

**Protocol for Investment of Awards made to Patients by
The High Court (Queen’s Bench Division) and the County Court**

This protocol has been developed to define roles and responsibilities and ensure that compensation awarded to Patients is invested promptly.

Notification of award by the Queen’s Bench Division (QBD)

1. Where a High Court Judge directs an award to be invested in court by the Accountant General on the Plaintiff’s behalf under Part VIII of The Mental Health (NI) Order 1986, the **Central Office** shall email a copy of the court order (two parts) to the Office of Care and Protection (OCP) ocp@courtsni.gov.uk on the same day it is confirmed.
2. The email must be flagged as URGENT and marked “**for the attention of the OCP (Patients) Branch and Office Managers**”. The **Central Office** shall also deliver the Trial Bundle (where there is one) to the OCP Office Manager on the same day the Order is confirmed.

Notification of Award by the County Courts

3. Where a Judge directs an award to be invested in court by the Accountant General on the Plaintiff’s behalf under Part VIII of The Mental Health (NI) Order 1986, the **County Court Office** shall email a copy the Order(s) and / or the Lodgement Schedule where funds are lodged by Compensation Services on behalf of an adult under a disability, to the Office of Care and Protection (OCP) ocp@courtsni.gov.uk on the same day the award is confirmed.
4. The email must be flagged as URGENT and marked “**for the attention of the OCP (Patients) Branch and Office Managers**”.

Responsibilities of OCP

5. Upon receipt of the court order, the OCP Office Manager will **immediately** assign the case to a Casework Manager to oversee the process of appointing a Controller and arranging a First Investment Interview.
6. Within **three days** of the case being assigned, the Casework Manager will:
 - a) Set a date for the Investment Interview. The date must be no later than **eight weeks** from the date of confirmation of the court order.
 - b) Send notification of the date for the investment Interview by email to the Court Funds Office (CFO) **marked for the attention of the Office Manager**.
 - c) Issue a Controllership Application Pack and First Investment Checklist to the responsible person(s) (normally the 'Next Friend' in the litigation) and the solicitor who represented the Plaintiff in the QB / County Court proceedings. The recipients will be advised to complete and return the Controllership Application Form and the First Investment Checklist to OCP **at least two weeks** before the date of the investment meeting.
7. If the parties are unable to comply with the timescales at 6 (c), they must submit their reasons and any alternative proposals in writing for consideration by the Master (Care and Protection) at the earliest opportunity. The Master will provide directions including, where appropriate, a revised timescale.
8. If the requisite paperwork is not filed within the prescribed timeline, and no correspondence is received, the case will be referred to the Master for directions.
9. OCP will inform CFO of any change to the Investment Interview date and provide CFO with a copy of the completed First Investment Checklist within two days of receipt.

Responsibilities of CFO

10. CFO will send an email alert to the OCP (ocp@courtsni.gov.uk) within two working days of the date the compensation monies are lodged. **The email must be marked for the attention of the OCP (Patients) Branch and Office Managers and flagged as Urgent.**

11. Upon notification of the date for the Investment Interview, CFO will arrange for representatives from their Office and from the court appointed stockbroker to attend the Investment Interview.

INVESTMENT OF COMPENSATION AWARDS SUMMARY FLOW CHART

ON THE DAY THE ORDER IS CONFIRMED, THE COURT OFFICE WILL NOTIFY OCP BY EMAIL THAT COMPENSATION HAS BEEN AWARDED TO A PATIENT PURSUANT TO PART VIII OF THE MENTAL HEALTH (NI) ORDER 1986



WITHIN 3 WORKING DAYS, OCP WILL SET A TIME / DATE FOR THE INVESTMENT INTERVIEW MEETING. THIS DATE WILL BE **8 WEEKS** FROM THE DATE OF CONFIRMATION OF THE COMPENSATION AWARD



AT THE SAME TIME, OCP WILL ISSUE CONTROLLERSHIP APPLICATION FORMS & INVESTMENT INTERVIEW CHECKLIST TO POTENTIAL APPLICANTS.

APPLICANTS WILL BE REQUIRED TO RETURN COMPLETED FORMS TO OCP AT **LEAST 2 WEEKS IN ADVANCE OF THE DATE SET FOR THE INVESTMENT INTERVIEW.**



INVESTMENT INTERVIEW TO PROCEED IN RCJ

**From Compensation Order to Investment Interview max. 8 weeks*