

Report to: **Lead Cabinet Member for Resources**

Date: **28 October 2014**

By: **Chief Operating Officer**

Title of report: **Corporate Deputyship and Appointeeship**

Purpose of report: **To seek agreement to charge a “wind up” fee for the administration of a deceased clients financial affairs**

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## RECOMMENDATIONS

The Lead Cabinet Member is recommended to:

1. **approve the levying of a charge on deceased Appointee and Deputy clients’ estates for the work associated with “winding up” their financial affairs; and**
  2. **approve the setting of the charge at £375.00, to be reviewed annually with the Business Services Department’s other fees and charges as part of the Reconciling Policy, Performance and Resources process.**
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### 1. Financial Appraisal

1.1 The Client Affairs service was transferred from Adult Social Care to Business Services Department Finance in February 2013. As part of the transition a service review was initiated. This highlighted the need for a review of investments on behalf of clients, a formal Client Affairs policy document in order to ensure a consistent approach and the need to levy a “wind up” charge for administering a deceased Appointee or Deputy client’s financial affairs.

1.2 The Client Affairs policy was approved by CMT in May 2013 and endorsed by the Audit, Best Value and Community Services Scrutiny Committee in June 2014. The investment activity is underway with the majority of Deputy clients’ finances reviewed to identify the potential surplus funds available for investment. Financial options with regard to the most appropriate ways to invest these sums are being evaluated and will be available for consideration in November 2014.

### 2. Supporting Information

2.1 The following information is available from SE7 authorities:

<b>Authority</b>	<b>Charge £</b>
Hampshire County Council	375.00
Brighton & Hove Unitary	100.00
Surrey County Council	Do not charge
Medway	300.00
Kent County Council	Do not charge
West Sussex County Council	Do not charge

2.2 The Court of Protection does not fix a charge for this currently, however many authorities levy a charge for this activity. Therefore to determine whether the County Council should levy a charge the following work was undertaken:

- benchmarking other SE7 authorities charges (see above); and
- review of the process of “winding up” an Appointee or Deputy financial affairs which equates to close to 3 days work as detailed in Appendix 1. The day rate of the team is £130.00.

2.3 The “wind up” charge is therefore proposed to be set at £375.00 to reflect this activity and is in line with other Court of Protection charges.

### **3. Conclusion and Reason for Recommendation**

3.1 In conclusion Lead Member is asked to approve a “wind up” charge of £375.00 in order to seek to recover some of the costs associated with this activity.

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**Chief Operating Officer**

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BACKGROUND DOCUMENTS: None

**Extract from the Client Affairs policy stating the activity undertaken when a client dies.****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 are made with the funeral director to pay the funeral costs, which can be released from the client's funds. 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.