

Adult Social Care Appointee & Deputyship Service

# Support with managing your money



This information is for customers who use Walsall Council adult social care services and are unable to manage their own money and property. This guide will help them understand more about the Appointee and Deputyship services offered by Walsall Council and other support services available.



**Walsall Council**

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## What is the Appointee and Deputyship service?

The Appointee and Deputyship service can help adult social care clients who are unable to manage and make decisions about their own money or property. This is usually because they have a disability or lack mental capacity, which could be due to a number of reasons such as:

- They have dementia
- They have a learning disability
- They have a mental health problem
- They have had a serious brain injury or illness

## So what is the difference between a Deputy and an Appointee?

A Deputy is put in place by the Court of Protection and undertakes the responsibility for the management of all of a person's financial affairs, if they become incapable of doing so themselves. This may include managing savings, pensions and all other sources of income or assets including property and valuables. The exact level of responsibility and authority granted by the Court of Protection varies as it depends on the individual court order granted.

An Appointee has the responsibility to act in the best interest of the individual by managing a person's welfare benefits, in order to ensure that everyday bills are paid and to report any changes in circumstances to the DWP. An Appointee has a much smaller level of legal authority over someone's finances as it is simply restricted to their welfare benefit payments. A Deputy is supervised and regulated by the Office of the Public Guardian (OPG) whilst Appointees are regulated by the Department of Work and Pensions (DWP).

**The Council will only act as an Appointee or a Deputy for you if you have nobody else (friends, family, advocate) who is willing or suitable to do so.**



## What do we mean by “lacks mental capacity”?

Assessing whether a person lacks mental capacity to manage their own finances is a serious matter. A qualified professional will look at the person’s whole situation in detail, and an assessment will be conducted before deciding whether that person lacks mental capacity.

## What is an Appointee?

An Appointee will look after your finances if you are claiming benefits or state pension but are unable to manage your money yourself. The Department of Work and Pensions (DWP) must agree that you need an Appointee, and that the Appointee is suitable.

The Appointee is usually a relative or a trusted friend. There are also organisations that can act as an Appointee, such as non-profit organisations or solicitors.

**If you do not have anyone who is willing or suitable to act as your Appointee, the Council may be able to act as your Appointee. We will only be able to do this if you receive care and support from our adult social care services.**

## What does an Appointee do?

Where it has been agreed that the Council will act as your Appointee, we will:

- Apply for your benefits.
- Complete all DWP forms as required and make sure you continue to receive your benefits or pensions payments.
- Make sure you are getting all the benefits you are entitled to.
- Pay back any benefit or state pension overpayment.
- Tell the DWP or Pension Service about any changes in your circumstances.
- Use your benefits to pay your household bills and any care fees that need to be paid for.
- Make sure that you have enough money to meet your daily needs.

## What can't an Appointee do?

An Appointee cannot:

- Make decisions about savings or investments.
- Make decisions about your living arrangements or social care.
- Sign any legal documents on your behalf (e.g., tenancy agreements).
- Speak to other people or organisations about your money without your written permission.

## Can the Council become my Appointee and help manage my money?

You can be referred to the Council's Appointee service if you:

- use our adult social care services
- are over 18 years old
- are claiming benefits or receiving state pension
- have assets (this includes cash, savings and property) that are **worth less than £5,000**. (If you have assets worth over £5,000, the Council will need to apply to the Court of Protection to become a Deputy – please see the Deputyship service section of this guide for more information).
- are finding it difficult to manage your money on a daily basis, like paying bills on time.
- do not have any family, friends or other organisations who can help you with your finances.

If you meet all the above criteria, your social care practitioner will make arrangements for the Council to apply to the DWP to become your Appointee. The DWP will need to make sure that you are unable to manage your own money. They may ask for medical evidence and may want to visit you to talk about why you need an Appointee.

## **What will happen to my benefits payments?**

A new bank account will be opened for you and all of your benefits and/ or state pension payments will be paid into this account. This bank account will be managed by the Council's Client Welfare Services and neither you nor your friends or relatives will have direct access to this bank account.

## **Is there a fee for the Appointee service?**

There is an administration fee for the Appointee service which will need to be paid when the Council stops being your Appointee. This could either be because you decide that you no longer need an Appointee, or upon your death. There is also an annual fee for the Appointeeship service, which is reviewed every year. The fee is reviewed by the Council every year.

## **What happens if I no longer need an Appointee?**

If you and your social care practitioner decide that you are able to look after your own finances, we will contact DWP and let them know. We will close your Appointee bank account and the DWP will arrange for paying all your benefits into your own personal bank account. You will then be responsible for managing your own money and paying all your bills.

You will be charged an administration fee when the Appointeeship ends.



## Appointeeship Case Study

Below is an example of how Appointeeship can help and support you and your loved ones



### Mary's Story

Mary is an elderly lady who lives on her own in her own home. Her friend and neighbour was concerned that Mary was not feeding herself properly, as she had very little food in the kitchen cupboards and her fridge was empty. They also noticed a pile of unopened bills left on the table.

Mary has no family or close friends and so the concerned neighbour contacted Adult Social Care at Walsall Council. A visit was arranged to find out more about Mary's situation and what the Council could do to support Mary.

It was established that Mary had early signs of dementia and was confused. She agreed to move into temporary residential care for a rest, whilst a support plan was put into place. Mary also agreed for the social care practitioner to request an Appointeeship via Client Welfare Services (CWS). CWS applied to the Department for Works and Pensions (DWP) to become Mary's Appointee. We received all of Mary's benefits and paid her bills and ensured she had enough money for food shopping and her everyday needs. With our continuing support Mary was soon able to return home.

## What is a Deputy?

A Deputy is a person or organisation appointed by the Court of Protection to make decisions for someone who lacks mental capacity. The Court of Protection protects the property and financial affairs of people who lack mental capacity.

A Deputy can be a relative or friend or someone from an organisation such as a local authority or solicitor. The Deputy is responsible for making decisions for someone until the person dies or is able to make decisions on their own again.

There are two types of deputies: those who look after property and financial affairs and those who look after a person's health and welfare.

**This guide only refers to the type of Deputy that looks after property and financial affairs.**



## Can the Council become my Deputy and manage my finances?

The Council can apply to the Court of Protection to become your Deputy if you meet the following criteria:

- You use our social care services.
- You lack mental capacity to make your own decisions about your property and your money (this must be agreed after a Mental Capacity assessment).
- You do not have anyone who has legal authority to make decisions on your behalf.
- You do not have anyone else who is willing or suitable to act as your Deputy.
- You have assets (cash, savings, property or other valuable assets) that are worth more than £5,000.



## What does a Deputy do?

Your Deputy can only make decisions that they are authorised by the Court to make. Their decisions must be in your best interest, and they must apply a high standard of care when making decisions.

The responsibilities of a Deputy include:

- Managing daily finances (including benefits, payment of bills, care fees and personal allowances).
- Managing assets (including investments, bank accounts, pensions and property).
- Making sure that your assets are used in your best interest. For example, if you are in residential care and unlikely to return to your own home, your Deputy will decide if it is in your best interest to sell your home to pay for your care, or to apply for a **Deferred Payment agreement**.
- Keeping a record of any decisions made, how the decision was reached and who was consulted.
- Completing and submitting a report to the Office of the Public Guardian (OPG). This includes details of all money paid into and paid out of your bank account. This is so that the OPG can make sure that your Deputy is acting in your best interest.

**Once your Deputy has been appointed, decisions will be made in consultation with you, your health and social care professionals and family and friends where appropriate. However, the final decision will rest with the Deputy.**

## What can't a Deputy do?

Your Deputy cannot:

- Make a will for you or change your existing will.
- Make large gifts out of your money (although the Deputy can make gifts that you would usually make).
- Hold any money or property in their own name on your behalf.
- Disclose personal information about your finances to family or friends.

## What will happen to my money?

Once we have become your Deputy, we will close all your current accounts. A new bank account will be opened for you, and this will be managed by the Council's Client Welfare Services.

All your income (including benefits, pensions and income from investments) will be paid into this new account. This account will also be used to pay bills, care fees, your personal allowance and any other expenses. You will not have access to this account, but you can ask for additional money if you need it.

If you have a large amount of money in your bank, we will obtain financial advice and make suitable investments or set up a savings account on your behalf.

## What happens if I own property?

If you live in your own home, then the value of your home will not be taken into account when assessing how much you need to **contribute for social care**. In this case, your property will not be sold to pay for your care. As your Deputy, we will make sure that all your household bills are paid and you have enough money to pay for your daily living expenses.

If you are in permanent residential care and no one else is living in your home, we will decide whether it is in your best interest to sell your home to pay for your care and living expenses or to ask the Council for a **deferred payment agreement**.

## Is there a charge for the Deputyship service?

Yes, there are charges associated with the Deputyship service. When an application is made to the Court of Protection, an initial court fee and a Deputy set up fee are payable to the Court of Protection. There is also an annual supervision fee payable to the Office of the Public Guardian.

Walsall Council charges to act as a person's Deputy. These charges are set out by the **Court of Protection**.

All fees for the Deputyship Service are payable from your own funds and we will pay these from your bank account. If you have limited income or assets, you may be entitled to an exemption from paying these fees. We will claim for any exemptions on your behalf.

## What happens when a client dies?

The Council's responsibility as a Deputy and Appointee ends when a client dies. However we will:

- Trace and contact next of kin where possible. Occasionally, we may refer cases to organisations that specialise in estate research.
- Inform all the relevant agencies of the death.
- Advise the next of kin about their responsibility to make funeral arrangements and the procedures for claiming the estate.

## How can I apply for the Appointeeship & Deputyship service?

When you have a care needs assessment, your social care practitioner will discuss with you if the Appointeeship & Deputyship service might be suitable for you.

There is also more information about the Appointeeship & Deputyship service on the Council **website** or you can contact the team directly by email **[clientwelfareservices@walsall.gov.uk](mailto:clientwelfareservices@walsall.gov.uk)** or **01922 655551**.



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