

Bolton Council

Report to: EXECUTIVE CABINET MEMBER –
ADULT SOCIAL CARE AND HEALTH

Date: 21st January 2019

Report of: B Brown Interim Director of People
Services

Report No: 116

Contact Officer: Lisa Butcher – Head of Finance
People Services

Tele No: 2010

Report Title: Business Improvement Review for the Appointeeship Team

**Confidential /
Non Confidential:**

(**Non-Confidential**) This report does **not** contain information which warrants its consideration in the absence of the press or members of the public

Purpose:

Extend the range of services provided by the Appointeeship team to meet changing demands and a growing client base. To expand the team to be able to meet these demands and workloads. To introduce charges for the Appointeeship service.

Recommendations:

The Executive Cabinet Member is asked to approve the proposals for consultation with trades unions, staff, Elected Members and key service users.

Decision:

Background Doc(s):

(for use on Exec Rep)

Signed:

Leader / Executive Member

Monitoring Officer

Date:

Summary:

(on its own page

This report sets out a revised structure for the Appointeeship team to meet increased demands and expansion of service provision.

Appendix 1 – Current Structure

Appendix 2 – Proposed Structure

Appendix 3 – Equality Impact Assessment

Appendix 4 – Appointeeship – Charging for the Service

with background docs)

1 Context

- 1.1 The Appointeeship Team in its current structure has been in existence since 2017, though the services have been in provision for several years. The team sits within the Finance Income & Assessment Team which itself is part of the wider Finance team within the Department of People Services.
- 1.2 The Appointeeship Team provides a facility for service users who either lack capacity, are at risk of financial abuse or are unable to manage their own financial affairs. In such cases the team would apply to the Department of Work & Pensions, (DWP), on behalf of the Authority, to become the service user's Appointee and to receive benefits on their behalf and manage the financial affairs in their best interests.
- 1.3 Due to a growing number of service users and the need to provide services that are more appropriate to the circumstances of individuals, the team is about to enter a new phase of how service users' affairs are managed. This will include taking on additional responsibilities, extending the range of services offered and the potential to start charging for the services being provided.
- 1.4 With these impending changes, the time is right to review the existing team structure to be able to meet these changes and needs.
- 1.5 The Appointeeship Team currently has 2 posts with 2 FTE.

2 Development of the Service

- 2.1 The work of the team has evolved over the last few years as other service areas have developed. This includes managing applications for service users' benefits, receiving and managing their funds, including payment of bills and setting up regular payments. The team also provides a prepaid card service which allows service users to access their monies for day to day and household expenditure.
- 2.2 The team operates an account management system to manage the finances of the service users and carry out the above tasks.
- 2.3 There has been a steady increase in the number of service users managed by the team. This currently stands at 290 and is spread across various service areas. Numbers are expected to grow further as the team is due to take on an additional 50-60 service users from Community Mental Health and Supported Living. The team also receives around 12 new referrals per month from the Care Management team.
- 2.4 Following recent recommendations from Internal Audit and a review of both service users' profiles and value of funds held and managed, the team has reached a point where it has had to re-assess its service provision. It has been identified that extending its scope to provide services such as Deputyships and Power of Attorney would meet service users' needs in a more appropriate and secure manner.
- 2.5 This together with the growth in client numbers will have a notable impact on the capacity of the existing team to continue providing a reliable and effective service. There will therefore be a requirement to expand resourcing in the team to cope with the additional demands.
- 2.6 There would also be cost implications as there are charges and fees payable, for example to the Courts and Offices of Public Guardianship for arranging Deputyships and Power of Attorneys.
- 2.7 Therefore, this would be an appropriate time to introduce a charging mechanism to help cover such costs as well as the ongoing charges for operating the account management system

and prepaid cards as they would also increase in line with growth in client numbers. This has been outlined in the draft policy as per Appendix 4 below.

- 2.8 The alternative would be to transfer clients to other external providers such as solicitors and specialist companies. However, this would not be considered acting in the service users' best interests as the level of charges levied by such providers can be quite substantial and could erode their capital significantly.
- 2.9 It is important to note that legislation under various Acts (such as the Care Act 2014) allows a Local Authority to recover such costs by being able to charge the service user for setting up such arrangements. Therefore, it would not be deemed inappropriate to introduce charges for the Appointeeship service at this stage.
- 2.10 The team would also have to learn new skills to better support the service users. The work involved with Deputyships and Power of Attorney will require a higher level of support.

3 Finance

- 3.1 A review of the team's budget has been undertaken and Table One below reflects this.

Table One

	Budget 18/19	Proposed Changes	Proposed Budget
Employees	64,900	30,300	95,200
Supplies		22,000	22,000
Central Support	10,200		10,200
Income		-123,916	-123,916
	75,100	-93,616	3,484

- 3.2 The proposal is to provide additional support to the existing team so that the growth in volume and supplementary tasks can be managed in an effective way. An additional Appointeeship Officer at Grade 5 would therefore enable the team to meet these requirements. It is worth noting that with the proposal to introduce charging, funding for this new post would be offset by the income generated as per Table Two:

Table Two

Account Balance	No. Service Users		Projected Income		Total
	Residential	Non-Residential	Residential	Non-Residential	
0 - 1,000	8	22	£0	£0	£0
1,001 - 1,999	14	27	£700	£1,350	£2,050
2,000 - 15,999	31	137	£8,060	£71,240	£79,300
16,000 and over	12	32	£11,609	£30,957	£42,566
Total	65	218	£20,369	£103,547	£123,916

- 3.3 The table is based on current service user numbers and proposed charge rates.

4 HR Implications

- 4.1 The proposal is to establish an additional Grade 5, Appointeeship Officer post which would support the existing officers in coping with the growth in service users and tasks and responsibilities.
- 4.2 The current and proposed future staffing structures are provided in Appendices 1 & 2. Under the terms of these proposals Table A below sets out the detail of the changes proposed to the current structure.

Table A: The following post is a newly created post and will be filled in accordance with HR policies and procedures.

FTE	Existing Job Title	FTE	Proposed Job Title
2	Appointeeship Officer	3	Appointeeship Officer

5 Consultation

- 5.1 There will be a period of consultation where service users, staff, Elected Members and trade unions will be contacted for their views regarding the proposals outlined in this document.
- 5.2 On the 14th November 2018 the proposals were shared at the Policy and Development Group (PDG) and endorsed.

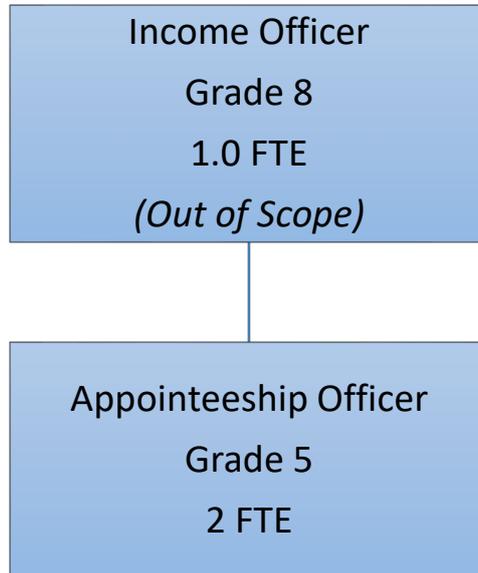
6 Equality Impact Assessment

- 6.1 Under the Equality Act 2010, the Council must have due regard to:
- Eliminating unlawful discrimination, harassment and victimisation and any other conduct prohibited by the Act;
 - Advancing equality of opportunity between people who share a protected characteristic and people who do not share it; and
 - Fostering good relations between people who share a protected characteristic and people who do not share it.
- 6.2 It is therefore important to consider how the proposals contained within this report may positively or negatively affect this work. To support this analysis, an Equality Impact Assessment (EIA) form has been completed for the proposals outlined in this report and is attached at Appendix 3.
- 6.3 The EIA looks at the anticipated (positive and/or negative) impacts of the proposals on people from Bolton's diverse communities, and whether any group (or groups) is likely to be directly or indirectly differentially affected.
- 6.4 At this stage, it is not anticipated that the proposals will have a disproportionate impact on any of Bolton's diversity groups.
- 6.5 The analysis of equality impact will be tested during consultation, and an updated EIA will be included with the report setting out the final proposals.

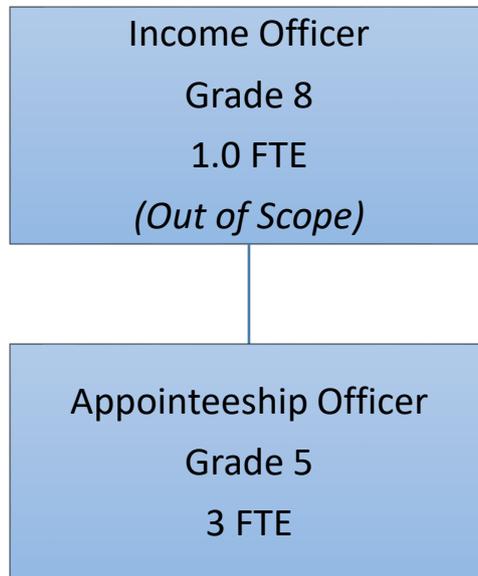
7 Recommendations

- 7.1 The Executive Cabinet Member is asked to approve the proposals for consultation with trades unions, staff, Elected Members and key service users.

Appendix 1: Current Structure



Appendix 2: Proposed Structure



Equality Impact Assessment

Title of report or proposal:
Business Improvement Review for the Appointeeship Team

Department:	People Services
Section:	Policy, Performance and Resources
Date:	14 th January 2018

Public sector bodies need to be able to evidence that they have given due regard to the impact and potential impact on all people with 'protected characteristics' in shaping policy, in delivering services, and in relation to their own employees.

Under the Equality Act 2010, the council has a general duty to have **due regard** to the need to:

1. **eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
2. **advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and
3. **foster good relations** between people who share a protected characteristic and people who do not share it.

By completing the following questions, the three parts of the equality duty will be consciously considered as part of the decision-making process.

Details of the outcome of the Equality Impact Assessment must also be included in the main body of the report.

1. Describe in summary the aims, objectives and purpose of the proposal, including desired outcomes.

The key aim is to extend the range of services provided by the Appointeeship team to meet changing demands and to introduce charging for this service.

The work of the Appointeeship team has evolved over the last few years, the client base has been growing steadily with new service users coming in from different service areas, each with their distinct set of needs and requirements.

This has necessitated a review of the current service provision. The proposal aims to broaden the provision, so they are more appropriate to the circumstances of the individuals. This will include taking on additional duties and responsibilities.

The proposal aims to increase resourcing in the team with the creation of an additional Appointeeship Officer post at Grade 5 to assist the existing team to cope with increased workloads and responsibilities. With the proposed introduction of charging, the projected income generated will more than offset the additional staffing costs. It is not anticipated that there will be any staff in a redundancy situation.

The proposed charging structure has been developed by reviewing other local authority and external providers (including solicitors) charges. The rates proposed are considered lower than other authorities and substantially lower than external providers, they have been structured giving consideration to service user circumstances and the level of disposable income/capital a service user has. These rates are deemed to be affordable and reasonable, whilst allowing the authority to recover some of the costs involved in providing this service. Legislation under various Acts (such as the Care Act 2014) allows a local authority to recover such costs.

If agreed, the proposal will be the subject of a period of formal consultation with service users, staff, Elected Members and trade unions and it is anticipated that final (revised) proposals will be considered in February / March 2019 for immediate implementation.

2. Is this a new policy / function / service or review of existing one?

This is a business improvement review of an existing service.

3. Who are the main stakeholders in relation to the proposal?

The main stakeholders

- Service users who have or will have Bolton Council as their Corporate Appointee.
- Staff within the Appointeeship Team

4. In summary, what are the anticipated (positive or negative) impacts of the proposal?

It is anticipated that the implementation of this proposal will have positive impacts;

- Provide a more effective staffing structure in response to evolving business needs.
- Aim to meet increasing demand, extend the range of services provided and offer appropriate support for service users.
- Charging rates will allow Bolton Council to recover most of the costs incurred in providing this service. This is in accordance with Care Act 2014.

- Charging rates proposed are considered to be affordable.
- Bolton Council Appointeeship Team would act on the service users' best interests and promotes independence with the development of a personalised financial plan.

It is anticipated that the implementation of this proposal will have negative impacts;

- Introduction of charges for the Appointeeship service to service users who may have not had to pay for some of these services previously.

5. What, if any, cumulative impact could the proposal have?

No cumulative impact has been identified at this stage.

6. With regard to the stakeholders identified above and the diversity groups set out below:

Consider:

- How to avoid, reduce or minimise negative impact (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- How to **advance equality of opportunity**. This means considering the need to:
 - Remove or minimise disadvantages suffered by people with protected characteristics due to having that characteristic.
 - Take steps to meet the needs of people with protected characteristics that are different from people who do not have that characteristic
 - Encourage protected groups to participate in public life and in any other activity where participation is disproportionately low
- How to **foster good relations**. This means considering the need to:
 - Tackle prejudice; and
 - promote understanding between people who share a protected characteristic and others.

Impact on Staff

	<p>Is there any potential for (positive or negative) differential impact? Could this lead to adverse impact and if so what? List any adverse impacts identified from data or engagement.</p>	<p>Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason? Please state why</p>	<p>Please detail what actions you will take to remedy any identified adverse impact i.e. actions to eliminate discrimination, advance equality of opportunity and foster good relations</p>
<p>General Comments</p>	<p>It is not envisaged that this proposal will have any adverse impact on staff. The proposal seeks to increase resourcing in the team with the creation of an additional Appointeeship Officer post at Grade 5 to assist the existing team to cope with increased workloads and responsibilities.</p>		

Impact on Service Users

	<p>Is there any potential for (positive or negative) differential impact? Could this lead to adverse impact and if so what? List any adverse impacts identified from data or engagement.</p>	<p>Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason? Please state why</p>	<p>Please detail what actions you will take to remedy any identified adverse impact i.e. actions to eliminate discrimination, advance equality of opportunity and foster good relations</p>
<p>Race (this includes ethnic or national origins, colour or nationality, and caste, and includes refugees and migrants; and gypsies and travellers)</p>	<p>No differential impact is anticipated. The impact would be in relation to the introduction of charges to service users who use the Appointeeship service.</p>	<p>The proposed charging structure has been developed by reviewing other local authority and external providers (including solicitors) charges. The rates proposed are considered lower than other authorities and substantially lower than external providers, they have been structured giving consideration to service user circumstances and the level of disposable income/capital a service user has. These rates are deemed to be affordable and reasonable, whilst allowing the authority to recover some of the costs involved in providing this service. Legislation under various Acts (such as the Care Act 2014) allows a local authority to recover such costs.</p>	<p>At this stage the proposals will be subject to a period of consultation with service users, staff, elected members and trade unions. The analysis of equality impact will be tested during consultation. An updated EIA taking account of any equality feedback received will be included with the report setting out the final proposals.</p>
<p>Religion or belief (this includes any religion with a clear structure and belief system. Belief means any religious or philosophical belief. The Act also covers lack of religion or belief)</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>

	<p>Is there any potential for (positive or negative) differential impact? Could this lead to adverse impact and if so what? List any adverse impacts identified from data or engagement.</p>	<p>Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason? Please state why</p>	<p>Please detail what actions you will take to remedy any identified adverse impact i.e. actions to eliminate discrimination, advance equality of opportunity and foster good relations</p>
<p>Disability (a person is disabled if they have a physical or mental impairment which has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities)</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>
<p>Sex / Gender</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>
<p>Gender reassignment / Gender identity (a person who's deeply felt and individual experience of gender may not correspond to the sex assigned to them at birth, they may or may not propose to, start or complete a process to change their gender. A person does not need to be under medical supervision to be protected)</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>
<p>Age (people of all ages)</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>
<p>Sexual orientation - people who are lesbian, gay and bisexual.</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>

	<p>Is there any potential for (positive or negative) differential impact? Could this lead to adverse impact and if so what? List any adverse impacts identified from data or engagement.</p>	<p>Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group, or for any other reason? Please state why</p>	<p>Please detail what actions you will take to remedy any identified adverse impact i.e. actions to eliminate discrimination, advance equality of opportunity and foster good relations</p>
<p>Marriage and civil partnership (Only in relation to due regard to the need to eliminate discrimination)</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>
<p>Caring status (including pregnancy & maternity)</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>
<p>Socio-economic</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>	<p>As above under 'Race'</p>
<p>Other comments or issues</p>			
<p>Please provide a list of the evidence used to inform this EIA, such as the results of consultation or other engagement, service take-up, service monitoring, surveys, stakeholder comments and complaints where appropriate.</p>			

This EIA form and report has been checked and countersigned by the Departmental Equalities Officer before proceeding to Executive Member(s)

Please confirm the outcome of this EIA:

No major impact identified, therefore no major changes required – proceed	<input type="checkbox"/>
Adjustments to remove barriers / promote equality (mitigate impact) have been identified – proceed	<input checked="" type="checkbox"/>
Positive impact for one or more groups justified on the grounds of promoting equality - proceed	<input type="checkbox"/>
Continue despite having identified potential for adverse impact/missed opportunities for promoting equality – this requires a strong justification	<input type="checkbox"/>
The EIA identifies actual or potential unlawful discrimination - stop and rethink	<input type="checkbox"/>

Report Officer

Name: Javed Allibhaye

Date: 17th December 2018

Departmental Equalities Lead Officer

Name: Jenny Foy

Date: 17th December 2018

Appointeeship Charging Policy

Version: 4.0

Name	Action	Date
Yvonne Kaye-Bedford		14/08/18
Richard Shaw		14/08/18
Sue Van Cuylenburg		14/08/18

Date of Next review: April 2019

Signed off:

Name:

Date:

Glossary

DWP Department for Works and Pension
APAD Association of Public Deputies Authorities

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Introduction

The Appointeeship team has been in existence since February 2017 and has now entered a new phase of how the affairs of a client are managed. This section arranges, manages and completes all new applications and correspondence with the DWP on their behalf. They also ensure the clients are in receipt of the correct benefits. This also involves paying all utility bills, household expenditure, paying care invoices, setting up direct debits, etc.

Benefit Appointee

What is a Benefit Appointee?

1. The Secretary of State for Work and Pensions delegates' authority to each benefits office to appoint a third party (Appointee) to manage the state benefits of an incapacitated adult benefit claimant.
2. Incapacity relates to mental capacity though in exceptional circumstances the Department for Work and Pensions may agree to appoint a third party to support a physically incapacitated adult.
3. The third party is called the Appointee.
4. A public body (such as Bolton Council) can apply to act as a Corporate Appointee for any of its Service Users who have an open care package with Care Management.
5. The responsibility for determining:
 - a) Whether a benefit claimant lacks the capacity to manage their own benefit income
 - b) Who is a suitable person to act on the incapacitated person's behalf rests with a Visiting Officer from the Department for Work and Pensions.
6. Bolton Council can only request/recommend that the DWP consider revoking a current appointeeship which it considers is not operating in the best interests of the Service User.

Who can be an appointee?

7. The DWP has a hierarchy of third parties able to manage benefits on behalf of a Service User:
 - a. top of the list is a Court appointed Deputy,
 - b. an Enduring Power of Attorney or Lasting Power of Attorney,
 - c. a family member,
 - d. Bolton Council, this being the last resort.
8. If Bolton Council has cause to believe that an existing appointee is not administering the Service User's state benefits in their best interests, it may wish to consider what actions to take with regard to requesting the suspension of benefit payments as part of its safeguarding policy and procedures.

Legislation which is relevant to the duties of a Corporate Appointee

The Care Act 2014

Mental Health Act 1983

Mental Capacity Act 2005

General Data Protection Regulations Act 2018

The appointeeship process – Department for Works and Pensions process

9. When the Authority applies to become the Appointee for an individual, it will need to make an application to the DWP using a form commonly referred to as Form BF56.
10. Bolton Council provides the DWP with a copy of the mental capacity assessment to support the need for an appointee. If the application is due to safeguarding issues the application should be accompanied by a request to suspend benefit payments pending consideration of the application for appointeeship.
11. How the form is actioned by the DWP will depend on whether there are existing arrangements in place for supporting the Service User with the management of their benefits.
12. It is important to note that the Authority will only become an Appointee as a last resort where the current Appointee no longer wishes to continue being so or where there is a safeguarding or financial abuse concern.
13. If there is an existing appointee and they are not supportive of Bolton Council's application for appointeeship, it is important to consider what supporting evidence should be sent with the application, for example a letter confirming the outcome from a safeguarding strategy meeting or case conference.
14. When Bolton Council submits its request for the DWP to consider a corporate application for appointeeship, the DWP Payment Team will arrange with the DWP Visiting Team, to visit the service user.
15. During this visit, the DWP Visiting Officer will try to establish:
 - a) the Service User exists and that this is not an attempt to defraud the DWP of benefits
 - b) the Service User needs an appointee ie. the Visiting Officer will determine if the Service User lacks capacity to manage their benefits.

16. The DWP Visiting Officer will also make contact with an existing appointee to establish if they are “willing” to relinquish the appointeeship.
17. The DWP Visiting Officer will check the applicant’s suitability to act as appointee, (but not to ask intrusive questions about how the proposed appointee plans to manage the Service User’s benefits), or if there are any reasons why they should not be appointed, eg. declared bankrupt, refused credit etc.
18. The Visiting Officer will then send a report detailing their recommendation to a “decision maker.”
19. If the decision recommended is to approve corporate appointeeship the decision maker will pass this detail back to the Payment Team to action the changes in method of payment.

Tracking and chasing the application

20. Bolton Council will determine timescales for tracking applications. It is worth noting that as an independent provider is responsible for processing DWP mail, documents can go astray, and it is advisable to check, sooner rather than later, that the application has been received by the appropriate office and that it has been referred to the visiting team.
21. Contact through Egress email should be made to the Customer Relationship Manager at the Department for Works and Pensions regarding any concerns relating to the Council’s applications. In such instances it is important that the Council:
 - a) Puts the DWP on notice that they will be held responsible for any financial losses suffered by the Service User from this point onwards if no action is taken in response to a request to suspend benefits and/or investigate the actions of an appointee.
 - b) Remind DWP that it has a duty of care to the Service User and also that DWP staff have the delegated power to revoke appointeeship – the appointee does not have to agree to relinquish.

Responsibilities of the corporate appointee

22. Bolton Council will operate an individual bank account for receiving benefits when any application to become appointee has been agreed.
23. The following list is not exhaustive or exclusive but the Authority should consider its responsibilities in terms of:
 - a) Notifying the appropriate DWP office about changes affecting Service User – internal systems must support information about Service User being communicated to whoever is responsible for administering the appointeeship so that this can be reported to the DWP where it impacts on benefit entitlement, eg continuing health care determinations.

b) Maximising benefits for the Service User.

24. The Authority must recognise that failure to notify the DWP of changes that affect Service Users' benefit entitlement may lead to:

a) overpayments of benefit for which Bolton Council may then become liable

b) a loss of integrity and confidence in Bolton Council's ability to meet the responsibilities of being a corporate appointee – the DWP could revoke the appointeeship.

What can an appointee do?

25. Bolton Council should not be undertaking the tasks identified in Fact Sheet 1 within the "Don'ts" column. The Service User may be considered to be capacitated to be able to, and encouraged/supported to, do some of these things for themselves – e.g. change utility supplier, redirect mail, close existing bank accounts though this list is not exhaustive.

Ending the appointeeship

26. A public authority may choose to end an appointeeship for a number of reasons.

a) different third party is identified who is suitable, able and willing to apply to become appointee – and thus meet the criteria for being a least restrictive option for supporting the Service User;

b) the Service User moves out of Bolton Council's administrative area and the case is referred for transfer to new public authority;

c) where the Service User develops independence through person centred planning and is able to take back management of their finances, or

d) where Service User regains capacity to manage their own benefit income following a period of rehabilitation (this is especially worth considering when the Service User has previously been dependent on drugs, alcohol or suffered a debilitating illness such as a stroke).

Charging for Appointeeship Service

27. Public authorities proposing to introduce a charge for providing an appointeeship service may want to consider the following:

Legislative Framework

a) As per the Care Act 2014, a local authority can charge for non-residential social services which it provides under various social services statutes.

b) A public authority has a power or discretion to decide to charge service users for the services that it provides under these sections, and usually that will be for services such

as home care or day care at day centres.

- c) However, as the National Assistance Act 1948 uses the more general words 'advice' and 'support', then the receipt by an Appointee of a service user's welfare benefits will be covered by the words 'advice' and 'support'. Therefore, a local authority could charge a service user for acting as their Appointee.

Other stakeholder views

- a) A senior officer from the DWP has also confirmed that there is nothing in their guidance that prevents public authorities charging for corporate appointeeship service. However, they did remind public authorities of the need to be proportionate and reasonable in their charging.
- b) Subsequent to the Association of Public Authorities Deputies AGM, a member of the APAD committee discussed the principal of public authorities charging for providing appointeeship services with a senior policy officer from AgeUK. The outcome of the discussions was that the AgeUK officer tentatively accepted that it would be reasonable for public authorities to charge a "nominal" or "proportionate" amount to provide a service to vulnerable and/or incapacitated service users that allowed them to retain a greater degree of independence whilst being safeguarded against the possibility of self-neglect or exploitation by a third party.

Setting the Charge

- 28. It is for each public authority to determine the charge (charges if setting a minimum/maximum or sliding scale) to be levied.
- 29. However, it is considered that a reasonable charge would be £5 per week when comparisons are made with independent (or charitable) agencies that provide money management type services.
- 30. It is for each public authority to determine whether it should operate an exemptions policy and associated procedure in parallel to the charging scheme in order to address issues of "hardship" or inability to pay the charge.
- 31. It is for each public authority to determine its criteria for offering Service User exemption.
- 32. Consideration might be given to:
 - a) the Service Users residential circumstances, ie. do they live in the community or in residential care,
 - b) the level of disposable income the Service User has,
 - c) the level of disposable capital owned by Service User.
- 33. An example charging framework might include:
- 34. £5 per week flat rate charge to be charged to all appointeeship cases with the following exceptions:

35. Where Bolton Council has been appointed Deputy for Property and Affairs by the Court of Protection and Bolton Council claims deputyship fees as laid down by the Court of Protection and Office of the Public Guardian.
36. Where Service User meets the criteria for exemption from paying the weekly flat rate fee.
37. Where the Service User has capital under £1,000 there will be no fee due.
38. Bolton Council may also wish to consider whether exemption should be withdrawn where Service User has capital in excess of £2,000 from which the flat rate fee could be charged as a one-off payment collected in arrears but charged on a pro rata basis. In the event of the Service User's death or relinquishment of the appointeeship, Bolton Council would be required to refund that part of the fee collected but not due.
39. Where Service User has capital under £2,000 but over £1,000 and no disposable income, a flat fee of £50 will be collected in the first year of the appointeeship operating and subsequent years.
40. If there is a change in the Service User's circumstances, eg. a spouse dies, and they inherit capital or their funding status changes so that their disposable income increases, the Service User's financial situation will be reviewed.
41. For the second year if the Service User's capital remains in excess of £2,000 (after payment of retrospective fees), it is suggested that public authorities could consider starting to charge the agreed weekly fee if it is considered sustainable (ie. To maintain capital at or above £2,000).
42. Where the Service User lives in the community, public authorities are reminded that this proposed fee stands outside of Fairer Contributions.
43. The charges of £5 per week for clients who are in a residential home and £10 per week for clients who are receiving a home care package can be considered a reasonable charge when public authorities consider the costs of providing this service taking into account:
 - The hourly rate of pay (including on costs) for staff administering these cases, mileage costs incurred by staff visiting Service Users or undertaking visits on their behalf,
 - the administration costs associated with writing to banks, the DWP, utility companies etc.,
 - the administrative operations and resulting costs connected with secure money management and banking,
 - auditing costs,
 - reconciliation of Service User's monies to ensure Service User is fully safeguarded and Bolton Council remains transparent in its management of a vulnerable, incapacitated adult's financial affairs.

44. The closure of local bank and PO branches reduces the opportunities for a Service User to remain independent and living in the community whilst staying safeguarded from exploitation. The provision of an appointeeship service overcomes some of these issues for the Service User and promotes independence with the development of a personalised financial plan for them.
45. The closure of local bank and PO branches has impacted on many vulnerable adults, forcing them to pay for taxis etc. to travel to larger branches to be able to access branch counter services.
46. The phased withdrawal of cheques means that more vulnerable people have been forced to pay for postal orders or bankers' draft as the only payment option available for them.

Fact Sheet 1

Charges for April 2019

Non-Residential charges for Appointeeship

Assets	Charge
£0 - £1000	No Charge
£1001 - £1,999	£50 per year
£2,000.00 - £15,999.99	£10 per week
£16,000,00 and above	Apply for Court of Protection Deputyship

Residential charges for Appointeeship

Assets	Charge
£0 - £1000	No Charge
£1001 - £1,999	£50 per year
£2,000.00 - £15,999.99	£5 per week
£16,000,00 and above	Apply for Court of Protection Deputyship

Fact Sheet 2

What can an appointee do?

1. Do's and Don'ts

Do's	Don'ts
Maximising/claiming benefits	Sign placement agreement/contracts or tenancy agreements
Signing benefit claim forms	Administer occupational pensions unless Service User authorises
Collecting and receiving benefit payments	Change utility provider
Reporting changes of circumstance	Terminate tenancies
Payment of client's bills (everyday necessary living expenses) Food, clothes, utilities, essentials	Buy/sell property
Manage money to reflect 5 principles of MCA	Any other formal agreement – eg Sky
Ensure that funds held on behalf of a recently deceased appointeeship client are dealt with appropriately	Sign passports on behalf of client (NB. some senior officers may be able to certify the photograph of the passport applicant)
Establish appropriate budget plan	Instruct solicitor
Monitor and review budget plan (may be quarterly in relation to quarterly bills)	Apply for grant of probate or letters of administration on behalf of the incapacitated person whose benefits you are managing and who may be a beneficiary of an estate
Reconciliation of bank accounts	Book a holiday – could release money to pay for it if client had booked it but the appointee should not sign for the holiday
Maintain existing arrangements for insurance or consider if/how changes can be made (i.e. to purchase cheaper insurance)	Close existing bank account unless Service User authorises with the exception of closing a Post Office account
Advocate in relation to benefit claims	
Challenge care providers if statutory Personal money is not spent	

It is worth remembering however that although Bolton Council should not be undertaking the tasks identified above in the "Don'ts" column, the Service User may be considered to be capacitated to be able to, and encouraged/supported to, do some of these things for themselves – e.g. change utility supplier, redirect mail, close existing bank account.