



# Deputyship Fees Refunds

From 4 October 2019 deputies, estates and families may be able to obtain a refund of some deputyship fees.

The Ministry of Justice has provided that refunds will be offered to anyone in England & Wales who was charged more than was necessary for deputyship fees during the period of 1 April 2008 to 31 March 2015. The refunds relate to deputyship assessments and annual supervision fees.

## What is a deputy?

[Deputies](#) are appointed by the Court of Protection to manage the affairs of vulnerable adults who:

1. Do not have Lasting Powers of Attorney in place; and
2. Have lost the capacity to make certain decisions for themselves.

A deputy can be a solicitor, family member or friend and there are strict guidelines as to how a deputy must act.

## How can I claim a deputy fee refund?

It is understood that the Office the Public Guardian (OPG) will contact current deputies who are still acting on behalf of vulnerable individuals.

However, if you have dealt with a deputyship in the past, you may need to apply for a refund (if applicable). This means that if you are:

- A former Deputy;
- A personal representative acting on behalf of someone who has died; or
- Someone who was previously subject to a deputyship who can now make their own decisions

You may be able to make a claim. Applications for refunds should be on form [OPD108](#).

### **What if there is no executor/administrator of an estate?**

The OPG has provided that certain family members may be able to apply. There is an order of priority for applicants as follows:

1. Husband, wife or civil partner
2. Child or grandchild
3. Mother or father
4. Brother or sister who share the same mother and father or their children (the nieces and nephews of the person who lacked capacity)
5. Half-brothers or half-sisters (i.e. those who only share one parent with the person who lacked capacity)
6. Grandparent
7. Uncle or Aunt or their children
8. Other relations

If there is someone higher than you on the above list, they may have priority in making such an application.

Certain evidence has to be provided with the application and it is important to read the accompanying guidelines contained in the application form.

### **What does this mean for deputies and estates?**

Refunds of deputyship fees are not guaranteed in every case.

However, executors are under the duty to ensure that they identify all assets which may be due to an estate and deputies must act in the best interests of the person whom they act for as deputy. Executors, deputies and family members should, therefore, consider whether a refund may be available to an individual or their estate.