

Report to: **Audit, Best Value and Community Services Scrutiny Committee**

Date: **10 June 2014**

By: **Chief Operating Officer**

Title of report: **New Client Affairs policy**

Purpose of report: **To seek approval from Audit, Best Value and Community Services Scrutiny Committee for the new Client Affairs policy.**

RECOMMENDATION – The Audit, Best Value and Community Services Scrutiny Committee is recommended to endorse the proposed approach for the Client Affairs service and the new Client Affairs policy.

1. Financial Appraisal

1.1 The Client Affairs service was transferred from the Adult Social Care Department (ASC) to Business Services Department (BSD) Finance in February 2013. As part of the transition activity, a service review was initiated. This highlighted the need for a review of investments on behalf of clients and a formal Client Affairs policy document in order to ensure a consistent approach. In addition, the service was benchmarked against South East Seven (SE7) authorities. The research responses indicate that there is varied practice amongst SE7 authorities, with all authorities having different approaches to handling client's monies and some having no formal policy document.

1.2 Local authorities can act in the role of Appointee (by applying to the Department of Work and Pensions) or Deputy (by applying to the Court of Protection) to manage the financial affairs of clients lacking mental capacity who are unable to engage family members or close friends to undertake the role. These are discretionary roles and there is no legal requirement on the County Council to provide the service.

1.3 All clients are deemed to be Appointee cases primarily assuming that their total financial assets do not exceed the £16,000 current threshold for referral. If it is subsequently found that the client has other financial assets, e.g., property and private pension, the Council must apply to the Court of Protection for a Deputy Order in order to be able to legally administer those assets.

1.4 Currently, the Client Affairs Team manage the accounts for 116 Appointees and 320 Deputies (Appendix 1 provides a further breakdown as at 30/04/2014). The total amount held on behalf of clients was £4.5m as at 26/11/2013: £609,000 was held on behalf of Appointee clients, with an average of £6,000 per client, and £3.9m was held on behalf of Deputy clients, with an average of £13,000 per client. Currently, 25 of the 289 active Deputy accounts hold over £25,000.

1.5 The nature of the client's needs means that monies need to be withdrawn regularly, which leads to constant movement in the value of their balances. Appendices 2-4 provide three examples of Deputy clients' balances and their individual circumstances and what may or may not be suitable for investment. The account of client "JT" is the only one of the three which would be viable for potential further investment.

1.6 Since the Client Affairs service transferred over to BSD from ASC as part of the BSD consolidation, activities have been carried out to baseline the service. The service is running at a good level of standard practice and a number of improvement activities have been in progress for some time, such as:

- Online banking, which avoids manual downloading of information.

- The implementation of a financial protection module in Controcc (a social services contract management and financial assessment management suite), allowing improved reconciliation of client balances and bank statements.
- The mapping of processes to document them in a more formal way and identify on-going improvement actions. The drafting of a Client Affairs policy (Appendix 6). Formally, there was no policy, so the new policy seeks to demonstrate that the County Council: has a transparent and consistent approach when managing the affairs of these vulnerable individuals is taking steps to ensure returns that are aligned to benchmarked levels and, as appropriate, is providing an increase in the return for the Deputy accounts with larger amounts.
- Further research responses received so far from 22 authorities (across London and the North) indicate that 12 of the 22 are investing (or have in the past) surplus funds on behalf of the few Deputy clients with larger amounts in their accounts. Of the remaining 10 not investing, three transfer surplus funds to the Court Funds Office. These approaches have been taken into account in the new policy.
- Deputy monies in the client bank account held with the County Council's bank will accrue interest at 0.1%. Where funds are considered to be surplus (over £25,000), and so available for investment, priority will be to ensure that the money invested is low risk, secure and achieves the best possible return, but also that the County Council can get access to it when needed. Therefore, depending on the client's individual needs and circumstances, it is proposed that the surplus will either be transferred to the Court Funds Office, who will deposit it in their "special" fund account on behalf of the client (which accrues interest at a rate of 0.5%), or an improved rate of interest will be sought from eligible financial institutions (which largely comprise banks and building societies).
- As this is a change to previous practice, this work to assess and action opportunities to increase client's returns will result in a funding gap. The current costs and income for the Client Affairs service are detailed in Appendix 5 and include the wind-up income of £12,000, but exclude this new activity. Efforts will be made to reduce this funding gap by improvements in working practices in Client Affairs but it may also necessitate further adjustment of fees charged.
- The surplus level of £25,000 for Deputy accounts has been set initially on the basis that the process to move monies to and from the Court Funds Office is a cumbersome one and also client circumstances may change quickly requiring access to further funding.

2. Supporting Information

2.1 The new policy seeks to demonstrate that the County Council has a transparent and consistent approach when managing the affairs of these individuals. As such, it details fees and charges in appendix 3. Firstly, there are the fixed rates of remuneration that are defined by the Court of Protection. These provide the income that helps fund the Client Affairs staffing for the service. Secondly, there are the annual supervision costs that the Office of the Public Guardian makes. Thirdly, there is a wind up fee which formalises charges for administering closure of an account when a client passes away. It also details the improved approach to managing Deputy accounts with larger amounts.

3. Conclusion and reasons for recommendation

3.1 In conclusion, the Audit, Best Value and Community Services Scrutiny Committee is asked to note the actions taken to demonstrate that the County Council has a transparent and consistent approach when managing the affairs of these vulnerable individuals, and to approve the Client Affairs policy.

KEVIN FOSTER
Chief Operating Officer

Contact Officer: Ann Stagg Tel No. 01273 481987

Numbers and circumstances of clients

Date	Deputyship				Appointeeship				Totals and analysis			
	Living in the community	Living in residential care	Dec'd clients winding up affairs	Clients for whom we act as Deputy	Living in the community	Living in residential care	Dec'd clients winding up affairs	Clients for whom we act as Appointee	Total number of clients	Volume increase/decrease in clients	% increase/decrease in clients	Total number of deceased clients
26/11/2013	60	212	17	289	10	79	23	112	401			401
30/04/2014	70	219	31	320	16	82	18	116	436	35	9	436

Balance in CMS account as at 01/04/2014

2,922.58

ANNUAL INCOME

Detail	Amount	Frequency	Times per year	Annual amount
Interest on CMS account (based on £2.86 rec'd 2013/2014)	0.72	Quarterly	4	2.88
DWP Disability Living Allowance	400.60	4-weekly	13	5,207.80
DWP Incapacity benefit	260.22	Fortnightly	26	6,765.72
DWP Pension credit	261.96	4-weekly	13	3,405.48
DWP Winter fuel payment	200.00	Annual		
				15,381.88

15,381.88

ANNUAL EXPENDITURE

Detail	Amount	Frequency	Times per year	Annually
50plus catalogue	300.00			
British Gas (actual from 2013/14)	430.58	Quarterly	4	1,722.30
BT for telephone (actual from 2013/14)	210.43	Quarterly	4	841.71
Cost of new carpet	160.00	Adhoc	-	160.00
Cost of new glasses	143.00	Adhoc	-	143.00
Curry Hut	196.00			
Electricity - CHQ 1226	120.00			
Electricity	313.72			
Fence - CHQ1252	260.00			
Garden work	150.00			
Gas Cooker	65.00			
Insurance - CHQ1199	211.13			
Catalogue spending (based on expenditure for 2013/14)	500.00			
Cost of new lino	98.00			98.00
Extra personal allowance	470.00			
Personal allowance based on calculation below	171.56	Weekly	52	8,921.09
S B PROPERTY	130.00			
SKY DIGITAL	84.70	Monthly	12	1,016.40
Southern Water (based on expenditure for 2013/14)	202.76	Twice a year	2	405.51
TV Licence	145.50	Annually	1	145.50
Vetinary fees (actual from 2013/14)	455.80	Adhoc	-	455.80
Xmas (actual from 2013/14)	100.00	Annually	1	100.00
Charge from Court of Protection?		Annually	1	
				14,009.31

14,009.31

Available income/Potential shortfall at end of 2014/151,372.57 1,372.57**Surplus available for investment or transfer to Court of Protection**4,295.15**CURRENT INVESTMENTS**

Type	Where?	Value
None	n/a	0.00

Personal allowance calculation	% for price rises	Amount
Actual personal allowance paid during 2013/14		8,110.08
Add contribution towards prices rises	10%	811.01
Total allowed for 2014/15		8,921.09
New monthly amount for planning purposes		171.56

Balance in CMS account as at 01/04/2014

43,685.64

ANNUAL INCOME

Detail	Amount	Frequency	Times per year	Annual amount	
Interest on CMS account (based on rec'd 2013/2014)	33.72	Annually	1	33.72	
Occupational pension	138.82	Monthly	12	1,665.84	
Income from investments (2013/14)	456.64	Annually	1	456.64	
DWP Xmas bonus	10.00	Annual	1	10.00	
				2,166.20	2,166.20

ANNUAL EXPENDITURE (based on last years actuals)

Detail	Amount	Frequency	Times per year	Annually	
Nursing fees	1,702.01	4-weekly	13	22,126.09	
OPG fee	320.00	Annually	1	320.00	
Personal allowance	24.40	Weekly	52	1,200.00	
ESCC charge	780.00	Annually	1	780.00	
				23,646.09	23,646.09

Available income/Potential shortfall at end of 2014/15

-21,479.89 **-21,479.89**

Surplus available for short-term investment or transfer to Court of Protection

22,205.75

CURRENT INVESTMENTS

Type	Where?	Units	Value
Shares	Barclays	8,395.00	5,125.89
Shares	BP	30	?

Balance in CMS account as at 01/04/2014

154,052.49

ANNUAL INCOME

Detail	Amount	Frequency	Times per year	Annual amount
Interest on CMS account (based on rec'd 2013/2014)	219.82	Annually	1	219.82
DWP DLA	212.00	4-weekly	13	2,756.00
DWP SDA	330.00	4-weekly	13	4,290.00
DWP Xmas bonus	10.00	Annual	1	10.00
				7,275.82

7,275.82

ANNUAL EXPENDITURE (based

Detail	Amount	Frequency	Times per year	Annually
Nursing fees	3,741.76	4-weekly	13	48,642.92
OPG fee	320.00	Annually	1	320.00
Personal allowance	23.08	Weekly	52	1,200.00
				50,162.92

50,162.92

Available income/Potential shortfall at end of 2014/15-42,887.10 -42,887.10**Surplus available for short-term investment or transfer to Court of Protection**111,165.39**CURRENT INVESTMENTS**

Type	Where?	Value
None	n/a	0.00

Personal allowance calculation	% for price rises	Amount
Actual personal allowance paid during 2013/14		8,110.08
Add contribution towards prices rises	10%	811.01
Total allowed for 2014/15		8,921.09
New monthly amount for planning purposes		171.56

Expenditure:

Role		Payroll plus On Costs	Overheads	Total
Chief Finance Officer	0.01	1,296.46	144.43	1,440.89
Head of Financial Programmes and Projects	0.03	2,099.53	233.89	2,333.41
Transformation and Governance Manager	0.20	10,973.51	1,222.45	12,195.96
Senior Client Affairs Officer	1.00	35,902.28	3,999.63	39,901.91
Senior Client Affairs Assistant	1.00	24,179.09	2,693.55	26,872.64
Client Affairs Assistant	1.00	21,694.94	2,416.82	24,111.76
Client Affairs Support Assistant	1.00	21,076.74	2,347.95	23,424.69
Add bank charges (based on 12/13)	4.24	102,853.05	11,457.95	130,281.26
				3,000.00
				133,281.26

Less income:

Court of Protection fixed costs for deputy clients only (approx)		93,000.00		
"Wind up" charge of £375 per deceased client (based on 32 dec'd for 12/13)		12,000.00		
Income from Estates of £500.00 and less (based on 1 in 12/13)		303.09		
		105,303.09		105,303.09
Shortfall				27,978.17

NB: This figure excludes any extra resource required to lodge Deputy funds over £25k surplus with the Court Fund Office

Overhead Workings	
BSD Staffing Budgets:	
Salaries	16,012,526
Indirect Employee Costs	268,300
Transport Related Costs	254,900
Supplies and Services	1,260,500
Total Overheads	1,783,700
Overhead Percentage	11.14%



Business Services Department

Client Affairs Policy and Practice Guidance

April 2014

Contents:

Section A – Policy

Section B – Procedure

Section C – Detailed instructions

Section D – Policy compliance and monitoring

SECTION A – POLICY

INTRODUCTION

In the East Sussex County Council plan it identifies one of the four priority outcomes for the council as “keeping vulnerable people safe” Some people may need someone to manage their money on their behalf as they are unable to engage family members or close friends to undertake the role. There also may be examples where the individual is being or is at risk of being financially abused.

Definition of financial abuse¹

Financial or material abuse, including theft, fraud, exploitation, pressure in connection with wills, property or inheritance or financial transactions, or the misuse or misappropriation of property, possessions or benefits

Local authorities may be able to take on these activities in the role of Appointee or Deputy. These will be explained further in the eligibility and Appointee and Deputy sections of this document.

We recognise that anything we do on behalf of an individual must be done in their best interest and needs to:

- Handle people’s finances appropriately, consistently, and confidentially in accordance with legislation, regulations and East Sussex County Council financial policy and procedures.
- Minimise the risk of abuse or criminal activity and
- Ensure transparency in the recording of financial transactions.

ELIGIBILITY CRITERIA

Before East Sussex County Council can assume responsibility for an individual’s financial affairs we must maximise the support (where appropriate) of friends, families, associates and organisations. If this support

¹ Department of Health (2000). No secrets: Guidance on developing and implementing multi-agency policies and procedures to protect vulnerable adults from abuse (LAC (2000)7). London: Department of Health. (See www.dh.gov.uk)

is unavailable, only then will we look at managing someone's financial affairs (subject to the meeting the eligibility criteria) and the most appropriate way of doing so. To be eligible for our support **all** the following criteria need to be met:

- The individual is eligible for a social care service;
- The individual does not already have an appointee or did not appoint a Lasting Power of Attorney (LPA) before becoming unable to manage their finances;
- The individual has no appropriate family, friends, associates or access to organisations who will be able to help them with their finances;
- The individual lacks the mental capacity to manage their financial affairs;

When requesting financial support for a service user people please refer to the "Managing Client Affairs" procedure.

RELEVANT LEGISLATION, FORMS AND RESPONSIBILITIES

The roles of Appointee and Deputy are discretionary roles and there is no legal requirement on the County Council to provide this service. However when these services are provided the following Acts and statutory responsibilities cover the service area are explained further below:

- Mental Capacity Act 2005
- Office of the Public Guardian (OPG) Code of Practice
- Court of Protection - their forms and framework
- Treasury Solicitor (Bona Vacantia division)
- Department of Works and Pensions
- National Assistance Act 1948
- Social Security (claims and payments) Regulations 1987

The Mental Capacity Act 2005 empowers and protects people who lack capacity to make certain decisions for themselves because of illness, a learning disability, or mental health problems.

For Deputies it governs:

- What you should take into account when you make decisions on behalf of someone
- Who you may need to consult when you are making decisions on behalf of someone
- What protection is in place for those people for whom decisions are being made

The Mental Capacity Act 2005 was fully implemented in October 2007 and is premised on the following 5 key principles:

Section 1(2) states that a person must be **assumed to have capacity** unless it is established that he/she lacks capacity.

Section 1(3) states that a person is not to be treated as unable to make a decision unless **all practicable steps to help him or her** do so have been taken without success.

Section 1(4) states that a person is not to be treated as unable to make a decision merely because he or she makes an **unwise decision**.

Section 1(5) states that any act done or decision made on or on behalf of a person who lacks capacity must be done, or made, in his or her **best interests**.

Section 1(6) states that before any act is done or decision made, regard must be given as to whether the purpose for which it is needed can be as effectively achieved in a way that is **less restrictive** of the person's rights and freedom of action.

All officers of the County Council have a statutory duty to adhere to the Mental Capacity Act 2005 and its Code of Practice.

All financial decisions made on behalf of the client must be made in the best interests of the client and where possible involve the client.

The Office of the Public Guardian (OPG) is an agency with responsibilities that extend across England and Wales (separate arrangements exist for Scotland and for Northern Ireland). It supports the Public Guardian in the registration of Enduring Powers of Attorney (EPA) and Lasting Powers of Attorney (LPA), and the supervision of deputies appointed by the Court of Protection.

The Court of Protection is a specialist court for all issues relating to people who lack capacity to make their own financial decisions. The Court makes decisions and appoints deputies to make decisions in the best interests of those who lack capacity.

The Treasury Solicitor is a non-ministerial government department providing legal services to the majority of central government departments, representing government departments and other publicly funded bodies in England and Wales.

Should an individual have capital and/or private income in addition to state benefits the County Council must apply for both Appointeeship and Deputyship.

CLIENT AFFAIRS TEAM

The Client Financial Affairs team (part of the Business Services Strategic Finance Team) administer and manage service user's financial affairs on behalf of the service. They are able to provide the necessary guidance to determine if we are able to assume responsibility for a person's financial affairs and the most appropriate way of doing so.

On-line banking facilities are used to manage individual bank accounts for clients and a financial protection system module holds the client records. We use SAP, our County Council's finance system to hold details of outstanding client contributions. Any charges applied to the client's account are detailed in appendix 3.

In what way can we act upon a service user's behalf?

We can act in the role of Appointee (by applying to the Department of Work and Pensions (DWP) or Deputy (by applying to the Court of Protection (COP))

APPOINTEESHIP

All clients are deemed to be Appointee cases primarily assuming that their total financial assets do not exceed £16,000 (the current threshold for referral). If it is subsequently found that the client has other financial assets e.g. property, private pension then the Council must apply to the Court of Protection for a Deputy Order to enable it to legally administer those assets.

An Appointee is someone authorised by the Department for Work & Pensions (DWP) to claim, collect and use benefits on behalf of a service user who lacks the mental capacity to manage their own affairs or is at risk of/subject to financial abuse. An appointee is not appropriate if a service user is simply unable to get to the bank, building society or post office. Nor is it appropriate if a service user simply no longer wishes to manage their own affairs. Appointeeship is also not a debt management service for service users.

An Appointee will:

- Claim benefits and sign forms for the individual;
- Collect and receive benefits, state pensions and payments;
- Make appropriate payments on behalf of the individual;
- Ensure the individual, if in residential care, receives their personal allowance; and
- Report any changes in circumstances to the DWP.

An Appointee cannot:

- Receive any other types of income (than listed above);
- Deal with any capital;
- Deal with any debt; or
- Deal with debt companies/agencies.

CORPORATE DEPUTYSHIP

Where a person has other assets (of a value of less than £16,000) or has income other than payments received from the DWP **and lacks capacity** then

applying for Deputyship may be the most appropriate course of action. A Deputy is a person who is appointed by the Court of Protection (CoP) to make decisions about the property and affairs and/or health and welfare of someone who lacks mental capacity to make those decisions.

A Deputy's powers are determined by the CoP, who will empower the Deputy by way of a Court Order. A Deputy is obliged to act in accordance with the Court Order and the MCA Code of Practice, and can only make decisions that the person they are appointed for, is unable to do.

Upon a successful application for Deputyship the Court will make an Order which sets out the powers of the Deputy. In the case of a property and affairs Deputy this may include receiving benefits, pensions, interest or dividends and assets such as property and/or capital such as money held in banks or other financial institutions as well as spending money on their behalf.

There are a range of fees to be paid separately to the Court of Protection and Office of the Public Guardian (OPG) for the process of application, appointment and regular supervision of the Deputy. All the Deputyship fees are payable from the individuals estate/funds.

Following a successful application the Office of Public Guardian will determine the level of supervision to be applied to the case. There are four types of supervision:

- Type 1 - close supervision and assessed as needing extra support from OPG
- Type 2A - intermediate supervision
- Type 2 - low level supervision
- Type 3 - minimal supervision, client with assets less than £19,500

The majority of the County Council clients are assessed as type 2 or type 3 supervision. Supervision is not based on the financial assets of a client.

Section 19(6) of the Mental capacity Act 2005 states that a Deputy is to be treated as 'the agent' of the person who lacks capacity. Being an agent means that the Deputy has legal duties to the person they are representing.

It also means that when they carry out tasks within their powers, they are not personally liable to third parties. For example if the Deputy enters into a transaction with a third party on behalf of the client say hiring a workman to repair the client's house, the Deputy will not be personally liable for the payment. It is considered that the contract is between the client and the third party and the client is liable for the payment.

When entering into a written contract the County Council will state that the contract is between the client acting with the County Council acting as Deputy, and the third party. Agreements should be signed:

"This agreement is between (client's name) acting by (Deputy name) and (third party)

Deputies are required to carry out their duties carefully and responsibly and must:

- Act with due care and skill (duty of care)
- Not take advantage of their situation (fiduciary duty)
- Indemnify the person against liability to third parties caused by the deputy's negligence
- Not delegate duties unless authorised to do so
- Act in good faith
- Respect the person's confidentiality, and
- Comply with the directions of the Court of Protection.

Property and affairs Deputies also have a duty to:

- Keep accounts
- Keep the person's money and property separate from their own finances

The Deputy must always act in the best interests of the client and within the terms of the court order. Should the Deputy need to make a decision not covered by the court order you must make an application to the Court of Protection (the Court) and a fee is payable.

The Deputy must manage the client's money and assets in manner that is in their best interest not just paying regular bills. Consideration must be given to activities or items that will improve or enhance the client's quality of life.

The roles and responsibilities of the Deputy are detailed in the Service Standard BSDCA-104-S01.

A Deputy should inform the OPG of any changes of contact details or circumstances (for the deputy or the person they are acting for). This will help make sure that the OPG has up-to-date records. It will also allow the court to discharge people who are no longer eligible to act as deputies.

SECTION B - MANAGING CLIENT AFFAIRS PROCEDURE

INTRODUCTION

In the East Sussex County Council plan it identifies one of the four priority outcomes for the council as “keeping vulnerable people safe” Some people may need someone to manage their money on their behalf as they are unable to engage family members or close friends to undertake the role. There also may be examples where the individual is being or is at risk of being financially abused.

Local authorities may be able to take on these activities in the role of Appointee or Deputy. We recognise that anything we do on behalf of an individual must be done in their best interest and needs to:

- Handle people’s finances appropriately, consistently, and confidentially in accordance with legislation, regulations and East Sussex County Council financial policy and procedures.
- Minimise the risk of abuse or criminal activity and
- Ensure transparency in the recording of financial transactions.

Procedures alone will not ensure that people’s finances are within their control or managed with their best interests in mind. Any form of mismanagement, neglect or abuse is the result of human interactions and so cannot be completely eliminated. But good financial management and procedures to safeguard adults help to minimise the risk of abuse and increase the likelihood of abuse being detected.

Our procedures and service standards will:

- Set standards to provide clear guidance to County Council officers as to the most efficient, robust and cost effective way of administering the financial affairs of these vulnerable service users.
- Set standards that all officers of the County Council who have a responsibility for administering the financial affairs of vulnerable clients are required to adhere to.
- Determine when and how East Sussex County Council should administer the financial transactions of its vulnerable clients for whom it acts as an Appointee or Deputy.

PROCEDURE

1. Referral of clients

- 1.1 Only service users in receipt of a care service who have less than £16,000 capital at time of referral and are deemed to lack the mental capacity to look after their own financial affairs and who have no suitable “relative/close friend” able to act on their behalf will be considered for Appointee services.
- 1.2 Appointee services are considered as a last resort for service users. The Appointee service enables the County Council to collect and administer a client’s social security benefits however it does not permit access to their bank or building society accounts or any other financial investments.
- 1.3 Each case must be assessed on its own merits and tested against the 5 key principles of the Mental Capacity Act 2005.
- 1.4 Some clients may only need initial assistance for example in opening a bank account, or with completing standing orders forms/direct debit mandates for regular outgoings and general financial support. These clients would be capable of managing their finances on an on-going basis. Such support should be arranged by contacting Social Care Direct.
- 1.5 All referrals are proposed by a Care Manager or Social Worker to the Client Affairs team with the following information being provided:
 - Form SS0003 signed by the Care Manager or Social Worker
 - FACE Mental Capacity assessment
 - Appointeeship checklist for clients living in the community
 - Letter of relinquishment from and details of the previous Appointee
 - Copies of DWP award letters and bank statements
- 1.6 All incomplete forms and information are returned to the relevant Care Manager or Social Worker by the Senior Client Affairs Officer however this will cause a delay to the referral process.
- 1.7 Where a case meets all essential criteria and all paperwork is in order the Senior Client Affairs Officer will inform the relevant Care Manager or Social Worker and the team will proceed with the Appointee application to the Department of Works and Pensions.
- 1.8 Requests are refused when the specified criteria is not met. In these cases the Senior Client Affairs Officer will advise the Care Manager or Social Worker of the reasons for the refusal. In these cases the client would have to employ the services of a solicitor and meet any charges from their own funds.

2. Applying for Appointeeship

- 2.1 Upon receipt of a valid referral form the Client Affairs team will apply to the Department of Works and Pensions within 5 working days in accordance with the Service Standard BSDCA-101-S01.
- 2.2 If it is known that the client has private income, bank accounts or owns a property then Deputyship will be applied for at the same time.

3. Applying for Deputyship

- 3.1 If it is known that the client has private income, bank accounts or owns a property then Deputyship will be applied for at the same time as Appointeeship. Applying for Deputyship does not relinquish Appointeeship status. Should a private Deputy be awarded in the future then they would assume the role of Appointee.
- 3.2 In order to establish Deputyship a series of documents need to be completed and sent to the Court of Protection. All documents must be signed by the Deputy.
- 3.3 Timelines for Court of Protection paperwork must be adhered to in accordance with the Service Standard BSDCA-103-S01.
- 3.4 A court order will be issued by the Court of Protection. At such time the Client Affairs team will let relevant organisations with whom the client has, or may have an interest know that the County Council is acting in the capacity of Deputy. This is known as “registering” the Deputyship.
- 3.5 A client may accrue income after the Council has been acting in an Appointee capacity for some time. This can occur when the client has not fully utilised his/her personal allowance.
- 3.6 Once a client’s accumulated financial assets reach £8,000 above what is needed to support the client’s needs for a 12 month period the County Council will apply to become their Deputy. In such circumstances the County Council may transfer surplus funds to the Court Funds office where the rate of interest will increase from 0.1% to 0.5%.

4. New clients receiving County Council services

- 4.1 Once the Client Affairs team have applied for Appointeeship and/or Deputyship a notification email with relevant details must be sent to the ASC Financial Assessment team and the BSD Income Recovery team.
- 4.2 As a first step the Client will be charged at their current rate. In cases where there is no financial assessment no charge is made until such time as the County Council is awarded Appointeeship and the team

can provide the financial assessment team with the client's financial information.

- 4.3 The team will arrange for a referral for a financial assessment with an ASC Visiting Officer as soon as possible. The ASC Financial Assessment team will inform the Client Affairs team of the initial assessment electronically within X working days of request.
- 4.4 The client will be charged at the new assessed rate until such time as further financial information is available and once the County Council is appointed Deputy.
- 4.5 The BSD Income Recovery team will arrange for all outstanding invoices to be blocked pending payment once Appointeeship and/or Deputyship are granted.
- 4.6 In cases where financial support for the client is required, until such time as funds become available to the County Council the Client Affairs team will prepare a Temporary Financial Assistance Request form (still to be developed). This will be submitted for approval in accordance with the financial limits and approvals levels detailed in Appendix 2. See Service Standard BSDCA-107-S01.
- 4.7 The Corporate Appointee will approve the financial support form and the Senior Client Affairs Officer will implement the specified financial support arrangements.

5. Client bank accounts

- 5.1 Each client will be allocated their own bank account with National Westminster PLC using the Client Monies Service (CMS) banking facility.
- 5.2 Interest is currently accrued at a rate of 0.1% for all client accounts. This rate will be reviewed when the current banking contract is renewed in 2014/15.
- 5.3 Clients living in the community have their own bank cards enabling them to draw their weekly personal allowance and/or meet other small expenses.

6. Client fees and charges

- 6.1 No on-going charges are levied for clients for whom the County Council acts as Appointee only.
- 6.2 Once the County Council becomes Deputy for the client charges are levied in accordance with the fixed rates of remuneration and the supervision fees as determined by the Court of Protection (COP).

- 6.3 The fixed remuneration charges are actioned on at least a quarterly basis and the relevant monies paid over to the County Council from the client's individual CMS bank account. The supervision fees are levied on an annual basis. For details of the fixed remuneration charges and supervision fees see Appendix 3. For details of calculating and paying over the fixed rate remuneration charges and the "wind up" fee refer to Service Standard BSDCA-117-S01.
- 6.4 A "wind up" fee is charged for all clients upon death. The work included in this charge is detailed in section B 32.
- 6.5 The "wind up" fee is agreed annually by submitting a report for approval by Cabinet.

7. Investments

- 7.1 Upon award of Deputyship the Client Affairs team will review the clients' investments.
- 7.2 All individual CMS (Client Monies Service) client bank accounts held with the County Council's bankers will accrue interest at a rate of 0.1%.
- 7.3 In all cases an investment statement will be produced by the Client Affairs team which must be agreed by either the Senior Client Affairs Officer or the Transformation and Governance Manager in accordance with the financial limits and approvals levels detailed in Appendix 2.
- 7.4 The investment statement will be compiled once all the information is received from relevant financial agencies. This process would normally be completed within 3 months of the Deputy order being awarded.
- 7.5 The investment statement will also detail the available surplus for potential investment on behalf of the client taking into account the clients planned budget for the coming 12 month period.
- 7.6 If it is prudent and considered to be in the best interests of the client to continue with their original investment(s) then no action will be taken with these except to keep all relevant documentation e.g. shares or bonds securely.
- 7.7 Only surplus funds of £25,000.00 and above will be transferred to the Court Funds Office. The surplus figure will be reviewed at least annually.
- 7.8 The transfer process to the Court Funds Office, and subsequent process to take monies back should the client's circumstances change, is a cumbersome paper exercise and therefore the surplus limit must take this into account.

7.9 Where funds are considered to be surplus and so available for investment, priority is to ensure that the money invested is secure, achieves the best possible return (yield) but also that we can get access to it when we need it.

7.10 Therefore depending on the client's individual needs and circumstances it will either be transferred to Court Funds Office who will deposit them in their "special" fund account on behalf of the client which accrues interest at a rate of 0.5% or an improved rate of interest will be sought while emphasis will continue to be -

- on security, i.e., protection of the capital sum invested up to a period of 12 months ;
- to secure an average investment income at a rate higher than 0.5% (i.e., within a range of 0.90% and 1.50%) on client balances, e.g.,

Financial Institution	Account Type	Notice	Limits	Rate – April 2014
NatWest	Cash ISA	Instant	£25k – no limit	1.50%
NatWest	Cash ISA	Instant	£1 to £25k	1.00%
Barclays	Cash ISA	Instant	£30k no limit	1.49%
Barclays	E-Saving Reward	Instant	£1 to £2m	1.00%
Halifax	Account	Instant	None	0.90%
Post Office	Cash ISA	Two withdrawals a year	£100 to no limit	1.40%

- Using only highly-rated financial institutions that are eligible for the Government's Credit Guarantee Scheme, i.e., banks that will continue to remain in Government ownership for some time to come. This will give the Council enough comfort to lengthen the maximum investment duration with each financial institution to a duration of 12 months.

7.11 These financial institutions will be monitored to ensure that their financial strength has been maintained and in compliance with the Financial Services Compensation Scheme deposit limits, i.e., that deposits made by private individuals to any authorised firms are protected by the FSCS, up to deposit compensation limit is £85,000 in the event of a default.

- 7.12 Improved rates of interest will be sought for clients from building societies and banks in an investment review exercise to be undertaken this financial year.
- 7.13 All investment decisions will be undertaken in accordance with the County Councils Treasury Management Strategy. A prudent approach on investment strategy is taken and there is an agreed list of approved organisations used for investment of short term surpluses. This list is regularly reviewed to ensure that the Council is able to invest at the best available rates consistent with low risk; the organisations are regularly monitored to ensure that their financial strength and low risk has been maintained. The 2014/15 strategy continues the prudent approach and ensures that all investments were only to the highest quality rated banks and only up to a period of two years.

8. Protection of property

- 8.1 Should a client have a property at the time of referral it is important that the asset is secured in accordance with the National Assistance Act 1948 and is kept in a reasonable state of repair.
- 8.2 The Client Affairs team will liaise with the Protection of Property team within ASC and instruct them to ensure that the property is secure and safe.
- 8.3 The Protection of Property team will invoice the client for reasonable expenses in accordance with the Protection of Property operating instructions once the protection duties cease. This is usually upon sale of the property.
- 8.4 Upon receipt of an invoice from the Protection of Property team the Client Affairs team will arrange for payment to be made within 21 working days from the client's funds.
- 8.5 For more details regarding the role of the Deputy with regard to the protection of property refer to Service Standard BSDCA-109-S01.

9. Sale of property

- 9.1 In cases where a client has a property the team will apply to become Appointee and Deputy at the same time. It is only once the County Council becomes Deputy that the property can be sold and at that point the team will ensure:
- the client is the sole owner
 - the client is not likely to return home (this will be subject to a best interests decision)
 - the sale is discussed with relevant parties before proceeding e.g. family members.

- 9.2 Upon satisfying the above criteria the Client Affairs team will seek a valuation from three independent estate agents.
- 9.3 The Senior Client Affairs Officer will liaise directly with the nominated estate agent as agreed with the Deputy and act as first point of contact. The Deputy will agree the selling price of the property, consider the merits of all offers and agree the final sale price.
- 9.4 Should the client have other substantial assets it may be possible to avoid selling the client's home, or the Court may give authority to let the property. In these cases the Client Affairs team will seek tenders from responsible local agents to ensure best value.
- 9.5 Proceeds from the sale after payment of outstanding invoices should be lodged at Court Funds Office or in a higher interest account upon completion and after payment of all relevant fees.
- 9.6 For more details regarding the role of the Deputy with regard to the sale of a property refer to Service Standard BSDCA-110-S0.

10. Financial planning and budgeting

- 10.1 A financial plan will be completed upon acceptance of a client and where possible ensure that the client is involved in the process with regard to their requirement for their personal expenditure on a weekly basis. The plan includes:
- weekly income
 - estimation of money spent on food and drink
 - socialising
 - entertainment
 - toiletries
 - utilities
 - rent/mortgage
 - saving for planned expenditure i.e. holidays
 - financial liabilities
- 10.2 All plans will be approved by the Senior Client Affairs Officer in accordance with the agreed financial limits and approvals detailed in Appendix 2. These plans will be reviewed annually to reflect changes see section B 16.

11. Conflict of interest

- 11.1 The Deputy may make decisions in circumstances where there is a personal conflict of interest between the client and the Deputy. In these circumstances the Client Affairs team will record details of how the decision was made in the best interests of the client.
- 11.2 All best interest decisions will be recorded and approved by either the Senior Client Affairs Officers or the Transformation and Governance

Manager in accordance with the agreed financial limits and approvals detailed in Appendix 2.

12. Gifts on behalf of the client

- 12.1 The Deputy order will detail whether the Deputy has the authority to make gifts on behalf of the client.
- 12.2 The Deputy must consider the following:
- Does the order grant the authority to make the gifts? If it does is there a yearly amount that can be gifted?
 - Is it reasonable in terms of the proposed amount/recipient? For example is it similar to the value of gifts the client had previously made? Is it proportionate to the size of the client's estate?
 - Is it something that the client is likely to have wanted to do if they still had capacity?
- 12.3 For those clients where the County Council acts as Corporate Appointee the Department of Works and Pensions states the benefit must be used in the client's best interests.
- 12.4 All gifting decisions will be recorded and approved by either the Senior Client Affairs Officers or the Transformation and Governance Manager in accordance with the financial limits and approvals detailed in Appendix 2. Service Standard BSDCA-106-S01 covers this area of the service.
- 12.5 Under no circumstances should a gift be made to a County Council employee.

13. Annual Review of clients

- 13.1 With the implementation of the Mental Capacity Act 2005 the Court of Protection expects Deputies to have regular contact with clients. This contact includes having to consult with clients over major decisions taken by the Deputy. The County Council therefore will review every Deputyship client at least once annually.
- 13.2 A review of a client's finances and investments will be undertaken each year in accordance with the Service Standard BSDCA-108-S01.
- 13.3 The annual review will include an assessment of the client's needs to improve and/or enhance their life and will be carried out in one or a combination of the following ways:
- Personal visit to the client
 - Telephone call to the manager of the residential care home
 - Included with the annual review undertaken by Care Management

- 13.4 All contact with the client will be recorded in accordance with the Service Standard BSDCA-108-S01.
- 13.5 Changes in a client's financial or personal circumstances during the year must be recorded and documented.

14. Outstanding debts

- 14.1 Debts will accrue whilst Appointeeship is sought from the Department of Works and Pensions.
- 14.2 Accrued debts should be repaid in the following order of priority:
- Repay care homes for the "subbing" of personal allowance money
 - Repay East Sussex County Council for client contributions
 - Repay unsecured creditors in date order
- 14.3 Where the client has insufficient funds to meet their outstanding debts the Client Affairs team will write to all creditors notifying them that the client lacks the mental capacity to deal with their own financial affairs and confirming their inability to repay their debt.
- 14.4 In all cases a financial statement will be produced by the Client Affairs team with a financial plan to clear debt. This must be agreed by either the Senior Client Affairs Officer or the Transformation and Governance Manager in accordance with the financial limit levels detailed in Appendix 2.

15. Paying County Council client contributions invoices

- 15.1 The Client Affairs team will arrange for payment on behalf of clients from individual CMS bank accounts for services provided by the County Council. These will be paid within 21 days of receipt of invoice. Where possible payments should be made by direct debit.
- 15.2 The Client Affairs team will work with the Income Recovery team to agree the approach in cases where accounts are in arrears.
- 15.3 The Corporate Appointee and Deputy will be the final arbitrator in cases of conflict of interest.

16. Paying invoices

- 16.1 Each invoice received on behalf of a client must be stamped with the current date upon receipt and be paid within 21 working days of receipt. All invoices will be checked to ensure:
- it is properly headed with a business name, address, telephone number and VAT registration details

- the invoice is dated.
 - it relates to the relevant client
 - the goods or services have been received in full
 - provides details on how to pay
 - it is arithmetically correct
 - it is not a duplicate payment
- 16.2 In all cases the team will ensure that the client's bank account has sufficient funds to pay the invoice.
- 16.3 In cases where the client does not have sufficient funds to pay the invoice the team must immediately contact the invoice originator.
- 16.4 All queries with regard to the validity of the invoice should be referred to the Senior Client Affairs Officer for further guidance.
- 16.5 For more details regarding the payment of invoices refer to Service Standard BSDCA-111-S0.

17. Notional capital/income

- 17.1 In some cases the client financial assessment is based on notional capital/income which has been either gifted or taken by a family member or close friend. **Note: Need to consider is existing process of taking into accounts notional income is appropriate. Can this be disregarded until such time as the County Council has all client financial and investment information?**

18. State benefits

- 18.1 The Client Affairs team will work with the ASC Finance and Benefit team to endeavour to claim all benefits for which the client is entitled.
- 18.2 Details of major changes to a client's financial circumstances e.g. the sale of a property, which increases their savings, or the admission to residential care must be provided to the Department of Work and Pensions immediately.
- 18.3 All benefits should be requested to be paid directly to the client monies bank account every 4 weeks and recorded in Controcc separately against the client's record. Service Standard BSDCA-103-S01 covers this area of the service.

19. Income tax

- 19.1 The Deputy will ensure that where relevant a tax return is completed annually for the client. Should income tax be due it will be deducted from the client's income.

- 19.2 The Deputy will take professional tax advice relating to the completion of the return should he/she not have sufficient knowledge.

20. Lodgements with the Court of Protection

- 20.1 The Deputy must make all decisions regarding investments and lodging monies with the Court Funds Office.
- 20.2 Once a client's accumulated financial assets reach £25,000 above what is needed to support the client's needs for a 12 month period the County Council will lodge the surplus with the Court Funds Office. In such circumstances the client interest on savings will increase from 0.1% to 0.5%.
- 20.3 The limit for surplus monies to be held by the County Council in the individual clients CMS bank account is £25,000. Once this surplus limit is reached the monies will be invested with the Court Fund Office.
- 20.4 The surplus will be calculated ensuring that the client has sufficient monies to support their needs for a 12 month period as per their annual budget plan.
- 20.5 For more details regarding the lodgement with the Court of Protection refer to Service Standard BSDCA-112-S01.

21. Client Wills

- 21.1 Should the team discover that the client has made a Will or an addition to the Will (called a codicil) before becoming involved with the client the Court of Protection should be notified immediately.
- 21.2 All client Wills should be kept securely see section B27.
- 21.3 Completion of a last Will and testament with the client or on behalf of the client will be encouraged by the team at the annual review. For information with regard to this and for further information where the client is unable make such a decision refer to Service Standard BSDCA-113-S01.

22. Personal allowance

- 22.1 All clients are entitled to a weekly personal allowance to spend on whatever they wish. In cases where a client is not spending his/her personal allowance and cannot make a choice, the team will refer to the Senior Client Affairs Officer for advice and guidance.
- 22.2 Clients should be encouraged to manage their own weekly personal allowance. In cases where a client does not have the capacity to decide how to spend their monies the team will ensure the client receives best value and is protected from financial abuse.

- 22.3 In no circumstances will monies for the client be advanced to a Provider for the weekly personal allowance. This is in accordance with County Council Financial Regulations and is considered best practice.
- 22.4 Providers must keep accurate records of income and expenditure incurred on behalf of the client and provides a monthly invoice together with supporting documentation. The team will check the supporting evidence for individual items above a value of £10.00.
- 22.5 In all cases where the Provider incurs expenses on behalf of the client the following is required before reimbursement:
- official invoice
 - supporting documentation e.g. receipts
- 22.6 All payments will be processed in accordance with the Service Standard BSDCA-111-S01.
- 22.7 For more details regarding personal allowances refer to Service Standard BSDCA-114-S01. For more details on making payments refer to Service Standard BSDCA-111-S01.

23. Clients in the community

- 23.1 In conjunction with the relevant Social Worker/Support Worker, a weekly amount of cash to be paid to the client for personal use is agreed whilst the team administer their other day-to-day financial transactions.
- 23.2 Arrangements are made with the bank to create a separate joint bank account with the Deputy with a card in the clients name to enable the client to draw cash for their weekly funds to buy food and drink and attend social events.

24. Safe keeping of valuables

- 24.1 Should the client have valuables e.g. jewellery or Wills which they are unable to keep securely themselves the Client Affairs team will store in their safe.
- 24.2 A record of all valuables will be kept which will include the monetary value and a photograph of the item. This should be kept with the client's record.

25. Best interest decisions on behalf of client

- 25.1 All decisions made on behalf of the client must be in their best interests and in the case of clients where the County Council acts as Deputy in accordance with the court order.

- 25.2 All decisions must be recorded by the Senior Client Affairs Officer using the agreed format. Best interest decisions will be approved by the Senior Client Affairs Officer and the Transformation and Governance Manager in accordance with the agreed financial limits and approvals detailed in Appendix 2. The Senior Client Affairs Officer will implement/action the best interest decision as relevant.

26. Banking Arrangements

- 26.1 All cash or cheques received on behalf of clients must be recorded upon receipt and banked the same day.
- 26.2 If requested by the customer an official receipt should be given. Receipt books can be obtained from Shared Services by telephoning 01825 744563.
- 26.3 In an emergency it may be necessary to withdraw cash on behalf of the client. In all cases this should be approved in advance by the deputy.

27. Recovery of the Client

- 27.1 Should the client's mental state improve so that they are capable of handling their own financial affairs, the client applies to the Court for an order to allow them to manage their own financial affairs.
- 27.2 In these cases the Court will require medical evidence that the client is no longer mentally incapable as defined in the Mental Health Act 1983.
- 27.3 If the Court deems that the client is now capable of looking after their own financial affairs the team will liaise with the relevant Care Manager to provide support and advice and arrange for the return of relevant information and documents regarding their finances.
- 27.4 For more details regarding the processes adopted when a client takes back control of their finance refer to Service Standard BSDCA-116-S01.

28. Funeral plans

- 28.1 Where possible the team will seek and document the clients' wishes with regard to their funeral.
- 28.2 If it is deemed prudent the County Council will arrange and pay for a funeral package from the clients funds. A best interest decision form will be completed in all cases by the Senior Client Affairs Officer and approved by the Deputy/Corporate Appointee.

29. When a client dies

- 29.1 The team will advise the following County Council teams and external organisations upon the death of a client:
- Court of Protection
 - Department of Works and Pensions
 - ASC Care Management team
 - ASC Service Agreement team
 - BSD Income Recovery team
 - ASC Financial Assessment team
 - Housing Benefit
 - Companies/organisation the client has dealings with (i.e. private pensions and utilities)
 - Office of Public Guardian Court Funds Office (if applicable)
 - Care provider (where applicable)
 - Social worker/care worker
 - Solicitor holding the Will
- 29.2 Arrangements should be made to settle all outstanding debts up to and including the date of death. Overpayments of benefits should be repaid upon request from the relevant agency.
- 29.3 In cases where the County Council has a valid Will the team will write to the executor informing of the death and requesting that they take over the administration of the estate.
- 29.4 Once the deceased client's financial affairs are completed and all relevant outstanding invoices paid, and before sending settlement to the next of kin or executor the County Council will arrange for the "wind up" charge to be paid from the deceased clients monies.
- 29.5 Estates of £500 and below where the client has no next of kin or Executor and after the discharge of all due invoices and payments will be kept by the County Council in accordance with the Treasury Solicitor guidance.
- 29.6 Estates which exceed £500 where the client has no next of kin or Executor must be paid over to the Treasury Solicitor who will assume responsibility for the estate.
- 29.7 For more details regarding the processes adopted when a client dies refer to Service Standard BSDCA-115-S01.

30. Complaints and appeals

- 30.1 There is a right of appeal by the client and the Deputy regarding decisions made by the Office of the Public Guardian or the Court of Protection.
- 30.2 The court expects the team to consult regularly with the Client on how their money should be spent. The Client has the right to object to decisions made on their behalf by the Deputy.
- 30.3 In cases where the team disagree with a decision made by the Office of the Public Guardian or the Court of Protection the Senior Client Affairs Officer will review the circumstances in accordance with the legislation and prepare an appeal. All appeals will be approved by the Deputy before lodging with the Office of the Public Guardian or the Court of Protection.
- 30.4 Should the client have a complaint about the way their financial affairs are handled, they (or someone on their behalf) should write to the Office of the Public Guardian with a copy to the County Council's Deputy detailing their concerns. The complaint will be dealt with in accordance with the County Councils complaints procedure and if appropriate further evidence provided to the Office of the Public Guardian.
- 30.5 Appeals can also be made to the Department of Works and Pensions and will follow the same steps as detailed in 33.3 above.

31. Performance Indicators

- 31.1 A pre-determined set of performance indicators will be developed.

Section C - DETAILED INSTRUCTIONS

1. Service Standards

- 1.1 Service Standards have been developed for each process involved in the administration of financial affairs of clients. Individual standards have been compiled to ensure a consistent and efficient approach to the administration of client's financial affairs, which support the County Councils Financial Regulations.
- 1.2 The Service Standards have been developed by the Transformation and Governance Manager in the Business Services Departments in accordance with the Client Affairs Policy and the legislation covering this service area.
- 1.3 The Service Standards to be completed are as follows:

Reference	Service Standard
BSDCA-101-S01	Applying to the DWP for Appointeeship
BSDCA-102-S01	Dealing with Appointee clients once benefits are being received
BSDCA-103-S01	Applying for Deputyship
BSDCA-104-S01	Role of the Deputy
BSDCA-105-S01	Best interest decisions
BSDCA-106-S01	Gifting
BSDCA-107-S01	Temporary financial assistance for clients
BSDCA-108-S01	Annual review and budget planning
BSDCA-109-S01	Protection of property
BSDCA-110-S01	Sale of property
BSDCA-111-S01	Payment of invoices and expenses
BSDCA-112-S01	Lodgement with the Court of Protection
BSDCA-113-S01	Client Wills
BSDCA-114-S01	Personal allowance
BSDCA-115-S01	When a client dies
BSDCA-116-S01	Recovery of the Client
BSDCA-117-S01	Fees and charges

SECTION D - POLICY COMPLIANCE AND MONITORING

1. Policy Compliance

- 1.1 Under no circumstances should any systems or processes other than those contained within this policy be used to administer the financial affairs of clients.
- 1.2 All new systems and associated processes must be approved by the Transformation and Governance Manager prior to their implementation.
- 1.3 It is recognised that there may be exceptions to the Client Affairs Policy, all exceptions must be submitted to the Transformation and Governance Manager, Financial Programmes and Projects team, BSD Finance on Lewes 01273 481893 for consideration. The Transformation and Governance Manager will review and then submit to the following groups:
 - BSD DMT
 - ASC DMT
 - CMT
 - ABVCSSC
- 1.4 The final decision for all changes to the Client Affairs policy resides with Audit, Best Value and Community Services Scrutiny Committee.
- 1.5 All enquiries regarding the policy should be directed to, Transformation and Governance Manager, Financial Programmes and Projects, BSD Finance on Lewes 01273 – 481893 or by email Janyce.danielczyk@eastsussex.gov.uk
- 1.6 Continuous Improvement – the Client Affairs Policy and related Service Standards have been set at a point in time however they will need to be updated to reflect any changes in the future. If you have any comments or suggestions please direct them to the Transformation and Governance Manager, Contract and Compliance Team, CRD Finance on Lewes 01273 481893. All comments and feedback is welcome.
- 1.7 All information regarding a client's record should be made available upon request to both internal and external audit.

2. Policy updates

- 2.1 All updates to this policy document will be provided by email to the following groups:
 - BSD DMT
 - ASC DMT
 - CMT
 - ABVCSSC

3. Monitoring

3.1 To be developed.

4. Resources

- 4.1 A maximum number of clients per full time equivalent is yet to be agreed.
- 4.2 Once the number of clients per full time equivalent exceeds the agreed level by x% (to be agreed) the Transformation and Governance Manager will seek approval to review resources as per the agreed Business Services Departmental protocol.

5. Appendices

5.1 The following appendices are included in this document.

Ref.	Subject
1	Glossary
2	Financial limits and approvals
3	Fixed remuneration charges and “wind up” fee
4	Overview obtaining Appointeeship or Deputyship

Glossary

APPENDIX 1

Abbreviation	Organisation or term
POVA	Protection of Vulnerable Adults
CSCI	Commission for Social Care Inspection
DWP	Department for Work and Pensions
PGO	Public Guardianship Office
CoP	Court of Protection
OPG	Office of the Public Guardian
MCA	Mental Capacity Act 2005
IMCA	Independent Mental Capacity Advocate
ABVCSSC	Audit, Best Value and Community Services Scrutiny Committee

Financial Limits and Approvals

APPENDIX 2

Decision	Value	Authorised Officer
Gifts	up to £100	Senior Client Affairs Officer
Gifts	above £100	Transformation and Governance Manager
Conflict of Interest	up to £100	Senior Client Affairs Officer
Conflict of Interest	above £100	Transformation and Governance Manager
Financial Statement of Outstanding Debts	up to £5,000	Senior Client Affairs Officer
Financial Statement of Outstanding Debts	above £5,000	Transformation and Governance Manager
Investment Plan	all	Transformation and Governance Manager
Best Interest Decisions	up to £100	Senior Client Affairs Officer
Best Interest Decisions	over £100	Transformation and Governance Manager
Financial plans and budgets	up to £5000	Senior Client Affairs Officer
Financial plans and budgets	up to £5000	Transformation and Governance Manager

Fees and charges

APPENDIX 3

For Deputy clients only

Fixed rates of remuneration determined by the Court of Protection

Type	Deputy
First anniversary fixed rate	700.00
Subsequent annual charge *	585.00

*unless the client has less than £16k, then 3% is applied as per fixed rates

Annual supervision – this is the charge the office of the Public Guardian makes annually that is passed on to clients.

Supervision type	Deputy
Type 1, 2a, and 2	320.00
Type 3	35.00

For all clients (Deputy and Appointee)

County Council charge

Type	All clients
“Wind up” fee **	375.00

**to be taken from all clients after discharging responsibilities to pay due invoices and payments have been made and before paying over to the next of kin, Executor or Treasury Solicitor

OVERVIEW: Obtaining Appointeeship and Deputyship

