EPA or deputyship order
- whether the LPA, EPA or deputyship order relates to property and financial affairs or health and welfare
- the date the LPA, EPA or deputyship order was registered
- whether an LPA, EPA or deputyship is registered, cancelled, revoked or expired
- the names of attorneys (people appointed under an LPA or EPA) or deputies (people appointed by the court)
- whether there are conditions or restrictions in the LPA, EPA or deputyship order – these will not be disclosed but we will tell an applicant if they exist
- how attorneys or deputies are appointed to act
- when deputyship orders expire, if this has been stated by a judge

The registers do not hold information about LPAs or EPAs that are awaiting registration, or deputyship applications awaiting a Court of Protection decision.

Requesting a search of the registers

It's free to search the registers.

To request a search, an applicant must complete form OPG100.

The form is available at www.gov.uk/government/publications/search-public-guardian-registers

Applicants must tell us:

- which registers they want us to search
- their own name and contact details
- the name, date of birth and address of the person they want to search for

We will only search the registers selected in section 3 of the form. If an applicant does not select a register listed in section 3, we will not search any of the registers and the applicant will be asked to submit the request again with section 3 completed.

If an applicant is unsure which register they want us to search, they should ask us to search all of the registers.

The name and date of birth of the person must match the information we hold on the registers for us to disclose information to the applicant. We also require the address of the person we're being asked to search for.

We will let an applicant know within 5 working days if we find a match in the registers and will disclose the information we find.

Requesting additional information not held on the registers

Applicants can request additional information about a registered power of attorney or court order, when they make a request to search the registers. They must use **form OPG100** to make the request.

We consider additional information to be anything related to a person that

the Public Guardian has obtained while carrying out his functions, but which is not on the registers.

If an application includes a request for additional information, we will respond to the request for a register search first, before we decide whether to provide additional information.

Things we consider before disclosing additional information

We disclose additional information only when the request for it is reasonable and justified, or where there is a legal basis for disclosing it.

We consider all requests for additional information on a case-by-case basis but we will share additional information with:

- public authorities with safeguarding

concerns

- police forces needing information to assist with the detection and prevention of crime
- hospitals, GPs or healthcare professionals unable to find relatives or next of kin

- Department for Work and Pensions about pensions and benefits
- HM Revenue and Customs about

tax affairs

- Disclosure and Barring Service

Safeguarding

We prioritise requests for additional information which are made by public authorities. This is to make sure we share information quickly in cases where there might be a safeguarding concern.

If we cannot share additional information, but someone has raised a safeguarding concern, we will pass the details to

our risk assessment team. They might investigate the concern or refer it to an appropriate agency.

If we cannot find a registered power of attorney or deputyship order, but someone has raised a safeguarding concern, we might refer the matter to social services or the police.

We value your feedback

We are committed to providing a high-quality service to everyone we deal with.

We welcome any comments you have about our service.

Give feedback at www.gov.uk/government/organisations/office-of-the-public-guardian/about/complaints-procedure

For further advice

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

Our helpline number is
0300 456 0300
Find out more online at
www.gov.uk/opg