



## Guidance notes

### Application to discharge a former Financial Guardian

#### 1. What is the purpose of the application?

An application can be made to the Public Guardian for the discharge of a financial guardian from the management of the adult's property and financial affairs. Until the discharge is granted, the financial guardian is liable for any actions carried out while appointed as financial guardian.

Once a guardian has been discharged from their appointment, interested parties can no longer question any of the actions carried out by the guardian.

#### 2. Who can make an application for discharge?

A guardian normally makes an application for discharge on their own behalf, following the approval of their final account. However in circumstances where the guardian has died an application can be made by any individual on behalf of the deceased guardian.

#### 3. When can an application be made?

An application for discharge can only be made after one of the following has occurred:

- (a) The guardianship order appointing a financial guardian has been recalled (see our [guidance notes covering recalling the guardians powers](#)); or
- (b) The financial guardian has resigned or a court has removed or replaced the financial guardian; or
- (c) The adult has died; or
- (d) The guardianship order has expired.

We can only consider a discharge application when we have reviewed the final account and issued an audit certificate.

#### 4. Should the financial guardian (or their representative) consult with anyone before applying?

Yes. The adult's nearest relative (other than the guardian), the named person, if applicable, the adult's primary carer (if not the nearest relative), and any other person that may have an interest in the application, e.g. other family members, should be consulted.



## 5. Will the application be sent to anyone?

Yes. For most cases we will send a copy of the application form to the adult, their nearest relative, primary carer, named person and anyone else who may have an interest. Anyone sent a copy of the application will have 21 days in which to object to the granting of the application.

## 6. What happens if someone does object?

We will consider the application and objection. If the application is refused based on an objection or for any other reason we will write to the applicant and provide the reason. The applicant then has 21 days to consider whether or not to oppose the proposal to refuse the application and will be given an opportunity to make their case. Depending on the circumstances or information provided, we may remit the matter to a court.

## 7. Can the decision of the Public Guardian be appealed?

Yes. An appeal can be made to the court. However, it may be in an applicant's best interest to seek professional advice regarding the procedures involved.

## 8. Where can I get an application form?

An [application form can be downloaded](#) from our website or alternatively if you require a printed copy of the form, please contact the office.

## 9. Is there a fee involved in making the application?

No.

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