

Frequently asked questions



What is a Deputy Bond and why is it required?

Deputies appointed by the Court of Protection (the “**Court**”) to manage the property and financial affairs of the patient (“**P**”) are required to provide and maintain security by way of a surety bond for the duration of the deputyship. This surety bond is called a Deputy Bond.

The purpose of the Deputy Bond is to safeguard the assets of P and to effectively promise to pay back a financial loss to P’s estate should Deputies fail to perform their deputyship duties ordered by the Court. The order giving the authority to act as Deputies will not be released until the Court and the Office of the Public Guardian (the “**OPG**”) are satisfied that appropriate security is in place.

Who are the Office of The Public Guardian?

The OPG is a government body that, within the framework of the Mental Capacity Act 2005, polices the activities of Deputies who act to protect the financial affairs of people who lack the mental capacity for making decisions. They supervise Deputies appointed by the Court making sure they carry out their legal duties for the duration of the deputyship. They also provide advice and support and can be contacted on 0300 456 0300.

Should there be a change in circumstances, Deputies will be required to contact the OPG directly using the Court reference shown on the order as reference.

Please note that Howden Insurance Brokers Limited (“**Howden**”) does not have any authority to represent the Court or the OPG.

Will the Deputy Bond provide any financial protection for the Deputy? What happens if the Deputy Bond is called by the Court?

No. The security provided by the bond is solely for the protection of P in the event that a Deputy does not perform his duties and there is no financial protection for Deputies.

All Deputies are liable to reimburse the surety company HCC International Insurance Company plc (trading as Tokio Marine HCC) (“HCC”) for any loss and costs incurred by HCC should the OPG enforce the bond as directed by the Court. In the event of loss under the Deputy Bond, HCC will take such action as appropriate against Deputies to recover their loss. If there are multiple Deputies appointed under the deputyship, each Deputy is liable for the actions of all the other Deputies on a joint and several basis.

Please note that Howden is a broker (a type of intermediary) and it is HCC, and not Howden, that issues the Deputy Bond. Howden is able to sign Deputy Bonds on behalf of HCC under the terms of a Delegated Authority Agreement granted by HCC in favour of Howden.

Is a Deputy Bond a type of insurance?

Please note that, whilst surety bonds are regulated as insurance products, they are not an insurance product at common law. A surety bond is a guarantee.

Importantly, this means that in the event that a claim is made against a surety company in respect of a Deputy Bond, that insurance company will be able to seek reimbursement for its losses from that Deputy.

Who sets the security value of the Deputy Bond?

The security value is set by the Court and not Howden. The level of security provided under the Deputy Bond must comply with the Order of the Court.

How much does a Deputy Bond cost?

Please see the separate document headed ‘Premium facts’ for full premium terms and conditions. This document may be found on our website: www.howdendeputybonds.co.uk.

Can Deputies select an alternative Bond Value for a Deputy Bond?

No. The Bond Value is set by the Court and not Howden and this will be confirmed directly by the Court. Deputies must comply with the requirement and therefore should Deputies select an alternative amount when applying for their Deputy Bond the Court will reject the bond with instruction to cancel the bond as void ab initio (no binding power over any parties to the contract). This will cause further delays in the issuance of any order permitting Deputies the power to exercise any power or duties under the deputyship.

Should Deputies dispute the security value required by the Court, please contact the Court directly on 0300 456 4600. Please note that Howden is a separate private entity to the Court and the OPG and therefore we do not have access to any files, records or information held by these organisations.

How can I purchase a Deputy Bond?

We offer three ways to apply for a Deputy Bond:

Online: The fastest, easiest and safest way to obtain a Deputy Bond is to simply go to www.howdendeputybonds.co.uk. The website is available 24 hours every day and only takes a few minutes to complete the application. Please ensure all appointed Deputies are included on the application.

When the application has been approved, payment is to be made using the secure online card payment facility. The Deputy Bond along with supporting documentation will be emailed to all Deputies within 2 hours.

Telephone Application: We are now able to process applications by telephone by calling our Customer Services Team on 0121 516 7690. Our office hours are 9am to 5pm Monday to Friday. This process can take up to 15 minutes to process and the Deputy Bond will be issued immediately on confirmation payment has been received.

Request a form: Call our Customer Services Team on 0121 516 7690 and we will send an application pack for completion and return. Subject to the application being approved, contact will be made to arrange payment by the Deputy's preferred method.

Please note that cheque payments must be cleared by our bank before issuance of the Deputy Bond. This may take between 5 – 7 days on receipt of cheque. Alternatively, if preferred you can complete a paper form and, once received, our team can call you back in order to take a card payment.

When is the Court notified that a Deputy Bond is in place?

Once the Deputy Bond has been issued, we will inform the Court and the OPG within 2 working days that the Deputy Bond has been issued. This will enable the Court to confirm the Deputy's appointment and arrange for the issuance of any appropriate orders.

Why am I required to pay the initial premium and the first anniversary premium within 12 months of each other?

For all Deputy Bonds other than 'bonds for life', premium is due (1) at the same time as you apply for your Deputy Bond (the "**Initial Premium**") and (2) thereafter on each anniversary of the Court's order appointing you as Deputy subject to arranging security (an "**Anniversary Premium**").

There may be a delay between the date on which you are appointed by the Court as a Deputy (which determines when the first Anniversary Premium is due) and the date on which you receive a letter from the Court notifying you that you must arrange for a Deputy Bond (which determines when the Initial Premium is due – because that is the point at which you will apply for a Deputy Bond).

As a result, the first Anniversary Premium (which is due 12 months from the Court's order appointing you as Deputy) may become due within 12 months of the Initial Premium having been paid (i.e. the date on which you applied for a Deputy Bond).

Thereafter, further Anniversary Premiums will become payable on an annual basis.

Please see the separate 'Premium Facts' document which explains the premium due (and payment terms) for our Deputy Bonds in more detail. We also have a premium calculator tool available on our website: www.howdendeputybonds.co.uk

Can Deputies make a variation to the Bond Value?

In the event Deputies wish to make a variation to the Bond Value, they will need to submit an application with the appropriate fee to the Court directly. The Court will review application and make an order with the revised security.

It is recommended that Deputies contact the Court directly and seek further advice and guidance on this subject.

Can a Deputy Bond be transferred to Howden?

If there is an existing bond under the current deputyship and it is due for its anniversary within 30 days, Deputies can transfer the existing Deputy Bond to us. Deputies will be required to provide the existing bond insurer name, reference number and anniversary/payment date. We will notify the Court and the OPG of the new Deputy Bond and that it is a transfer of an existing bond to us. The OPG will then instruct the previous bond provider to cancel that Deputy Bond.

How long does the Deputy Bond last?

Under Court orders, the Deputy Bond must be maintained and premiums paid for the duration of the deputyship. All appointed Deputies under the deputyship must be declared under the Deputy Bond.

What happens if another person has been appointed as Deputy and needs to be added to bond?

Please provide a copy of the latest order issued by the Court appointing additional Deputies by either email or post along with the additional Deputy's contact details.

All Deputies are subject to a "General Financial Soundness" check as required by the Court. Our Customer Services Team will endeavour to contact additional Deputies within 2 working days by email or telephone to seek authorisation to undertake this search.

What is a General Financial Soundness Check?

The "General Financial Soundness" check consists of a search of public data records for all Deputies in respect of County Court judgements, bankruptcy, debt relief orders or individual voluntary arrangements having been entered into. Howden will undertake the search using the services of TransUnion and in doing so a record of the search being made will be recorded against your public data credit file. This will not affect your credit history. Howden will share results of the search with the Court, the OPG and the bond provider HCC who may each retain the information.

Will the results of any General Financial Soundness check be disclosed to any other parties?

Under the terms of our appointment as an Appointed Provider for Deputy Bonds, we must carry out General Financial Soundness checks against all Deputies prior to issuing a Deputy Bond. We are also obliged to notify the Court of Protection, the OPG, the bond provider HCC and all Deputies (including all joint Deputies) in the event that a General Financial Soundness check reveals any results against a Deputy or Deputies.

Why has my Deputy Bond application been referred following a 'General Financial Soundness' check?

There are a number of reasons why a Deputy Bond application may have been referred, including situations where our registered credit agency TransUnion are unable to identify Deputies thereby preventing them from verifying identification and credit data. The application will be reviewed by our Customer Services Team and we will endeavour to contact Deputies within 2 working days. This may be by email or telephone.

Can the Deputy Bond be cancelled?

Only the Court has the authority to cancel a Deputy Bond. Should the bond be cancelled by the Court, there is no return or refund of premium.

What happens if the Court increases or reduces the Bond Value?

The Bond Value is set by the Court and not Howden and only the Court can authorise the increase or decrease of the security value of a Deputy Bond. The Deputy Bond will be automatically amended by the Court upon an order being made varying the Bond Value. Deputies will receive notification of any variation to level of security directly from the Court and an amended bond document from us.

Please see the separate 'Premium Facts' document which explains the premium due (and payment terms) for our Deputy Bonds in more detail.

In summary, with effect from the next anniversary premium, the bond premium will be calculated by reference to the new (varied) Bond Value. This applies to all bonds except £21,000 bonds 'for life'.

Can a £21,000 'Bond for Life' have the security value varied?

No. A £21,000 Deputy Bond (or 'Bond for Life' as it is known) cannot be varied. Should the Court make a variation to the level of security, Deputies will be required to purchase a new Deputy Bond at the revised security value. Upon confirmation of the new bond, the £21,000 bond will be released from its liabilities. Please note there is no refund of premium in the event of early termination or replacement of the bond.

What are my anniversary payments?

For Bonds for Life, there is a one-off premium payment of £100.

For all Deputy Bonds other than Bonds for Life, all premiums will remain unchanged for the duration of the deputyship subject to no variations in level of security made by order of the Court.

Please see the separate 'Premium Facts' document which explains the premium due (and payment terms) for our Deputy Bonds in more detail. We also have a premium calculator tool available on our website: www.howdendeputybonds.co.uk

When will Howden contact Deputies about future anniversary payments?

If the Deputy Bond has been arranged using the online website, contact will be made by email 21 days before the anniversary of the date deputies were appointed by the Court (and not the date the bond was purchased) in order to confirm the upcoming anniversary premium which is payable.

It is recommended that Deputies include the mail sender's address customerservices@howdendeputybonds.co.uk to the Safe Senders List in their email account. This will allow all emails from customerservices@howdendeputybonds.co.uk to be received safely in the Deputy's inbox.

If the Deputy Bond has been arranged by postal application or telephone application and an email address has been provided, contact will be made as above. If an email has not been provided, letter will be sent to the primary contact declared on the application form.

Should a Deputy's contact details change, please contact our customer helpline as soon as convenient and we will amend our records accordingly.

Need to contact Howden Deputy Bonds Team for help?

We are here to help – Deputies can call our designated customer helpline on 0121 516 7690 or email us on customerservices@howdendeputybonds.co.uk. Our office hours are 9am to 5pm Monday to Friday.

What happens if P dies? Do I get a refund?

Should the patient (P) sadly pass away, there is no refund of premium in the event of early termination of the bond. The bond will remain live for 2 years from date of death (as stated on the bond). After this period the bond will be discharged in line by regulation 37 of the Public Guardian Regulations.

However, there are no further premium payments due. Please note that if there are any outstanding anniversary premiums that have not been paid, Deputies will still be required to settle these immediately.

To avoid any unnecessary correspondence being sent to Deputies regarding future anniversary payments, we would ask that Deputies provide us with a copy of a death certificate by either email customerservices@howdendeputybonds.co.uk or by post. Please quote the bond reference number and the Court's reference on all correspondence.

Please see the separate 'Premium Facts' document which explains in more detail what happens in terms of premium in the event of the death of P.

What happens if a Deputy dies?

Should we receive notification that a Deputy has sadly passed away, we would ask that a copy of a death certificate is provided by either email customerservices@howdendeputybonds.co.uk or by post. Please quote the bond reference number and the Court's reference on all correspondence.

The Deputy Bond will remain live for 7 years from date of death (as stated on the bond). After this period the Deputy Bond will be discharged in line by regulation 37 of the Public Guardian Regulations.

If the deputyship has multiple Deputies and Deputies have been appointed by the Court in a 'joint and several' capacity, we will arrange for a replacement Deputy Bond to be issued. Our Customer Services Team and we will endeavour to contact Deputies within 2 working days. This may be by email or telephone.

In the event that the deputyship has multiple Deputies and Deputies have been appointed by the Court in a 'joint' capacity, please contact the OPG directly for further guidance. This is because our understanding is that in this situation this will necessitate a new deputyship application to the Court and therefore a new Deputy Bond will be required. Please note that there will be no refund of premium in respect of the previous Deputy Bond.

Please note that if there are any outstanding anniversary premiums that have not been paid, arrangements will need to be made to settle these immediately.

What if a Deputy has been discharged from deputyship?

Should Deputies be discharged from deputyship, please provide us with a copy of the order issued by the Court. We will then arrange to discharge bond in line with the events and timescales shown under section 2 on the bond and regulation 37 of the Public Guardian Regulations.

If the deputyship has multiple Deputies and Deputies have been appointed by the Court in a 'joint and several' capacity, we will arrange for a replacement bond to be issued. Our Customer Services Team and we will endeavour to contact Deputies within 2 working days. This may be by email or telephone.

If the deputyship has multiple Deputies and Deputies have been appointed by the Court in a 'joint' capacity, please contact the OPG directly for further guidance. This is because our understanding is that in this situation this will necessitate a new deputyship application to the Court and therefore a new Deputy Bond will be required. Please note that there will be no refund of premium in respect of the previous Deputy Bond.

Please note that if there are any outstanding anniversary premiums that have not been paid, arrangements will need to be made to settle these immediately.

What if Deputies no longer wish continue with deputyship?

Should Deputies no longer wish to continue with deputyship, they will need to submit an application with the appropriate fee to the Court directly to facilitate discharge from deputyship.

Under order of the Court the bond must be maintained and premiums paid for the duration of the deputyship until Deputies have been officially discharged by the Court by way of order.

Change in circumstances

Should a Deputy's circumstances change, they will be required to notify the OPG. Deputies should contact the OPG directly using the Court's reference shown on the orders as reference.

To keep our records updated, we would be grateful if Deputies could also notify Howden's Customer Services Team immediately of the following –

- Death of P
- Death of Deputies
- Discharge of Deputies/deputyship
- Suspension/Revocation of deputyship
- Change of Name(s)
- Change of Address(s)
- Change of Telephone Number(s)
- Change of Email address(s)

My Deputy Bond has been purchased but the Deputies have not received an official Court order?

Deputies will need to contact the Court directly 0300 456 4600 rather than Howden. We are a separate private entity to the Court and we do not have access to any files, records or information held by these organisations. It is vital that regular contact is maintained directly with Court regarding the issuance of order.

What is Howden's Complaints Procedure?

Howden Insurance Brokers Limited strives to do everything to ensure our clients receive the best possible service. If you are not satisfied with the level of service provided by us, we will endeavour to resolve this as soon as possible. For full details and guidance, please see www.howdengroup.com/uk-en/complaints-procedure.

Exchange of Information

Please note that we are obliged to exchange information with between the surety provider (HCC), the Court and the OPG, including in relation to details of each Deputy and the results of any financial soundness check. Similarly, the details of each Deputy (and the results of any financial soundness check) may be disclosed between joint Deputies.

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