



Deputyship following a head injury

When somebody suffers a serious head injury, their mental capacity can be affected and they may no longer be legally capable of making decisions for themselves. In such cases, Deputyship can be used to ensure that decisions are made on their behalf and in their best interests, by others.

When is Deputyship necessary?

The law assumes that everyone is capable of making decisions until it has been shown that they cannot. For example, somebody may be perfectly capable of deciding where they want to live but be unable to make sensible financial decisions. This is where the Court of Protection comes in.

How does it work?

Your solicitor will apply to the Court for the appointment of a Deputy (previously known as a Receiver). This can either be a close family member, friend or your solicitor. The role of the Deputy is to ensure that the injured person's wishes are respected and followed by involving the individual, their family and appropriate professional people in making decisions. Many of the partners at RJW routinely act as Deputies for their clients and it is a straightforward procedure to arrange for us to act on your behalf. It is not essential to appoint a Deputy before starting a compensation claim and we will advise you when is the appropriate time.

What happens once the case is concluded?

If the client still lacks capacity at the time the claim concludes, we will ensure that their financial compensation includes the cost of retaining a professional Deputy who can continue dealing with their financial affairs. We have a specialised department that deals with issues like Personal Injury Trusts, Statutory Wills, Inheritance Tax Planning, Tax Returns, and managing ongoing expenditure.

Is Deputyship right for my case?

Every case is different so we provide free advice on all of these issues. We can also advise on Powers of Attorney, although these are rarely applicable in personal injury claims.

“Very helpful and understanding firm, everything explained in detail and able to understand.”

Client testimonial

Russell Jones & Walker Solicitors is regulated by the Solicitors Regulation Authority (SRA 54695) and the Ministry of Justice in respect of regulated claims management activities; its registration is recorded on the website www.claimsregulation.gov.uk.

Prepared by Russell Jones & Walker Solicitors 2010.

This fact sheet is for general guidance only and should not be treated as a definitive guide or be regarded as legal advice. If you need more details or information about the matters referred to in this fact sheet please seek independent formal legal advice. This information was correct at time of going to press.

We pride ourselves on our fair fee structure – there is no charge for the initial consultation and we guarantee that you will receive 100% of any compensation awarded.

Find out more
If you would like to know more about Deputyship and how RJW can help, please do not hesitate to contact us.

Our offices
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