LEGAL MATTERS AND PLANNING AHEAD

Deputyship: when there is no Lasting Power of Attorney

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IN BRIEF

If someone can no longer make their own decisions and never made a Lasting Power of Attorney, a relative or friend can apply to the Court of Protection to be appointed as their deputy. It costs much more and takes much longer than an LPA: £432 to apply, a £100 assessment fee, usually £320 a year in supervision fees and often a security bond, and property and affairs applications took a median of about 16 weeks in 2025. Check first whether a simpler route, such as becoming a DWP appointee, would be enough.



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When a deputy is needed

A deputy is someone the Court of Protection appoints to make decisions for a person who lacks the mental capacity to make them. You are likely to need one when:

- the person can no longer manage their money, property or pensions
- there is no registered Lasting Power of Attorney (LPA), and no enduring power of attorney (EPA), the older type made before October 2007
- bills, care fees or the sale of a home need someone with legal authority

Common triggers are paying for live-in care or a care home, dealing with a frozen bank account, or a council financial assessment that needs someone to provide information.

First, check nobody already has authority. You can ask the Office of the Public Guardian (OPG) to search its registers for an attorney or deputy. The search is free: email the form to opgregistersearches@publicguardian.gov.uk and OPG replies within 5 working days.

If the person may still have capacity, make an LPA instead. It is cheaper, quicker and lets them choose who acts for them.

When you may not need a deputy

- **Benefits only.** If the person's income is just benefits, such as State Pension, Pension Credit or Attendance Allowance, you can apply to the Department for Work and Pensions to become their appointee. There is no court process.
- **One decision.** For a single important decision, the Court of Protection can make a one-off order instead of appointing a deputy.
- **Care and health decisions.** These are usually made in the person's best interests by the professionals involved, with the family consulted. See mental capacity and best interests.

The two types of deputy

- **Property and financial affairs:** paying bills, managing bank accounts, pensions and investments, and, if the court allows, selling property. This is by far the most common type.

- **Personal welfare:** decisions about medical treatment and how the person is looked after. The court usually appoints one only if there is doubt about whether decisions will be made in the person's best interests, for example because the family disagree, or if decisions about a specific issue, such as where the person lives, will be needed over time.

You can apply for one type or both. Deputies must be 18 or over, and the court can appoint two or more, acting either together or separately. If no relative or friend can act, the court can appoint a professional deputy, such as a solicitor or a council officer.

How to apply: property and financial affairs



1. **Tell the person.** You or your representative must visit them, explain the application and give them form COP14PADep and form COP5. If they can, they should return the form within 14 days.
2. **Tell at least three people connected to them,** such as relatives, a social worker or a doctor. Send each of them COP15PADep and COP5; they have 14 days to reply. If you cannot find three people, explain why on a witness statement (COP24).
3. **Complete the forms within three months** of telling people, or you must start again: COP1A (supporting information), COP3 (an assessment of capacity, completed by a doctor or other professional), COP4 (your declaration as deputy) and any COP5 returned to you.
4. **Apply online,** paying by card, or **by post,** sending COP1 (the original and a copy) with the other forms and a cheque payable to "HM Courts and Tribunals Service" to: Court of Protection, PO Box 70185, First Avenue House, 42-49 High Holborn, London WC1A 9JA.

5. **Wait for the decision.** There is usually no hearing. The court may ask for more information, such as a social services report, or ask you to set up a security bond before you are appointed.

Personal welfare applications use paper forms (COP1, COP1B, COP3 and COP4), and people are notified after the court issues the application. Court of Protection enquiries: 0300 456 4600, Monday to Friday, 9am to 5pm. For help with forms if you are not online, the We Are Group helpline is 03300 160 051.

What deputyship costs, compared with an LPA

Cost	Lasting Power of Attorney	Deputyship
To set up	£92 to register each LPA	£432 to apply (for each type)
Hearing	none	£266, only if the court holds one
On appointment	none	£100 assessment fee, plus a security bond if required
Every year	none	£320 supervision, or £35 for minimal supervision
Typical time	8 to 10 weeks to register	a median of about 16 weeks in 2025

Minimal supervision applies to some property and affairs deputies managing less than £21,000. The security bond is an insurance policy that protects the person's money; its cost depends on the value of the estate. If you use a solicitor, their fees are on top.

What a deputy must do

- act only within the powers in the court order
- make decisions in the person's best interests, involving them as much as possible
- keep the person's money separate from your own, with clear records and receipts
- send an annual report to the OPG explaining the decisions you have made

- accept supervision, including visits from the OPG
- make gifts only if the court order allows them, keep them reasonable, and apply to the court for anything larger

Family deputies can claim expenses such as phone calls, postage and travel needed for the role, but not for their time or for social visits.

Managing while the application is going through

- Tell the care provider and the council that a deputyship application is under way; most will work with you.
- Become a DWP appointee if benefits need managing in the meantime.
- Keep a record of bills paid and money spent on the person's behalf.
- In an emergency, for example where a care placement or home is at risk, ask the court whether an urgent application is possible.

Common mistakes to avoid

- **Waiting for a crisis.** The process takes months, and care fees keep arriving.
- **Assuming next of kin can decide.** Being a relative gives no legal authority over money.
- **Missing the three-month deadline** after notifying people, which means starting again.
- **Not checking for an old EPA** in the person's papers before you apply.
- **Mixing money,** even briefly, between your account and theirs.

What to do next

1. Search the OPG registers to check for an existing LPA, EPA or deputy.
2. Ask whether the person could still make an LPA, and act quickly if so.
3. If only benefits need managing, apply to become an appointee.
4. Otherwise, start the deputyship application: notify the person and three others, and book the capacity assessment.
5. Keep the care provider and council informed while you wait.

How we can help

Arranging care while a deputyship application is under way can feel like a lot to hold at once. We provide fully managed live-in care anywhere in England, from £1,550 a week, and home care across Oxfordshire, with a written quote after a free initial assessment that you can share with the council or other family members. Call us on 01865 715780.

Common questions

Can I just use my parent's bank account if they have lost capacity?
No. Without a registered Lasting Power of Attorney, an enduring power of attorney or a deputyship order, you have no legal authority to manage someone else's money, even as their child or spouse, and a bank may freeze a sole account once it knows the holder lacks capacity. Joint accounts are handled differently by different banks, so ask yours. If only benefits need managing, you can apply to the Department for Work and Pensions to become an appointee instead.

How long does it take to become a deputy?
Several months. Ministry of Justice figures for 2025 show property and affairs deputyship applications took a median of 15.6 weeks, and a mean of 23.9 weeks, from receipt to final order. Before that, you need time to notify people and get a capacity assessment, and delays are longer if forms are incomplete or someone objects. Registering a Lasting Power of Attorney, by comparison, takes 8 to 10 weeks if there are no mistakes.

Who pays the deputyship fees?
For a property and affairs deputyship, you can claim the £432 application fee back from the person's own money, and the security bond can be paid from their money or repaid to you from it once you have access. Help is available: you may not have to pay the application fee, depending on the person's finances for a property and affairs application or yours for a personal welfare one, and supervision fees can be reduced or waived if the person receives certain benefits or has an income below £12,000.

Do I need a deputy to make decisions about care?

Usually not. Day-to-day care and health decisions for someone who lacks capacity are normally made in their best interests by the professionals involved, who must consult the family. The court appoints a personal welfare deputy only in limited situations, for example where the family disagree about care, or where decisions about something like where the person lives will be needed over time. A property and affairs deputyship is far more common, because money cannot be managed without legal authority.

Can the person still make a Lasting Power of Attorney instead?

Possibly. Capacity is decision-specific and can vary, so someone with early dementia may still have the capacity to make an LPA even if they struggle with complex finances. The certificate provider must be satisfied that they understand what they are signing. If there is a chance, act quickly: an LPA costs £92 to register, takes about 8 to 10 weeks and lets the person choose who acts for them.

Sources and further information

- GOV.UK: Become a deputy
- GOV.UK: Deputy fees
- GOV.UK: Apply to be a property and financial affairs deputy
- GOV.UK: Apply to be a personal welfare deputy
- GOV.UK: Register a lasting power of attorney
- GOV.UK: Find out if someone has an attorney, deputy or guardian
- UK Parliament: written answer on Court of Protection deputyship waiting times (1 June 2026)
- GOV.UK: Become an appointee for someone claiming benefits

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Lasting Power of Attorney: a guide for families

How Lasting Power of Attorney works in England and Wales: the two types, why to make one early, how to make and register it online or on paper, the £92 registration fee, the certificate provider, and what happens without one (deputyship and the Court of Protection).

Read the guide →

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Mental capacity and best interests: a guide for families

How the Mental Capacity Act 2005 works in England and Wales: the five principles, how capacity is assessed, best interests decisions, deprivation of liberty after the 2026 Supreme Court ruling, the position on LPS, and how to support someone to decide.

Read the guide →

PAYING FOR CARE AND REDUCING THE COST

Paying for care from savings and property: a family guide

How self-funding care works in England in 2026/27: planning a care budget, how the home is treated for care at home versus a care home, deferred payment agreements, equity release and care annuities, gifts and deprivation of assets, and where to find regulated advice.

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Talk to our care team: 01865 715780

enquiries@dayandnightcare.co.uk · Out of hours: 07775 686272

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