



Knowsley Council

Corporate Appointee and Court of Protection Deputyship Services



What is an Appointee?

An Appointee is the person who is appointed by the Secretary of State for the Department for Work and Pensions (DWP) to act on behalf of a benefit client who is unable to manage their benefit affairs - usually because of mental incapacity or severe physical disability.

How do I access the Corporate Appointee Service?

You can access the service if you meet all the following criteria:

- You are eligible for a social care service
- You are in receipt of social security benefits or state pension
- You and your Care Manager consider that you cannot manage your finances
- You have no appropriate family, friends, associates or access to organisations who will be able to help you with your finances
- The DWP is satisfied that you are unable to manage your affairs, for example by visiting you and, if necessary, getting medical evidence.

What does the Appointee do?

The Appointee will:

- Manage your benefits and state pension for you
- Advise the DWP or Pension Service of any change in your circumstances
- Ensure that you are getting the correct benefits
- Arrange the payment from your own money of your daily living bills
- Arrange to pay back any benefit or state pension overpayment.

How will my benefits be managed?

The service operates the National Westminster Bank's money management system, known as the Clients' Monies Service. Individual client accounts are created into which benefit payments and, for example, state pensions are paid into and from which clients' payments such as direct debits, standing orders and cheques are taken.

Will I receive any bank interest on the balance held in my Clients' Monies Service account?

National Westminster Bank pays quarterly interest based on the clients' balances held. These payments are retained to reduce the costs of the Appointee Service. Clients will not receive bank interest on their balances.

Is there a fee for the Corporate Appointee Service?

If your account is in credit by £1,000 or more, a fee of £20 per calendar month will be payable. This fee is collected on the 1st of each month by bank standing order or by transfer from the client record of Clients' Monies Service.

If I am having difficulty paying the fee can I have it stopped?

It is possible that the payment of a fee may cause you undue financial hardship.

In such circumstances you, your representative and your Care Manager can submit an application to the Court of Protection Panel to have the fee stopped. The Panel will assess details of your financial circumstances and call for any additional information that may be required to reach a decision.

You will be informed in writing of the Panel's decision and the reasons for it.



What if my circumstances change?

You, your representative or your Care Manager can provide any further information to the Court of Protection Panel and ask for the decision to be reviewed.

Again, you will be informed in writing of the panel's decision and the reasons for it.

If I am dissatisfied with the process or decision what can I do?

You can complain using Knowsley Council's complaints procedures by contacting:

Knowsley Council Complaints Department
Wellbeing Services
Municipal Building
Archway Road
Huyton
Knowsley L36 9UL

What is a Deputy?

If a decision maker determines that a client can no longer manage their own affairs then an application to the Court of Protection may be necessary. The Court of Protection exists to protect the property and financial affairs of people who lack the mental capacity to make specific decisions. The court appoints Deputies in instances where there is an ongoing need for decisions to be made on behalf of a person who lacks capacity, if somebody has assets greater than £5,000 (including property), or if access is needed to their bank accounts to determine their assets.

When will the Court of Protection become involved?

It would become involved if action was required to protect a client's assets or to enable them to be used for the client's benefit. For example, if the client owns their own home but it is unlikely that they will return to it, then it may be necessary to sell the property so that the proceeds may be used for their benefit.

What does a Deputy do?

Deputies can only make decisions that they are authorised by the court to make and will:

- Manage the assets including investments, bank accounts and pensions of the person lacking capacity at the direction of the court
- Keep a record of any decisions made, how the decision was reached and who was consulted to ensure that all decisions are taken in the client's best interests
- Complete and submit an annual report to the Office of the Public Guardian detailing a summary statement of income and expenditure. The Office of the Public Guardian (OPG) is an executive agency of the Ministry of Justice.

Is there a charge for the Deputyship Service?

An initial court fee of £400 is payable to the OPG when an application to become a Deputy is made and is in addition to a Deputy set up fee of £100. There is also an annual supervision fee payable to the OPG varying from £175 - £800.

It is the statutory responsibility of the OPG to supervise and regulate the conduct of Deputies in carrying out their roles. It does so by examining the Deputy's Report and where necessary arranging for a Court of Protection Visitor to meet with the Deputy and the client.

It is recognised that some people requiring the service of the court will have low incomes and be eligible for one or more means tested benefits despite having significant assets. An application to the OPG can be made on behalf of those clients who may be eligible for an exemption from fees.

Local authorities also charge an annual management fee which can vary from £185 - £670.

How can I find out more about the Knowsley Council Corporate Appointee and Deputyship services?

Contact your Care Manager who will be able to help you. If you do not have a Care Manager, please call the Knowsley Access Team on 0151 443 2600.

How can I find out more about the Court of Protection and Deputies?

Office of the Public Guardian
PO Box 15118
Birmingham
B16 6GX

Telephone: 0300 456 0300

Fax: 0870 739 5780

Website: www.publicguardian.gov.uk



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