

I have concerns about an order made by the Court of Protection...

The Court of Protection department at Lees Solicitors LLP is often contacted by people who are concerned about certain actions taken by a deputy or attorney or are unhappy about a particular person being appointed as deputy for a family member or close friend.

The Office of the Public Guardian should be contacted directly and have a dedicated team that deals with and investigates concerns raised.

Concerns about an Attorney or Deputy

If you have concerns about the actions of a deputy or an attorney under a registered Enduring Power of Attorney or Lasting Power of Attorney, the Compliance and Regulation Unit of the Office of the Public Guardian should be contacted. There is a dedicated phone line for reporting concerns: **020 7664 7734**.

One of the major roles of the Office of the Public Guardian is to supervise deputies and attorneys and to investigate any concerns raised about a deputy's or attorney's actions. The Office of the Public Guardian works closely with other agencies such as Local Authorities and the police and can also refer concerns to other relevant agencies (ie NHS). The OPG can also make an application to the Court of Protection if appropriate for further action to be taken.

There are various measures that the Court of Protection can take if it feels that a deputy or attorney requires investigation and these include:

- order a report from a Court of Protection visitor, a local authority or NHS body;

- give general directions concerning the proper management of the affairs and welfare of a person who lacks capacity;
- direct an attorney to provide a report, inventory and account;
- remove deputies / attorneys that fail to carry out their duties; and
- suspend or replace a deputy.

Concerns about an application that has been made to the Court of Protection

When an application is made to the Court of Protection for an appointment of a deputy all close family members and friends should be sent notification to allow them to decide whether or not they wish to participate in the proceedings. A form COP 5 (Acknowledgement of Service) should be provided to each person to complete and return to the Court of Protection requesting that they be joined as a party. The Court of Protection will then consider the application and include those persons as respondents where appropriate.

The applicant and any other respondents will be provided with a copy of the completed COP 5 and any supporting documents sent to the court.

For further information about notifying the Office of the Public Guardian about any concerns please visit www.publicguardian.gov.uk or contact the Office of the Public Guardian on 0845 330 2900.

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