



Anthony Gold's Court of Protection team
Supporting the Elderly and Incapacitated



anthony gold

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Are you concerned about an elderly family member's ability to cope?

Maintaining a level of independence is often an important consideration for many elderly people. However, we often come across situations where individuals are unable to cope with the day to day management of their affairs. This can cause significant anxiety to the affected person, their family and their friends.

Our Court of Protection team can offer assistance in preparing a Lasting Power of Attorney in favour of a responsible person who is then able to assist a struggling relative with issues of concern.

We are also able to provide advice on all aspects of support available to elderly persons within the community and to advise on legal protection for those who might otherwise be vulnerable.





Do you know someone suffering from a mental illness and are worried that they may be at risk of exploitation?

Mental illness is sadly still very much a taboo subject that people either do not know how to deal with or are afraid to tackle. People suffering from a mental disability can often find themselves excluded from society as their condition and support needs are not properly understood. They can also face financial exploitation due to their vulnerability.

Our Court of Protection Department frequently assists people who lack capacity by protecting their finances either where there is the potential for financial exploitation or where they just need that extra day to day support.

Where an individual requires assistance with welfare issues, such as care, treatment and other medical needs, we can also advise on the most appropriate support available, either within the community or by recourse to the Court of Protection.



What is the Court of Protection?

The Court of Protection is a specialist Court that seeks to protect the interests of vulnerable individuals who lack capacity. The Court may appoint a Deputy of Property and Affairs to help administer the financial affairs of a vulnerable person. The Court can, for example, deal with disputes that may have arisen between family members as to the appropriate use of a Power of Attorney.

The Court also assists with a variety of welfare issues where a Welfare Deputy may be appointed to determine issues such as: medical treatment, residence, support work, care, end of life treatment and best interests.

The Court can resolve complicated situations where there may be discord between family members as to how an individual, who lacks capacity should be cared for.



What is a Property and Affairs Deputy?

A Property and Affairs Deputy can be appointed to assist a person who lacks capacity to manage their day to day affairs. This could involve paying household bills, reviewing state benefits, or selling a property on behalf of the incapacitated person. Once appointed, the Deputy must always act in the individual's best interests and is subject to the guidance as set out in the Mental Capacity Act.

A Property and Affairs Deputy can also be appointed at the request of the Court where there is a family dispute concerning the use of an individual's finances. For example, an Attorney may have acted outside the powers granted or there may have been a suggestion as to the misappropriation or fraudulent use of funds. A Deputy can be appointed to investigate such allegations and ensure that the individual's best interests are always protected.



What is a Welfare Deputy?

A Welfare Deputy is appointed by the Court to make welfare, medical and treatment decisions on behalf of an individual. A Welfare Deputy is often required where family members have differing views as to how best to care for an individual. However, the appointment of an independent person may also be required to protect someone who does not have support from close family members.



What is a Lasting Power of Attorney?

There are two types of Lasting Power of Attorney (LPA's) – "Property and Affairs LPA" and "Health and Welfare LPA". Provided an individual still has the capacity to provide and instruct their Attorneys (as to how they would like their finances and care to be determined should they lose capacity at some point in the future) the documents nominating either one or both types of LPA can be executed. The LPA must be properly registered to be effective and it can be revoked whilst the Donor (the person making the LPA) has capacity.



Why use Anthony Gold?

Anthony Gold has an established reputation in Court of Protection practice. The team are acknowledged experts in this field. Our firm is a member of the Office of the Public Guardian's Deputies' Panel and is used by many local authorities. Our invitation to join the Panel recognises our broad experience in this area and our continued ability to deal with complicated cases.

We are committed to providing support to vulnerable individuals within the community and have extensive expertise in assisting those with a variety of mental health issues such as advanced Alzheimer's disease, depression, and personality disorders. We also have significant experience in dealing with the effects of complex brain injuries arising from personal injuries and clinical negligence.

Our practise advises on all matters relating to the Court of Protection, Powers of Attorney and all issues arising out of Mental Health Law and caring for the elderly.



David Wedgwood has extensive experience in Court of Protection work and has recently been appointed as a Property and Affairs deputy of the Court of Protection. David has a specific interest in cases where there is ongoing litigation between family members or some allegation as to the dissipation of assets of a vulnerable individual. David's experience as a litigator enables him to effectively tackle complex family disputes whilst ensuring that an incapacitated person and his interests are adequately protected.



Alexandra Knipe specialises in Court of Protection practice, working for and with vulnerable adults who lack capacity in the administration of their day to day affairs and finances.



Donovan Lindsay works on all aspects of Court of Protection, Power of Attorney and related matters. He previously worked for several years in the family law team.



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