

<b>REPORT TO:</b>	Executive Board
<b>REPORT NO:</b>	CSCO/13/10
<b>DATE:</b>	15 June 2010
<b>LEAD MEMBER:</b>	Councillor Mrs J M Lowe (Social Care and Health)
<b>LEAD OFFICER:</b>	Chief Social Care Officer
<b>CONTACT OFFICER:</b>	Jim Duffy (Tel: 298016)
<b>SUBJECT:</b>	Introduction of Fees for Provision of Appointeeship Service
<b>WARD:</b>	All

**1. PURPOSE OF THE REPORT**

- 1.1 To seek approval to the introduction of fees for the provision of Appointeeship Services.

**2. EXECUTIVE SUMMARY**

- 2.1 The Appointeeship Service manages the financial affairs of vulnerable clients who:
- i. are incapable of managing their own finances;
  - ii. require an Appointee to manage their benefits;
  - iii. do not have a relative, friend or access to organisations who could help with the management of their finances but who;
  - iv. may have a relative or friend who is willing to become their Appointee but the client is unwilling for them to act on their behalf.
- 2.2 The Service is appointed by the: - Secretary for the Department for Works and Pensions (DWP) and the Court of Protection (CoP). Its role is to:
- (a) receive any benefit, pension, allowance or credit to which the client is entitled to and to spend it in the client's best interests and to keep them safe for them in the interim and;
  - (b) make specific decisions relating to property and financial affairs on behalf of clients who lack capacity.
- 2.3 Clients' monies or benefits are paid into a clients' bank account from which their payments, including cash personal allowances, are made.

- 2.4 The recent growth in the number of eligible clients requiring a Local Authority Appointee has placed an additional service pressure on Adult Social Care. In order to address this pressure it is proposed that a fee is introduced for all clients requiring the service.
- 2.5 Where an office holder in a public authority is appointed to act as a Deputy for the Court of Protection, certain fixed costs can be claimed by the Authority. These relate to annual management fees and specific property management fees. A review of the existing client base has identified a potential additional source of income of £22K.

### **3. RECOMMENDATION**

**That the Executive Board approves the introduction of a £5 weekly fee from 1 July 2010 for providing an Appointee service to eligible Clients of the Department.**

### **REASON FOR RECOMMENDATION**

To ensure that the cost associated with Adult Social Care providing an Appointee Service is partially offset. This would be applied by way of a fair and consistent fee structure to all clients requiring appointee support.

**Andrew Figiel**  
**Chief Social Care Officer**

### **4. BACKGROUND INFORMATION**

- 4.1 The Appointee Service manages the financial affairs of 282 clients (note 4.7) from mental health, learning disability and elderly services provided by Adult Social Care.
- 4.2 The Service assists its clients in the following ways:
- i. It manages their finances
  - ii. It assists in avoiding debt
  - iii. It protects them from financial abuse
  - iv. It assists them in retaining their independence.
- 4.3 Applications are made to the DWP, on behalf of clients who meet the Service's Access Criteria, for benefit payments to be paid to a nominated bank account held by the Corporate Appointee (the Authority).
- 4.4 Under the Mental Capacity Act the CoP has the power to consider applications made by the Authority to appoint it (the Authority) as a Deputy to make ongoing decisions, on behalf of clients who lack capacity. Such applications are submitted in relation to the client's property and financial affairs.
- 4.5 An application seeking a 'Property and Affairs' Order from the CoP may be submitted by the Service in instances where clients lack the capacity to make specific financial decisions themselves. In each case, an assessment by the Service of the client's income, expenditure, capital and assets is carried out.

- 4.6 In general, most Welsh Authorities have adopted a client £3,000 net capital threshold above which an Application to the CoP to become a Deputy will be made.
- 4.7 The levels of work being carried out by those Officers currently in post are forecasted to increase over the next few years. The nature of the work will broaden into greater working with CoP cases and higher Self Directed Support Scheme caseload numbers.
- 4.8 Clients' finances are controlled with the installed National Westminster Bank's financial management system - Clients' Monies Service (CMS). This system enables the Appointee Service to manage clients' finances electronically, within a protected and approved system.
- 4.9 The cost of operating the system is currently £8,000 per annum.
- 4.10 It is expected that as the volume of bank transactions increases commensurate with the increase in numbers of clients' accounts being managed by the Service, the cost of operating the CMS, with the possibility of higher bank charges will increase. The Service is seeking authorisation to introduce a fee of **£5 per week** to partially offset the cost of providing the Service.

## 5. CONSULTATION

- 5.1 Members of the Welsh Association of Public Authority Deputies have previously considered the introduction of a Service fee for delivering an Appointeeship Service but there is no requirement to do so.
- 5.2 The introduction of a fee for the Appointeeship Service may result in objections being raised from clients and their families. It may be argued that the client can least afford to incur any fee taken away from benefit payments. The finances of all clients would be appraised so as to establish levels of disposable income sufficient to apply the fee.
- 5.3 There is evidence that external Appointeeship Service providers charge £14 - £22 per week. A fee of £5 per week (as is being proposed) has been regarded by a local representative of a national charity providing long term support for people with learning disabilities as very reasonable and justified given the nature of the work being undertaken.

## 6. SCRUTINY COMMITTEE COMMENTS

The introduction of fees has not been considered by Scrutiny Committee, but has been discussed previously as part of the Department's savings proposals.

## 7. IMPLICATIONS

- 7.1 **Policy Framework** - Appointeeship is a discretionary Service as there is no duty on the Authority to provide such a service.
- 7.2 **Budget** – The recommendation contained in this report, if approved, will generate £50,000 per year.

- 7.3 **Legal** - Section 93 of the Local Government Act 2003 gives very wide powers to Local Authorities to charge a person for providing a *discretionary* service to him or her. In order to have authorisation required under s93 (1)(a) we can rely on the well-being power under the Local Government Act 2000 Section 2. There are other requirements that need to be met, for example the Authority is not allowed to profit from charging for the service but the charge can include part of the management costs of the service.
- 7.4 **Staffing** - There are no staffing implications.
- 7.5 **Equalities/Diversity** – There are no specific implications other than the fee proposed for Adult Social Care Clients will enable the Department to provide a quality service to assist vulnerable adults to manage their financial affairs.

BACKGROUND PAPERS	LOCATION	WEBSITE INFO.
None	-	-