



# OPG InTouch

## In this issue

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Welcome to the latest edition of InTouch. We hope this latest update will bring you some useful information to support you in your role.

In this issue, we look at changes to the way we support deputies. We also give you some useful tips on filling in your annual deputyship report.

We also share your hints and tips on continuing healthcare funding and look at local authority deferred payment arrangements. Thank you to those of you who have taken the time to contact us so that other deputies can benefit from your experiences.

Thanks also to everyone who responded to the last deputyship survey. Your feedback does make a difference.

## Changing the way we work

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*Over the past 12 months, we've made some important changes to the way we support and supervise deputies. Paul Tregoning, our project manager, shares the latest news on how we have been changing the way we work to better serve your needs.*

All the deputies we supervise fall into one of three types – these are lay deputies, local authority deputies or professional/panel deputies. So from November 2013, we started to create three specialist teams who would be experts in dealing with each type of deputy.

My colleagues in these teams now work on all aspects of cases for the particular type of deputies they supervise. This new approach helps us better understand the challenges our deputies face. This means we can offer you a better service and give more support to those who need it.

We made these changes after listening to your views and we're delighted that early indications show you're happier with the way we're working now.

Part of our new approach involves talking and writing to you in a clear, less bureaucratic way. We won't compromise on levels of professionalism, but we will make our communications friendly and business-like.

You are the lynchpin in the system which protects many vulnerable people and we recognise that we need a better dialogue with you. We will do everything we can to achieve this and we welcome your feedback on how well you think we're doing.

We are also busy reviewing the guidance material we give to deputies. We hope our new approach will show clearer links between the various stages of a deputyship and highlight particular issues you might face. Many of you have been helping us develop the new guidance and we are sure it will help many deputies better understand the process.

We will keep you updated on our progress.

The Public Guardian's report to Parliament on the review of deputy supervision can be found on [GOV.UK](http://gov.uk).

## What's next?

Now that our specialist deputy teams are in place, we're ready to start introducing you to an online system designed specifically to support you in your deputyship. Some of you have helped us design this system and have taken part in early testing – thank you to everyone involved.

Testing is still underway and we welcome further feedback, so if you'd like to be involved and have not yet contacted us, please email [opgtransformation@publicguardian.gsi.gov.uk](mailto:opgtransformation@publicguardian.gsi.gov.uk) or call 0300 456 0300 and leave a message for the digital deputyship user research team.

We are also in the process of building a new IT system for our case managers. We now supervise over 53,000 deputyship orders so we need to do so as efficiently as possible. It has been designed to help us support you better and it's due to be launched in the Spring.

## Changes to the reporting system



We are also working closely with deputies on other changes designed to improve supervision and support. Some important changes to the annual reporting process are planned this year.

A key change will be the introduction of an annual plan for new deputies. We are also improving the reporting

process so that it captures major decisions and changes anticipated for the year ahead. The format of the report form and accompanying guidance will also change, making the form easier to complete.

All of these changes will give OPG a better overview of each case and allow us to intervene quickly if it seems a

deputy might, unintentionally or otherwise, be in danger of contravening their authority.

We'll look at these changes in more detail in the next issue when we'll also be asking for your views about how we can ensure you get the information you need in the way that suits you best.



# Top tips for completing the annual deputyship report

*It's part of your duty as a deputy to complete an annual deputyship report on the anniversary of the court order. This is an important task which we can help you to complete. Here are our top tips:*

- **opening balance.** If this is not your first annual report, check the opening balance of this year's report matches the closing balance of last year's.
- **property sales.** If you're accounting for the sale of a property, be wary of using the sale price. Legal fees need to be accounted for, so the total sum may be less than the sale price. The amount entered on the report should be the amount after all fees are taken. You can find this on the completion statement.
- **transfers between accounts.** If a transfer is made between bank and building society accounts in the name of the client, this must be accounted for. If it isn't, the accounts are unlikely to balance.
- **joint accounts.** If a client has a joint account, make sure only their income and expenditure is detailed. Please make it clear that this is a joint account.
- **include everything.** Please make sure you account for every transaction, as shown on the bank statements.
- **refunds.** Remember to include these in the report so it's clear what funds the client has.
- **reporting dates.** Use them to collate bank statements for the same period.
- **regular payments.** Be careful to check how often these are paid – are they weekly, fortnightly, four-weekly or monthly? Use bank statements to calculate the exact amount for that period.
- **money gifts.** If you are thinking of making a gift of money or property you need to check that the court order appointing you allows you to do this. Talk to us if you are unsure - we may tell you that you need to apply to the Court of Protection for permission.
- **can't make it balance?** If you are struggling to balance by a few pounds, don't worry. Contact your case management team or call us on 0300 456 0300 so we can advise you.

And remember, deputies can't act on wishes set out in a client's will. This is the job of the executor, following the death of the client. For example, a beneficiary is not entitled to their inheritance before a client's death unless they have a specific order from the Court of Protection.

We're here to help. If you are having difficulty completing your annual deputyship report, let us know. Speak to your case management team or call 0300 456 0300.



# Visits

***Here's some useful information about the visits process and who to contact if you have any concerns.***

Our visits team deals with all requests for visits to deputies, whether from within OPG or the Court of Protection.

A visit might be requested for a number of reasons. These include offering a deputy more support, particularly when they are new to a role. A visitor will talk a new deputy through their responsibilities and answer any questions.

Other reasons for visits include a need to look at important documentation or records. In some cases, visits

may be triggered by a formal investigation on the part of OPG or the court.

If you are selected for a visit, one of our team of visitors will be in touch with you directly – by email, post or phone – to make arrangements. At this point, they will also let you know whether they are visiting on behalf of OPG or the Court and will let you know who they would like to attend the visit.

Ideally they will see you together with the person whose affairs you manage, but if you live a long distance apart, they may arrange a separate visit to you both.

They will ask you to have documents to do with your

deputyship to hand, such as copies of bank statements.

At the visit, the visitor will ask you questions about your deputyship. They may, in some cases, ask if they can see the person you are deputy for on their own – this is something they are entitled to do under the Mental Capacity Act 2005. All visitors are trained and experienced in mental capacity issues, so they will not do anything that may upset or distress the person.

When arriving for an appointment, visitors will show their identification card. If you are unsure or concerned about the identity of your visitor, you can check this by contacting us on 0300 456 0300





## Professional assurance visits

As part of our new approach, we are now visiting a number of professional deputies each year.

These professional assurance visits, comprise face-to-face meetings to help ensure that professional deputies have the support they need. They are also an opportunity to spot any emerging issues or concerns early and to address these quickly.

Visits involve questions about specific cases and, for those who represent more than one client, questions about how

you manage clients more generally. As well as visiting deputies, we also visit up to three clients to gain a clear picture of the whole case.

Already, assurance visits have helped us identify potential issues. This means we have been able to step in quickly to address any problems. It also means we can increase the support available to deputies where necessary.

Critical to helping strike the right balance between support and supervision, these visits help ensure that clients' best interests are served.

Visits form part of a wider process for reviewing professional deputies which also involves desk based work. We planned to look at 40% of professional deputies last year, whether through a visit or OPG based review.

Anyone selected will receive a letter letting them know that an assurance visit has been requested and that a court-appointed visitor will be in touch to arrange the visit. The letter will include information about areas that are likely to be covered during the visit.

## Bringing new skills and experience to the panel

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A campaign has been launched to refresh our panel of deputies. As part of that we want to attract people with diverse backgrounds, increasing the pool of skills and experience available.

The aim is to encourage applications from charities and not-for-profit organisations as well as solicitors, independent mental capacity advocates and accountants.

Panel deputies are appointed in cases where there is no one else willing, suitable, or able to act. The Court of Protection selects a deputy from the panel which is managed by OPG.

The terms of membership require a panel deputy to accept any appointment at the request of the Court of Protection unless they have a valid reason not to.

The panel is appointed for a minimum three-year period, with the next due to start in April.

Adverts have been placed in national publications and online, so if you are interested please keep an eye out for them. We will bring you an update in the next edition of InTouch. In the meantime, look out for further details at [gov.uk/opg](http://gov.uk/opg)

## The future of InTouch

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The last deputyship survey also gave us some very helpful insight into your views on InTouch. While it's clear that many of you like the idea of a regular magazine or similar update, there is much we can do to make it more geared to your needs.

That's why we're now thinking carefully about the future of InTouch. Would it, for example, be better to develop InTouch as a useful resource for lay deputies and find a different way to keep in touch with professional deputies and those of you who represent local authorities? Might you prefer an online resource or forum?

We'll be asking a random sample of deputies to respond to a special InTouch questionnaire soon. It's only by knowing what you think that we can get things right.

We're keen to hear your views.

# Deputy diary

***Hi, I'm Tony, Annie's deputy for property and affairs. In this column I share my experiences as a deputy which I hope you'll find interesting and helpful.***

In the last edition of InTouch I wrote about Annie's wish to leave Hilltop, her residential care home, and gain more independence. Under pressure from the charity 'Making Space' her social worker, Colin, had found a supported living alternative that looked promising.

Since then things have moved fast. Colin took Annie to see Sycamores, the house he had in mind. It's exactly what Annie wanted. She would only be sharing with three others. Although supported by full time live-in carers she would enjoy far more independence than at Hilltop.

The first question was: could she afford it? Although her care would still be funded by the NHS Annie would have to start paying for her rent, food and bills. She didn't have to pay any of those whilst she was in residential care. Colin told me how much the new accommodation was expected to cost and

I prepared a budget. It was tight but just affordable.

In early November Annie and I met with Colin and Laura, an occupational therapist. Laura was there because Annie's carer at Hilltop thought Annie wouldn't cope with the stairs and cooking facilities at Sycamores. Annie agreed to undergo an assessment by Laura to see whether this was justified. I showed Annie my budget and explained that she could afford to move but would have to cut down on some luxuries.

Annie passed Laura's assessment. She moved to Sycamores in January and since then we've been very busy. The first job was notifying the OPG of Annie's change of address and circumstances. Next I contacted the Department for Work and Pensions. They confirmed that the move entitled Annie to an increase in her Disability Living Allowance (DLA) so I had to make a new claim.

Annie and I then met with Natasha, the manager at Sycamores, to sort out how to manage Annie's finances. The rent and bills at Sycamores are more than Colin suggested so first I had to update my

budget. Fortunately, the increased DLA just about covers the shortfall.

We agreed that I will pay the rent, bills and other big expenses from my deputyship account. Annie will have her own bank account for food and day to day expenses. I am to transfer a fixed amount each month to Annie's account and Natasha will help Annie manage her money.

To set up the bank account Annie, Natasha and I had to visit the bank. Annie doesn't have any of the usual proofs of identity that banks require so I took a letter from Colin on NHS notepaper explaining Annie's circumstances. The account was opened immediately and the next day I made the first monthly transfer.

The coming weeks and months are bound to present challenges, both for Annie and those of us involved in her care.

To contact Making Space go to [makingspace.co.uk](https://www.makingspace.co.uk) or call 01925 571680

# Local authority deferred payment agreements

*It can be hard to know all the options available when making decisions about care and how to finance it. Here we look at a scheme offered by local authorities allowing people to have their care costs met without selling their home.*

Making the decision to move someone into a care home and selling their home to fund it can be very upsetting.

Many people don't realise that it is possible to delay the sale of a home and still have care funded under an initiative being run by local authorities. The scheme is called a deferred payment agreement and gives you more choice about when to sell.

## Who qualifies?

Local authorities have discretion to offer a deferred payment agreement to people who:

- own a home
- have had their care needs assessed by the local authority

- have limited income and capital
- the local authority has a duty to arrange permanent residential care for
- have been financially assessed against the National Assistance (Assessment of Resources) Regulations 1992.

If you need further information about your local authority go to [gov.uk/find-your-local-council](http://gov.uk/find-your-local-council)

## Case study

Keith is deputy for his mother Judith, who lives in a residential care home at a cost of £684 a week. Judith has a pension and attendance allowance. She owns her own property, which is worth £180,000 but she has no savings. To enhance Judith's quality of life, Keith has organised activities such as going out for lunch or trips with paid carers. This costs about £400 per month.

As Judith's income is not enough to pay for the full cost of her weekly care, Keith has a deferred payment contract with the local authority. This pays the shortfall and means Keith does not have to sell her home straight away. He can choose to sell it later or when Judith dies. Under the terms of the contract, the local authority will get back the money they have paid towards Judith's care when her home is eventually sold.



# Tips on applying for NHS continuing healthcare funding

Here are some useful tips gleaned from your feedback that could be useful for deputies looking to apply for continuing healthcare funding.

- Be informed. Join a carers group who share their experience and answer your questions.

- If a vulnerable person has been in hospital and there's a change of circumstances before being discharged, ask the hospital to carry out an assessment.
- Check with organisations like Age UK that you're doing the right thing on the vulnerable person's behalf.

You can talk to your GP or nurse about getting an assessment, or contact the continuing healthcare team in your local Primary Care Trust.

For more information visit [nhs.uk](https://www.nhs.uk) and search for NHS continuing healthcare.



## Benefits

Looking after someone's property and financial affairs is a responsible role. Part of this is making sure they receive all the benefits they're entitled to so they don't miss out on income.

Here are some sources of information you may find helpful.

Information about benefits is available at [gov.uk](https://www.gov.uk)

Here you can find a guide to benefits and specific information about benefits for people with a disability, on low income or those who live in a care home.

A benefit calculator is available at [gov.uk/benefits-calculators](https://www.gov.uk/benefits-calculators)

By answering questions and entering the details of the person you are acting for, you will be given possible benefit entitlements. There's also information about pension credit and housing benefit.

If you don't have internet access or would rather speak to someone, contact **JobCentre Plus** on 0345 604 3719, 8am to 6pm Monday to Friday.

Advice and information for disabled people and carers is available at [gov.uk/disability-benefits-helpline](https://www.gov.uk/disability-benefits-helpline)

You'll need information to hand about the person you are acting for, including their National Insurance number, details of rent or mortgage, past or present employment and details of other income and savings.

## Useful contacts

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### Office of the Public Guardian (OPG)

OPG is responsible for maintaining a register of deputies appointed by the Court of Protection and attorneys appointed under lasting or enduring powers of attorney. OPG is also responsible for supervising deputies and investigating allegations of financial abuse by deputies and attorneys.

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

[www.gov.uk/opg](http://www.gov.uk/opg)

### OPG Contact Centre

**Tel: 0300 456 0300**

**9am to 5pm - Monday to Friday**

**10am to 5pm - Wednesday**

**Calls are charged at no more than national call rate**

**Email: [customerservices@publicguardian.gsi.gov.uk](mailto:customerservices@publicguardian.gsi.gov.uk)**

If you have speech or hearing difficulties and you have access to a textphone you can use the **Textphone on 0115 934 2778**

**Fax: 0870 739 5780**

To download deputyship forms or guidance please visit: [www.gov.uk/become-deputy](http://www.gov.uk/become-deputy)

### OPG Visits team

**Tel: 0300 456 0300**

**Email: [opgvisitorsoffice@publicguardian.gsi.gov.uk](mailto:opgvisitorsoffice@publicguardian.gsi.gov.uk)**

### Court of Protection

The Court of Protection is a specialist court for all issues relating to people who lack capacity to make specific decisions. The Court makes decisions and appoints deputies to make decisions in the best interests of those who lack capacity to do so.

**Court of Protection**  
PO Box 70185  
First Avenue House  
42 - 49 High Holborn  
London  
WC1A 9JA

**Tel: 0300 456 4600**

To download CoP forms visit: HMCTS Form Finder <http://hmctscourtfinder.justice.gov.uk/HMCTS/FormFinder.do>

To see information on Court of Protection decisions visit: [www.bailii.org/ew/cases/EWHC/COP](http://www.bailii.org/ew/cases/EWHC/COP)



## **Contact InTouch**

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