

The Role of the Deputyship Team

November 2019

The Team provides specialist assistance to vulnerable people who are deemed to be mentally or physically unable to manage their own finances.

The support can be provided to people who live in:

- their own homes
- supported housing settings
- residential and nursing homes
- community living projects

All people referred must be receiving services through Flintshire Social Services Portfolio.

Definition of roles:

Appointeeship

The role of an Appointee as defined by the Department for Work and Pensions (DWP) is:

- **To claim and receive social security benefits, pensions and allowances and also HM Revenue and Customs Tax Credits.**

Any monies received by the Appointee must be used in their and their dependant's best interest such as paying nursing or care home fees or domiciliary care fees and also to meet everyday living costs.

This role provides no legal authority to act on behalf of the person.

In cases where a person lives in rented accommodation, it is possible for the Benefit Team to ensure rent is paid on their behalf.

Appointeeship does not provide the authority to sign tenancy agreements.

Mae'r ddogfen hon ar gael yn Gymraeg. Cysylltwch â 03000 858 858 i gael fersiwn Gymraeg
This document is available in Welsh. Please contact 03000 858 858 for a Welsh version.

Appointeeship

Appointeeship should be applied for if:

- the person is over 18 years of age
- the person does not have the capacity to manage their finances
- there is no significant other to assist
- they have no savings or other income such as occupational pension
- they do not own a property

Please note that it is the Department for Work and Pensions who decide who is the most appropriate person to act as Appointee.

When approved to act as a Corporate Appointee, the team member also becomes responsible for any vehicle issued via the Motability Scheme as this is linked to Disability Living Allowance Mobility component. (Please refer to the separate document relating to the Motability Vehicle Ordering process).

NOTE – AN APPOINTEE CANNOT:

- Sign a Tenancy Agreement
- Open a personal bank account for a client
- Close a personal bank account for a client
- Contact a bank on behalf of a client
- Amend or set up Standing Orders or Direct Debits relating to a client's personal account
- Be responsible for debts pre-dating the Appointeeship
- Sell a property
- Complete DWP documentation requiring details of a client's physical or mental condition or abilities
- Attend DWP appeals without being accompanied by a Social Worker or Reviewing Officer
- Select a Motability Vehicle

Deputyship

Applications for Court of Protection Orders are made through the Court of Protection which is an office of the Supreme Court with jurisdiction in England and Wales.

An application for an Order identifying the Director of Social Services Portfolio as the appointed Deputy for Property and Affairs will be made if:

- the person does not have the capacity to manage their property and financial affairs
- the person is over 18 years of age
- they have savings or income in addition to their Department for Work and Pensions benefits
- there is no significant other to assist
- they may also own a property

The Court Order grants authority to the Social Services Portfolio to make decisions on behalf of the person that they are unable to make for themselves due to their mental incapacity. This includes:

- the receipt of all income and management of all bank accounts,
- the sale of property,
- entering tenancy agreements,
- disposal of money and making gifts.
- The Social Services Portfolio also has authority to sign any documents relating to the person's property and affairs.

In order to apply for Deputyship, it is essential that form COP3 Assessment of Capacity, is usually completed by a Social Worker. The remaining forms, COP1 and COP1a will be completed by member of the team supported by information provided by the Social Worker or Reviewing Officer.

There is a £400 fee payable to the Court upon application and a charge of £775 payable to FCC upon receipt of the Order. Annual charges apply thereafter dependent upon income and savings. These are subject to change by the Court.

More Information

For more information contact the Deputyship Team on 01352 702520.