

**Report to:** Lead Member for Adult Social Care

**Date of meeting:** 23 February 2017

**By:** Director of Adult Social Care & Health

**Title:** Adult Social Care Protection of Property & Deputyship Clients - Charging Arrangements

**Purpose:** To enable the Lead Member to approve the implementation of appropriate charges for Protection of Property services and Deputyship visits

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## **RECOMMENDATIONS**

The Lead Member for Adult Social Care is recommended to:

1. Note the contents of the report and agree the proposals for charging;
  2. Approve the draft Protection of Property Policy (Appendix 1); and
  3. Approve the draft Appointee and Deputyship Policy (Appendix 2)
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### **1 Background**

1.1 The Appointee & Deputyship Team and Protection of Property Team within Adult Social Care (ASC) have recently merged to become the Client Affairs Team within ASC Financial Services.

1.2 New Guidance within the Care Act 2014 relating to the Protection of Property, the implementation of national Professional Standards for local authority deputies and recommendations from the Office of the Public Guardian (OPG) for these services has led to a review of the way the local authority provides these services to clients in East Sussex.

### **2 Supporting information**

#### **Protection of Property**

2.1. Local authorities must take all reasonable steps to protect the moveable property of an adult with care and support needs who is being cared for away from home, in a hospital or in accommodation such as a care home, and who cannot arrange to protect their property themselves; this could include their pets as well as their personal property (e.g. private possessions and furniture). Local authorities must act where it believes that if it does not take action there is a risk of moveable property being lost or damaged.

2.2. This is a statutory duty placed on local authorities. The Care Act 2014 states that local authorities can charge reasonable costs for providing this service. In order to provide a consistent and responsive service, protection of property work is undertaken by a dedicated officer, with shared office support.

2.3. The local authority has reviewed the offer provided to clients taking into account actual costs incurred for time and trouble and where additional costs are incurred. These include, but are not limited to boarding pets, locksmiths and the long term storage of goods.

2.4. The highest actual cost to the local authority is the arrangement and provision of these services to individuals. The most cost effective way for the local authority to charge clients for this service is to recharge for actual additional costs incurred. An Equalities Impact Assessment has been undertaken (Appendix 3).

2.5. This choice also ensures clients are not financially disadvantaged by being required to pay someone to help them but means they will still be responsible for the actual cost for the service.

2.6. However, in some circumstances clients who are being hospitalised may not have capacity to make a decision regarding their possessions/property at the time assistance is required i.e. where they are detained under the Mental Health Act.

2.7. In these circumstances the initial protection of property intervention will not be charged, for a maximum period of 28 days, to allow time for the person to consider their options and for care management staff to work with clients to ascertain their wishes.

2.8. Cases and interventions will be reviewed at regular intervals to ensure costs to individuals and the authority do not escalate to high values with a view to placing time limits on our intervention.

### **Appointee & Deputyship Team**

2.9. This team provides a support service for those who have care and support needs and have been deemed to lack capacity to deal with their own finances and where no other suitable person is able to assist. The team currently supports 478 individuals, 89 under Appointeeship – for whom the local authority manages the receipt of their benefits from the Department for Work and Pensions – and 389 for whom the local authority holds Deputyship and manage all capital, income and assets on their behalf.

2.10. Deputyship is awarded by The Court of Protection and the Office of the Public Guardian (OPG) monitors the support provided to clients. The Court of Protection sets down the Practice Directions which state the charges that professional deputies can apply.

2.11. The local authority currently charges clients the costs of Deputyship applications, annual charges for the support we provide and the fees for providing annual reports to the OPG. These costs are considerably lower than those which can be applied by solicitors but are in place to provide support to local authorities for the cost of running the service.

2.12. It is of note that the local authority is increasingly required to manage properties on behalf of those living in long term care and the local authority supports increasing numbers of clients living in the community in their own homes.

### **Property support**

2.13. The recent structural changes within the service have enabled a review of the level of support that can be provided to those living in the community and those in long term care in respect of their homes, including monitoring property and ensuring appropriate maintenance is completed to ensure homes remain in a good state of repair.

2.14. Local authorities are able to charge a set fee per year for this function which currently stands at £270.

2.15. Under the OPG Practice Directions the local authority is able to charge travel costs at £40 per hour for visits, irrespective of where the client lives. Monthly visits are required for empty properties for insurance purposes and it is therefore proposed that the local authority applies these travel costs to Protection of Property Officer time. Where clients are in the community, living in their own homes or renting, it is proposed to undertake quarterly visits to ensure any essential maintenance work is identified at the earliest stage to ensure that costs for these clients are reasonable.

2.16. The OPG requires annual reports which should include any charges made.

### **Visiting Support**

2.17. The OPG service standards require that clients are visited as part of the service offered. The Client Affairs service is now in a position to be able to fully implement this requirement.

2.18. The OPG inspected Adult Social Care in 2016 and made a recommendation to implement a visiting function; a review of the service identified a separate visiting role as the best way to fulfil this requirement.

2.19. In recognition that the current fee guidance does not support the cost of visiting clients, the revised Practice Directions from the Court of Protection includes provision to charge travel costs incurred by anyone visiting a client or their property at a flat rate of £40.00 per hour.

2.20. These charges will be calculated in the same way as property visits to ensure a consistent approach. The team will visit clients once to establish arrangements and then re-visit on an annual basis, dependent upon the needs of the clients. For those who may need more frequent visits costs and numbers of visits will be proportionate to their needs and will only be charged when clients have sufficient funds to maintain the costs.

2.21. It is envisaged that those for whom the local authority acts only as an appointee, and who are in receipt of benefits, will not be charged for this service.

#### Policy Updates

2.22. Appendices 1 and 2 are included for information and set out the policy framework within which charges for Protection of Property and Appointee and Deputyship will be implemented, if agreed by the Lead Member.

### **3. Conclusion and reasons for recommendations**

3.1 The service changes to be implemented and charged for are for the benefit of the most vulnerable clients who have no other suitable person to provide the necessary support to them.

3.2 Implementing the charges provides East Sussex County Council with the ability to provide this support at a lesser or no cost to the authority.

3.3 The Lead Member is recommended to:

3.3.1 Note the contents of the report and agree the proposals for charging set out in detail below:

- Recharge to clients the actual additional costs incurred through the protection of property
- Implementation of an annual charge for property maintenance
- Implementation of charging travel costs for visiting Deputyship clients or their properties.

3.3.2 Approve the draft Protection of Property Policy (Appendix 1).

3.3.3 Approve the draft Appointee and Deputyship Policy (Appendix 2)

**Keith Hinkley**

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#### **BACKGROUND DOCUMENTS**

None