



# **Decision-making and accessing a Child Trust Fund**

**Presented by Philip Warford**

**Wednesday 14 January 2026**

**Welcome! The presentation will start soon – stay online**

**Contact is a national charity supporting families with disabled children and additional needs (from 0 to 25) across the UK.**

**We provide trusted information, advice & support via our:**

- Free telephone Helpline on 0808 808 3555
- Website [www.contact.org.uk](http://www.contact.org.uk)
- Workshops

**We help families to take action:**

- Campaigning, volunteering, fundraising
- National Network of Parent Carer Forums and Support Groups.

***“It was such a relief to find people who understood what I was going through. They pointed me in the right direction and made me feel like there was hope.”***



# About us



We specialise in **safeguarding** the finances and welfare of disabled or vulnerable people throughout their lifetime using Wills, Trusts, Powers of Attorney, and Court of Protection applications.

We are based in Brighton but provide advice to clients **all over England and Wales** via online meetings (using Zoom or Microsoft Teams).

We regularly speak at and run legal clinics on behalf of many local and national charities.

Multi-award winning and recognised as a leading practice in the prestigious Chambers & Partners Directory.

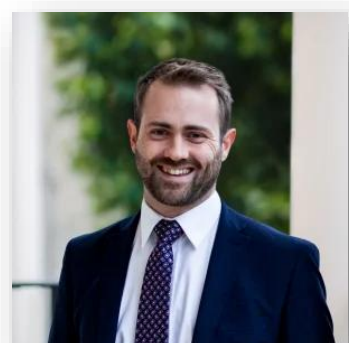
# Our legal advisors



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[www.renaissancelegal.co.uk](http://www.renaissancelegal.co.uk)

# What is covered today

- Decision-making from age 16 - assessing capacity
- Decision-making from age 16 – no capacity – Court of Protection
- Child Trust Funds and access to them

*\*Please note that we will use the example of the relationship of a parent to a vulnerable child throughout this presentation*



# **Decision-making for a child from age 16**

## **Assessing capacity**

# Decision-making for a child from age 16 – Assessing capacity

## 1. Mental Capacity Act 2005

Relates to people from the age of 16

The first three core principles:

- **Presumption of capacity**
- **Maximising decision-making capacity**
- **Right to make unwise decisions**

# Decision-making for a child from age 16 – Assessing capacity

## 2. Transaction and time specific

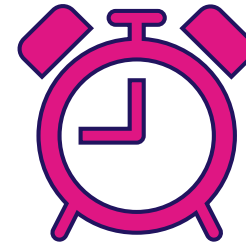
Look at what the transaction is and then decide if the person can make a decision about that transaction at that time



# Decision-making for a child from age 16 – Assessing capacity

## 3. What affects mental capacity?

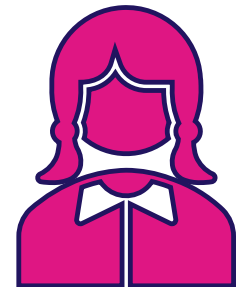
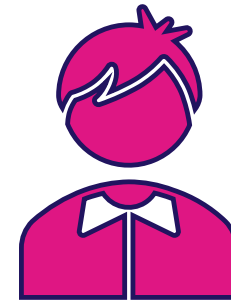
- Time of day
- Medication
- Surroundings
- Communication
- Illness



# Decision-making for a child from age 16 – Assessing capacity

## 4. Who assesses mental capacity?

- Healthcare professionals
- Social care professionals
- Someone experienced in mental capacity
  - for example, a lawyer or independent capacity assessor
- Or a mixture of these



# Decision-making for a child from age 16 – Assessing capacity

## 5. Mental Capacity Act 2005

The final two core principles:

- **Best interests**
- **Least restrictive option**

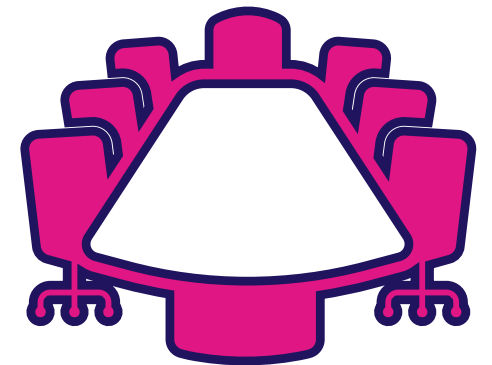
These apply where there is no capacity to make a decision.



# Decision-making for a child from age 16 – Assessing capacity

## 6. Best Interests meetings

- May be needed where someone 16+ lacks mental capacity and others need to make a decision on their behalf
- Usually involves a multi-disciplinary approach
- Specific appeal process to challenge Best Interest Decisions





# **Decision-making for a child from age 16**

**No capacity – Court of Protection**

# Decision-making for a child from age 16 – Court of Protection

## 1. What is it and what does it do?

- Superior Court in England and Wales
- Deals with the property, financial affairs, and personal welfare for people who lack capacity to make decisions for themselves
- Usually involved from age 16 but can be involved at a younger age



Court of Protection

# Decision-making for a child from age 16 – Court of Protection

## 2. Why make an application to the Court of Protection?

- To appoint a Deputy
- For a one-off Property & Financial Affairs decision (Financial)
- For a one-off Personal Welfare decision (Health & Social Care)
- For a decision on a dispute involving someone who lacks capacity

**Remember:** if there are not any assets in your child's name you do not need a Property & Financial Affairs application

# Decision-making for a child from age 16 – Court of Protection

## 3. What is a Deputy?

- Someone who manages the Property & Financial Affairs or Personal Welfare of someone who lacks capacity to make decisions for themselves
- Many more Property & Financial Affairs Orders as against Personal Welfare Orders – due to Best Interests & Least Restrictive Option principles
- Who can be a Deputy? - Family, Friends, Professionals or a mixture
- What do they do and should they act jointly or jointly and severally

**NB:** In 2023, 245 Personal Welfare Orders were made against  
12,750 Property & Financial Affairs Orders

# Decision-making for a child from age 16 – Court of Protection

## 4. What is the process to become a Deputy?

- Assessment form confirming no capacity
- Application forms
- Notice to family members and interested parties
- Permission needed if Personal Welfare application
- Court approval of papers and agreement to proceed
- Deputy Bond if Property & Financial Affairs application

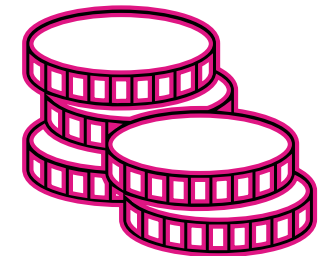


**NB:** The process is slightly different for different types of application

# Decision-making for a child from age 16 – Court of Protection

## 5. Costs associated with becoming a Deputy

- Application fee: £421 (fee exemption if on certain benefits or limited assets)
- Deputy Bond – Property & Financial Affairs applications only (not a set fee)
- Annual fees for Deputy Bond for Property & Financial Affairs cases
- Supervision fee: (from £35 for minimal to £320 for general)
- Lawyers' fees, if consulted



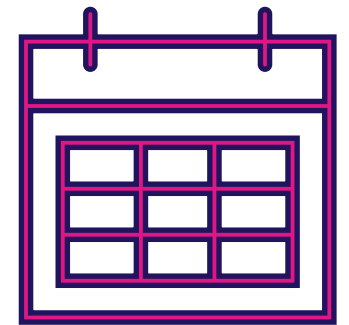
# Decision-making for a child from age 16 – Court of Protection

## 6. Timescales

- Depends on Deputy Order requested
- Can be 16 weeks to 1 year

## 7. Applying before age 16

- For example, may be needed for Personal Injury or CICA claims





# **What is a Child Trust Fund and how do I access it?**

## 1. What is a Child Trust Fund (CTF)?

- Long-term, tax free savings and investment account for children
- Born between 1 September 2002 and 2 January 2011
- So 18 between 1 September 2020 and 2 January 2029
- Minimum of £500 invested by the government

## 2. What is the problem - access?

- No one can withdraw from it before age 18, but can change providers
- No capacity - cannot access account and so Court of Protection application is the initial answer
- Capacity ok - can access themselves

## 3. What answers are there?

- Some providers have put in place their own rules to release small sums- you usually need to be DWP Appointee, have a low value (not defined) and the child must be age 18 or above
- Court of Protection Property & Financial Affairs Deputy Order is always a solution albeit can be expensive and time consuming

## 4. What about Junior ISAs?

- A Junior ISA (JISA) is a tax-free savings or investment account for children under 18
- Some CTFs have been moved to JISAs by the parents
- Some families invested directly into a JISA
- Same access issue as for CTF (see point 2)

# Our Campaign & Resources



## The Campaign

We have joined forces with parent campaigner **Andrew Turner** to lobby for a simpler process, helping families unlock £210m in trapped savings.



## Join the Community

Join our "**Unlock Our Savings**" Facebook group. It's a supportive space to share info, get involved with the campaign and connect with other parents facing similar challenges.



## Free Guide

Confused about the process? Access our easy-to-use **flowchart** directly from Contact's website. It maps out your next steps clearly.



# What do I do now?



## Decision-making advice package

### Review

- A meeting and a detailed follow up Letter of Advice to advise on your loved one's specific circumstances.
- This can focus on the options available in terms of LPAs and Deputyship, and bespoke advice if you are already an Attorney or Deputy.
- A Review considers capacity, whether an assessment is needed, prospects of success for an application, welfare benefits, and more.
- £900 plus VAT (£1,080) for a meeting – 50% of which is credited should you instruct us to proceed with a Court application.

**Deputyship and other Court Applications** start from £2,000 plus VAT (£2,400)



Our website contains articles and free resources providing practical advice and support for parents and carers:

[www.renaissancelegal.co.uk](http://www.renaissancelegal.co.uk)

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# Contact us

If you need help or advice, please contact:



[info@renaissancelegal.co.uk](mailto:info@renaissancelegal.co.uk)



**Call our office on 01273 610611**

or

**Scan the QR code to request a follow up call**

