

Deputyship fees

with effect from 1 October 2011

Fee	Amount	Exemption	Remission
Deputy assessment	£100	Yes	Yes
General supervision	£320	Yes	Yes
Minimal supervision	£35	Yes	No

- Fees are payable from the funds of the person a deputy is appointed for ('the client')
- The deputy assessment fee is a one-off payment and is due once the Office of the Public Guardian (OPG) has received the order from the Court of Protection. It is used to assess the kind of supervision a deputyship needs
- General and minimal supervision fees are due annually on 31 March. They are billed in arrears and will be calculated on a pro-rata basis if there are any supervision changes within the year

Payment methods

You can pay fees by Direct Debit, credit/debit card or cheque:

- To pay by Direct Debit, please call our Customer Services Centre (0300 456 0300) and ask for a Direct Debit instruction form
- To pay by credit or debit card, please call our Credit Control team (0121 600 6118) who will take your card details over the phone
- Cheques should be made payable to 'Office of the Public Guardian' with the client's name and case number written on the back

Remission and exemption of deputyship fees

The client may qualify for a fee remission (paying a lower fee) or exemption (paying no fee) based on their financial circumstances. Applications for exemption or remission of fees must be received by OPG within six months of the fee being due. To apply, fill in the attached OPG120A form and send it to OPG along with any documentary evidence required.

Exemptions and remissions may be granted for a period of up to three years, providing the applicant requests an extended award on the OPG120A form at section 5 and signs the undertaking to notify OPG immediately in the event of a change in circumstances.

Exemption

If the client gets any of the following means-tested benefits and has not been awarded damages of more than £16,000 – which were disregarded when determining eligibility for the benefit – they qualify for an exemption:

- **Guarantee Credit** element of Pension Credit
- Income-based Employment and Support Allowance
- Income-based Jobseeker's Allowance
- Income Support
- Housing Benefit
- Council Tax Benefit (**not** the 25% single person reduction or any other exemptions)
- Local Housing Allowance
- a combination of Working Tax Credit **and** either Child Tax Credit, Disability Element, Working Tax Credit or Severe Disability Element (within the Working Tax Credit). This does not include Disability Living Allowance or Invalidity Benefit

We will write to let applicants know of the period of an exemption award. They won't need to fill in another application until the award expires.

Remission

OPG has discretion to award a 50% remission of deputy assessment and annual supervision **(but not minimal supervision)** fees if the client's gross annual income is less than £12,000. Income includes, but is not restricted to, the following sources:

- employment
- pension credit
- non-means-tested benefits and pensions, including Attendance Allowance and Disability Living Allowance
- state and private pensions
- property rental income
- interest from capital investments and savings

We will write to let applicants know of the period of a remission award. They won't need to make another application until the award expires. Where an extended award has been granted, the fee invoices issued to the deputy will already be for the reduced amount. That is to say, the remission has already been applied and no further concession can be made.

What is acceptable evidence? – We will need to see copies of the following:

Exemption - letter or notification from the benefit provider, confirming the client's receipt of a qualifying benefit during the period the fee covers

Remission - paid employment: a P60, or two months of consecutive wage slips from current employment

non-means-tested benefits and state/private/occupational pensions: an official letter or notice from the payer

interest from capital, stocks, shares or bonds: statements or vouchers showing gross income

self-employment: most recent tax return (self assessment) and most recent HMRC Self Assessment Tax Calculation, or audited account certified by a qualified accountant

Bank statements are **not** acceptable.

Documentary evidence must be pre-printed with the client's title, full name, address and postcode and should confirm the amount being paid. Evidence must cover the time the fee was due.

- Deputy assessment fee requires evidence current at the time the fee was raised
- Supervision fees are invoiced in arrears and require evidence showing income received from April 2015 to March 2016 for an invoice raised on 31 March 2016

If the client has NO income, supply a signed written statement to that effect with this application.

Hardship

If the client does not qualify for exemption or remission but paying fees would cause undue hardship – for example, making it difficult to meet normal living expenses – applicants can write to OPG asking for fees to be waived. We will need copies of supporting statements and documents showing savings, income and outgoings to substantiate the request.

Disclaimer: OPG staff can provide advice about OPG processes only and cannot provide legal advice or services. We recommend that you seek independent legal advice where appropriate. Information in this publication is believed to be correct at the time of printing but we do not accept liability for any error it may contain.

Contact details

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

DX: 744240 Birmingham 79

Phone number: 0300 456 0300 (open 9am-5pm weekdays, except Wednesday 10am-5pm)

Fax: 0870 739 5780

Textphone: 0115 934 2778

Email: customerservices@publicguardian.gsi.gov.uk

Website: gov.uk/become-deputy/fees

Application for exemption or remission of deputyship fees

OPG120A

Section 1 – About the case

Client's full name

Client's address

Case number

Which fee does this application relate to?

- General supervision fee Minimal supervision fee
 Deputy assessment fee

Section 2 – About you

What is your relationship to the client?

- Deputy Solicitor Other (*please specify*)

Title

- Mr Mrs Miss Ms Other

Full name

Address (including postcode)

Daytime telephone number

If you have already paid the fee, and the application for remission/exemption is successful, please state who the fee should be reimbursed to.

Section 3 – Fee exemption based on permitted benefits

3a Has the client received a damages award of more than £16,000, which was disregarded for the purposes of determining eligibility for the benefits listed at question 3b?

Yes, **go to section 4**
(you are not eligible for a fee exemption but may qualify for a fee remission)

No, **answer question 3b below**

3b Does the client get one or more of these means-tested benefits?

- Income Support
- Income-based Jobseeker's Allowance
- Income-based Employment and Support Allowance
- Guarantee Credit element of Pension Credit
- A combination of Working Tax Credit and either Child Tax Credit, Disability Element or Severe Disability Element
- Housing Benefit
- Council Tax benefit (**not** the 25% single occupancy reduction or exemption)
- Local Housing Allowance

Yes, **go to section 5**

No, **go to section 4**

Section 4 – Remission based on gross annual income

If the client's gross annual income is less than £12,000, they may be eligible for a fee remission of 50%. Enclosed documentary evidence of gross income with this application, along with half the invoiced fee

I wish to apply for remission based on the client's gross annual income **and** I have enclosed half of the outstanding fee (**go to section 5**)

Section 5 – Extended award

Do you wish to apply for an extended award?

Yes, **go to section 6**

No, **go to section 6**

Section 6 – Declaration

I declare that the information I have given is true and to the best of my knowledge. I enclose the required documentary evidence to support the claim for a fee exemption or remission. I understand that this application will be refused if I fail to provide the evidence.

If the client is awarded an extended exemption, I undertake to notify OPG immediately if the client's entitlement to qualifying benefits ceases.

If the client is awarded an extended remission, I undertake to notify OPG immediately if there is a change in the client's financial circumstances that would affect the remission entitlement.

Signed

Dated

Return your completed application to:

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