**Where there is no next of kin
Almshouse Association Guidance**

Almshouse charities provide accommodation for those who are able to live independently and unfortunately on occasions circumstances arise whereby a resident’s state of health deteriorates to the point that they are no longer able to cope living in their almshouse**.**

The need for a resident to move to more suitable accommodation for their needs can be stressful for the resident as well as the charity. In cases where the individual has diminished mental capacity and there is neither a Power of Attorney in place nor a next of kin to assist in the process, the situation can be especially challenging.

The following guidance is provided to assist almshouse charities in such circumstances, however, **in the first instance, charities finding themselves in the situation outlined are strongly recommended to speak to their local social services as well as to the Alzheimer’s Society on 0333 150 3456.**

As per [www.gov.uk](http://www.gov.uk), it is possible to apply to become a deputy for a person with dementia which involves submitting an application to the Court of Protection.

**The potential deputy could be:**

* nominated by social services (a preferred course of action, we would suggest)
* a trustee of the charity
* a local person e.g., the vicar at the local church

The application process entails providing the court with detailed information about the circumstances of the person with dementia.

**This will include:**

* details of the person’s living arrangements,
* their lack of family members,
* as well as details about their finances or care arrangements.

Making an application involves completing a main application form (COP1). This covers basic information about the person, including their address at the charity and details of anyone else whom you consider should be notified of the application. There are additional forms to be completed:

* **Annex A:** supporting information concerning the person’s income, including any benefits they receive as well as savings. This is submitted on a COP1A form and also covers their expenses as well as any debts they owe.
* **Annex B:** supporting information for personal welfare (COP1B). This covers details of any professionals and social workers involved in the person’s care.
* **Assessment of capacity** (COP3): this is in two parts, one of which is to be completed by the applicant and the other by a ‘practitioner’. There is a range of professionals who qualify as a ‘practitioner’ and they are explained on the form.
* **Deputy’s declaration** (COP4); this explains the circumstances of the applicant and includes details of the responsibilities they will be taking on as deputy. Details of the applicant’s job need to be explained. It is necessary to show that you have the skills, knowledge and commitment to carry out your responsibilities and that there is nothing that might make your appointment inappropriate.

In some cases, it may also be necessary for the following forms to be completed:

* **Permission of the court to apply for deputyship** (COP2): this is usual for personal welfare deputyships, but not for property and affairs deputyships. It is necessary to explain why a deputyship is specifically needed and whether the person’s needs could be met in a different way.
* **A witness statement** (COP24): this may be required if it is necessary to explain something in particular to the court, for example if it is not possible to submit an assessment of capacity form COP3, although these situations are rare.

Access to all of the above forms and further guidance may be gained on the government website [www.gov.uk/government/collections/court-of-protection-forms](http://www.gov.uk/government/collections/court-of-protection-forms)

The court may be able to help with the completion of an application, however they cannot provide legal advice. A solicitor may make an application for which, of course, a fee would be charged.

There are costs involved in making an application for deputyship which can be paid from the person’s money. The court will usually authorise the payment in the deputyship order, although only a fixed or limited amount of the person’s fees may be allowed. This is an important point that should be covered with the court as there are cases where the applicant has to pay a portion of the costs themselves. For a personal welfare deputyship, it is necessary for the applicant to pay the full amount themselves.