

Corporate Appointeeship

Leicester City Council are able to support to manage the finances of people who are unable to do this for themselves and have no one else, such as a family member or friend, who is willing or able to do this for them. The Council offers Appointeeship for people living in residential care and those who live in the community.

Appointeeship may be the best course of action if the person has a low level of financial assets, is in receipt of benefits and does not have any other sources of income.

Leicester City Council will act as Corporate Appointee by collecting a persons state benefits and making payments from these monies for care charges, personal allowance or other items considered to be in the person's best interests.

The council will open an account in your name and manage your finances. They will make sure you get the benefits you are entitled to, pay your bills and have enough money for your personal items.

There is an administration fee of £15 per week for this service. Balances under £1,000.00 are administered free of charge.

Appointees only manage a person's benefits - any other sources of income or substantial savings, the Council, as Appointee, cannot control.

Depending on the person's financial circumstances, it may be that Deputyship is a better option

What is an appointeeship?

An Appointee is someone who manages a person's benefits.

When someone is no longer able to manage their finances, an application from a social care worker can be made to the Leicester City Council Appointee Service.

Appointeeship is granted by the Department for Work & Pensions (DWP) upon application by the Council.

What Leicester City Council will do as Appointee:

- Complete all DWP forms as and when required
- Ensure you have sufficient money to enable you to access services of your choice in the community
- Monitor saving levels to ensure correct benefits are being paid to you
- Monitor expenditure in relation to the Appointeeship account
- Maximise your benefits
- **Make** purchases for you when necessary, making sure financial procedures are adhered to
- **Ensure** the payment of all utility bills and any other relevant bills including charges for care and support received.

What can't the appointee team do?

- Manage other sources of income or savings.
- Settle legacy debt accrued prior to Appointeeship being authorised, will be reviewed on a case by case basis.
- Settle back payments from DWP that are due and debt that was incurred whilst waiting for the correct benefits to be paid.
- Act as the financial representative or nominated person for someone in receipt of a direct payment nor can it act if there is an enduring or lasting power.
- Being Appointee for a person's benefits does not give the Council any rights to make any other financial, medical or care decisions on their behalf.

Timescales

On average the process takes 8 – 12 weeks for Appointeeship to be granted by the DWP.

Corporate Deputyship

You can apply to the Court of Protection to become someone's Deputy for property and financial affairs if they 'lack mental capacity' and they have not made an applicable Lasting Power of Attorney. Someone may lack mental capacity if, for example, they:

- Have had a serious brain injury or illness
- Suffer from dementia
- Have severe learning disabilities.

Close relatives or friends will always be consulted and encouraged where possible to apply to be Deputy. However, the council **may** step in if no one else does and if the client who lacks capacity has:

- Over £23,250 in capital and/or assets or;
- Other compelling reasons e.g. rising debt, concerns of financial abuse etc.

The Deputyship is a chargeable service.

Fees for Deputyships managed by Leicester City Council are set in line with Practice Direction 19B – Fixed costs for Deputy remuneration in the Court of Protection. Please note: these are subject to change.

Currently these are:

A set fee of £944.00 is charged for the work to administer the work up to the court order is received, granting Deputyship.

Annual fees are changeable upon anniversary of the court order granting Deputyship:

First year a fee of £982.00 is chargeable.

Second year and subsequent years a fee of £824.00 is chargeable.

A fee of £274.00 is chargeable for preparation and lodgement of report to Office of Public Guardian.

If the client has less than £23,250 and their income mainly comes from benefits, then we will look at applying to be their DWP benefits appointee instead as this is less costly and intrusive for the person.

If the person has more complex finances with over £30,000.00 in capital and/or a property then Leicester City Council may consider whether it is more appropriate to apply to the Court of Protection for a Panel Solicitor to be appointed as Deputy.

What's the Deputyship process for Leicester City Council?

- Undertake a Mental Capacity Assessment
- Once the Deputyship is granted by the Court, an order is issued to the local authority allowing them to deal with the finances person which includes transferring all funds held in the persons name to the Council, drawing of DWP benefits, Occupational Pensions etc.
- A Deputyship account will be set up by the council in the persons name - All transactions made are subject to strict financial controls
- Social Care workers will arrange to see the client annually to ensure their needs are being met, review care plans, ensure personal funds are being provided by the local authority to the Care Home and that these funds are spent appropriately.
- The Deputy is required to report to the Office of the Public Guardian annually and inform them of any significant financial decisions made during the year.

What Leicester City Council will do as Deputy:

- manage routine spending such as paying bills, car tax and home insurance
- make sure they have access to money to meet their daily needs
- pay care bills
- change accommodation to meet their needs
- apply for state benefits

What Leicester city Council can't do as Deputy:

- Manage Property
- Make Investments
- Sell or buy property
- Ordinarily, where there are complex finances and or those of high value (over £30,000) the local authority would consider whether it is more appropriate to

apply to the Court of Protection for a Panel Solicitor to be appointed as Deputy.

What happens when someone passes away if Leicester City Council are managing their affairs?

When someone dies who has an Appointeeship or Deputyship, the authority to manage their finances automatically ends. No further payments can be made from their account, the only exception to this is payment of the funeral bill (if there are sufficient funds held to do so) and any overpayments made by DWP after the date of death.

Any outstanding debts must be settled by those administering the person's estate. This will include, for example, unpaid invoices from utility companies and any unpaid client contributions towards the cost of their care.

The team will stop paying client contributions towards their care immediately upon notification of date of deceased.

The team will contact the Department of Work and Pensions to inform them of the death. They will also contact anyone else who pays money into the person's account and will cancel all regular payments being paid (notifying the companies of the reason for cancellation).

Please note: the Appointee Deputy Team will not have any involvement in registering or making funeral arrangements.

What happens to the money held for the deceased?

If the individual left a will, it would nominate those acting as executors for their estate. To enable the executor to apply for probate the team will need to provide all relevant information.

The team will send out to the Next of Kin or those administering the estate a request probate letter and a position statement or a Form of Indemnity depending on the balance remaining to the person dealing with the estate.

In cases where the balance held is £2,500 or less and there has been no requirement on those administering the estate (from other parties) to apply for a

Grant of Probate/Letters of Administration, the balance held may be released once a completed and signed Form of Indemnity has been received.

Funds will be released on sight of the Grant of Probate or Document or completed Form of Indemnity and supporting documents.

If the individual has not left a will, then the individual's estate becomes subject to the intestacy rules. Further information on the intestacy rules can be found on gov.uk, please see link: [Choice not chance flow chart](#). A Grant of Letters of Administration should be applied for by a family member if required.

The Appointee Deputy Team will need to identify who is the closest living relative of the deceased before contacting them. There is an order of priority. (spouse, civil partner, children, parents, brothers and sisters)

What happens if the council don't know about any family?

Where there are no known family members, the case may be referred to an estate beneficiary finder immediately by the Appointee Deputy Team.

Any costs associated with identifying a next of kin will be met from the deceased estate prior to settling with the beneficiary.

If the estate beneficiary finder is able to identify a next of kin then either a Probate document will be applied for or a Form of Indemnity will be completed.

If there are no surviving relatives who inherit under intestacy rules, the estate passes to the Crown.