

Cabinet (Resources) Panel

23 July 2019

Report title	Appointeeship Charging	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Linda Leach Adults	
Key decision	No	
In forward plan	Yes	
Wards affected	All	
Accountable Director	David Watts, Adult Services	
Originating service	Adult Social Care	
Accountable employee	Helen Winfield Tel Email	Head of Community Financial Support 01902 553353 helen.winfield@wolverhampton.gov.uk
Report to be/has been considered by	Adult Leadership Team Strategic Executive Board Adults and Safer City Scrutiny Panel	5 March 2019 19 March 2019 11 June 2019

Recommendations for decision:

The Cabinet (Resources) Panel is recommended to:

1. Approve the implementation of a charge to individuals for whom Adult Social Care is the Corporate Appointee for Department for Work and Pensions (DWP) benefits claiming.
2. Approve the following Appointeeship charge for individuals who have a balance of more than £1,000 in their account following the deduction of their usual monthly expenditure:
 - £5.00 per week for individuals living in the community
 - £3.00 per week for individuals residing in a care home
3. Approve a review of the charge in 12 months after implementation to assess its impact on the level of demand.

Recommendation for noting:

The Cabinet (Resources) Panel is asked to note:

1. To consider the comments of the Adult and Safer City Scrutiny Panel on the proposed changes (Appendix 1 & 2).

1.0 Purpose

- 1.1 To provide information about the proposed implementation of a charge for the Corporate Appointeeship Service delivered by the Customer Finance Team to vulnerable Adult Social Care customers in receipt of Social Security benefits who lack capacity to manage their financial affairs.

2.0 Background

- 2.1 The Council offers an Appointeeship service for individuals who are in receipt of benefits and are unable to manage their own finances and where there is no other person able to offer this support to them. Currently there is no charge made for this service.
- 2.2 An application can be made for the Local Authority to take on the Appointeeship for a person where the need is identified as part of a Care Act 2014 assessment or following a financial safeguarding referral.
- 2.3 There is no statutory requirement to provide a Corporate Appointeeship service but supporting individuals to pay their bills and budget wisely has a positive impact on their wellbeing and therefore helps to fulfil the promotion of the individual wellbeing duty.
- 2.4 The Office of the Public Guardian has a set charging policy for Deputyship but not for Appointeeship services. Deputyship charges which have been authorised by the court can be recovered direct from the income and capital managed on the person's behalf.
- 2.5 Practice Directions under the Court of Protection Rules 2017 state that a local authority can recover up to 3.5% of a person's capital where they are deputy for property and affairs and up to 2.5% where they are deputy for personal welfare, if savings are below £16,000. The fee is capped at £775 for the first year and £650 for subsequent years for customers with savings above £16,000.
- 2.6 There is no policy on charging for Appointeeship services provided by the Department for Work and Pensions, but their guidance requires charges that are applied are to be proportionate and reasonable.
- 2.7 The Council's Appointeeship Service provides administrative support:
 - a. to make benefit claims for individuals and maximise the benefits they are entitled to;
 - b. by providing information to benefits administering authorities that may affect benefit entitlement;
 - c. to deal with correspondence and respond to enquiries from the benefit administering authorities;
 - d. to pay bills and manage other outgoings for individuals for whom we are appointee;
 - e. to budget for any additional expenditure and unforeseen circumstances.

- 2.8 The Council's Appointeeship service currently supports 495 individuals (with a further 13 applications pending); 197 individuals living in the community and 298 in care homes. 27 individuals have £1,000 or less savings and therefore would not be charged under these proposals.

3.0 The Proposal

- 3.1 The Appointeeship service is in high demand and it is important that Council can continue to provide this service for people who need support to manage their financial affairs.
- 3.2 When the Council takes responsibility for supporting an individual with managing their finances the priority is to reach a position of financial stability. Within a short space of time, by budgeting appropriately, those who require the support of the Appointeeship service should be in a position to contribute towards the administrative costs of the service.

- 3.3 It is proposed that Appointeeship charge would be:

- a. **£5.00 per week** for individuals living in the community
- b. **£3.00 per week** for individuals residing in a care home

For those individuals who have a balance of more than £1,000 in their account following the deduction of their usual monthly expenditure.

- 3.4 The proposed charges are lower for a person in a care home as there is less administration involved in managing these accounts.

4.0 Consultation

- 4.1 The proposals outlined in paragraph 3 above have been open to public consultation which closed on 24 March 2019.

- 4.2 The consultation has been publicised on the Council's consultation web pages:
<https://wolverhampton.moderngov.co.uk/mgConsultationDisplay.aspx?ID=142>

- 4.3 In addition:

- a. 57 statutory and voluntary sector stakeholders have been contacted to seek comments on the proposals
- b. The Adult Social Care advocate organisation, POhWER Advocacy has been contacted to seek comments on the proposals
- c. Social Workers and Keyworkers for those individuals who are currently supported with a Corporate Appointeeship have been contacted to seek comments on the proposals.

- 4.4 There have been two comments received in response to the consultation which raised concerns that charging people who need this service would be unfair and may exclude

people from using the service who need it most as they will struggle to meet the charges proposed.

4.5 In response, the proposed charges are believed to be set at an amount which, from our experience in delivery of the service over many years, would be a reasonable charge which could be met by people with more than £1,000 savings. Indeed, most customers' savings are substantially in excess of this amount as a result of the build-up of unused income.

4.6 The proposals were presented to Adults and Safer City Scrutiny Panel meeting on 11.6.19. A summary of the comments received is attached (Appendix 1 & 2).

5.0 Reasons for decision

5.1 The provision of Appointeeship Services are not statutory duties for local authorities, but the Care Act 2014 does state that Local Authorities should provide 'information and advice on the Court of Protection, Power of Attorney and becoming a Deputy'.

5.2 The Care and Support Statutory guidance makes reference to the Local Authority's ability and power to apply to be appointed Deputy for a person who is unable to manage their property and affairs and who has no family involved in their care.

5.3 Corporate Appointeeship is an alternative more proportionate and appropriate form of support under the Care Act 2014 for those individuals who are reliant on Social Security benefits for income and only have savings from any unspent income.

5.4 The provision of the Council's Appointeeship service helps ensure that an increasing number of vulnerable individuals are receiving their correct benefits entitlement and that they have financial stability to maintain their well-being and improve their quality of life.

5.5 A person who is referred, as part of a Care Act needs assessment, to the Appointeeship Service will be a vulnerable person lacking financial capacity who does not have the appropriate support from friends and family. A growing number of individuals have experienced financial abuse and the referral is made as part of safeguarding outcomes.

5.6 When the Appointeeship Service takes over the management of their finances it is often the first time that they have experienced financial stability. Well-managed accounts mean that unused income often builds up. Therefore, when a person dies they leave behind unspent monies which we are required to pass on to the next of kin, the very people who may have failed to provide the much-needed support for the person in their lifetime (or in some cases, the perpetrators of financial abuse).

5.7 The Customer Finance Service that administers the Corporate Appointeeship currently comprises three full time equivalent posts at a cost of £85,400 per year with additional costs for management and supporting services.

5.8 The proposals are aimed at ensuring the delivery of support for individuals in need at a reasonable cost and enabling a sustainable Appointeeship Service which is working towards self-funding.

6.0 Benchmarking

6.1 The following table gives information about the charges for Appointeeship services in other local authorities which was collected by the National Association of Financial Assessment Officers (NAFAO):

Local Authority	Charge – Community	Charge – Residential	Notes
St Helen's	£5.00 per week	£3.00 per week	No charge if savings below £1,000
Knowsley	£20.00 per month	£20.00 per month	Only where clients have a balance of funds in excess of £1,000.
Halton	£10.00 per week	£7.00 per week	In community, if no savings at date of Appointeeship exempt for 3 months to allow time to accrue money. No charge in Residential if capital less than £1,000
Warrington	£10.00 per week	£7.00 per week	
Wigan	£15.00 per week	£15.00 per week	Only exempt if benefits are suspended.
Stockport	£10.30 per week	£5.15 per week	For service users with less than £1,000 the charge is £1.00 per month
Bury	£10.00 per week	£5.00 per week	Community – waived if less than £1,000 capital/savings. Residential – waived if less than £2,000 capital/savings
Oldham	£10.00 per week	£5.00 per week	Administration charge to end Appointeeship of £309.00
Walsall			Previously out-sourced but brought back in-house. No Charge currently – proposals to introduce a charge in 2020 (on a similar basis to the Wolverhampton proposals)
Nottingham	£12.00 per week	£12.00 per week	Where individual has more than £1,000 in savings
Rochdale	£300 per year	£300 per year	
Wokingham	£100 per annum	£100 per annum	Where savings below £3,000. Court of Protection charges where savings above £3,000

- 6.2 Other organisations also provide an Appointeeship service. The following table gives some examples about the charges that are made by such organisations:

Organisation	Charge – Community	Charge – Residential	Notes
Penderels	£800/£1,000/£1,300 per annum	£800/£1,000/£1,300 per annum	Charge based on the number of hours of support delivered
Money Carer Foundation	£65 per month	£35 per month	

7.0 Financial implications

- 7.1 The implementation of an Appointeeship Service charge would provide income to enable the Appointeeship service, at a cost of approximately £90,000, to move towards becoming self-funding.
- 7.2 Based on the current number of individuals who receive a Corporate Appointeeship service, the proposals will mean that the service would be likely to generate income in the region of £90,000 per year:

Corporate Appointeeship	Number of Individuals (excluding those with less than £1,000 savings)	Charge per week	Total income per year £'000
Care Home	298	£3.00	-46
Community	170	£5.00	-44
Total	468		-90
Staffing			85
Service related costs			5
Net Total			0

[MI/21032019/I]

8.0 Legal implications

- 8.1 The proposals are compliant with law and guidance in relation to the Equality Act 2010, the Care Act 2014 and Section 1 of the Local Authorities (Goods and Services) Act 1970. In addition, there has been a properly constituted consultation publicised on the council's consultation website.
[TC/06032019/P]

9.0 Equalities implications

- 9.1 An equalities analysis has been completed. It is recognised that this proposal will impact adversely on vulnerable people on benefits income however, charging for the Appointeeship service will help ensure that it is sustainable for the future and therefore is able to continue to support vulnerable people to establish financial wellbeing. In addition, it will help ensure that individuals are in receipt of their benefit entitlement which will support health and wellbeing.
- 9.2 This proposal does not adversely impact any particular group with a Protected Characteristic.

10.0 Environmental implications

- 10.1 There are no environmental implications arising from this proposal.

11.0 Human resources implications

- 11.1 There are no human resources implications arising from this proposal.

12.0 Corporate landlord implications

- 12.1 There are no landlord implications arising from this proposal.

13.0 Health and Wellbeing Implications

- 12.1 This proposal concerns the Appointeeship Service which plays an important role in helping to ensure the wellbeing of vulnerable people who lack financial capacity and who may be in need of safeguarding.
- 13.1 The introduction of a charge for those with savings of more than £1,000 in savings will be monitored for any adverse impact and it is proposed to conduct a review after 12 months of operation to assess the impact of the charge on the level of demand.

14.0 Schedule of background papers

- 14.1 None