

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:

4570

Author:

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Department:

People

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Subject:

Establishment of a Deputyship Disbursement Fund

Total Value:

£50,000 (Type: Revenue)

Decision Being Taken:

The decision to be taken is to establish a Disbursement Fund with a total value of £50,000 to be available to meet the cost of the £371 Court of Protection application fee required to be sent with a new application when applying to become the Property and Affairs Deputy for a citizen.

Reasons for the Decision(s)

The Deputyship Service is a team located within the Adult Social Care Department, which manages the Property and Financial Affairs of approximately 200 vulnerable adults who have been assessed as lacking mental capacity regarding finances, and an application has been approved by the Court of Protection for the Local Authority to act as Deputy. This is usually as a last resort when there are no family or friends willing, able or suitable to act as an Attorney or Deputy or Appointee. The Deputyship Service has been closed to new referrals since 2016. From 1 January 2022 it is resuming accepting new referral for citizens who require the Local Authority to act as Deputy. Citizens will no longer be referred to an external money management provider to meet this need so contingency funds need to be made available for the following purpose:

DISBURSEMENT FUND of £50,000. To meet the cost of the £371 Court of Protection application fee required to be sent with a new application to Court when applying to become Deputy. This Disbursement Fund will enable the application to be made at the outset of a case and therefore obtain the authority needed to step in and protect and manage vulnerable adults income and assets at the earliest opportunity. This benefits the citizen as the Deputy will be to enable access bank accounts and other income to promote the health and wellbeing of the citizen. It will benefit the Local Authority in enabling access to assets, or initiating sale of a property, in order to meet the cost of care fees or repay accrued care fees debts. Without a disbursement fund to meet the application fee, the service would have to 'save' money from a citizens social security benefits once these can be accessed, until it accrues the £371 fee. Given that social security benefits are set at a minimum level to meet only essential outgoings, it could take a significant period of time to accrue the lump sum required and COP application would be delayed.

The disbursement for the Court Application Fee will be recouped at the point that the Deputyship Service has access to a citizens capital and assets The funds will be replenished and should therefore remain at the levels set aside. There is a small risk that the fund could diminish over time if the disbursement cannot be paid: for example if the citizen dies before the Deputyship Order is obtained.

Other Options Considered:

Meeting the Court fee by saving money over time from a citizens DWP benefits, once the Deputyship Service has become benefit 'appointee' and starts to receive their benefit payments. This option is rejected as given that social security benefits are set at a minimum level to meet only essential outgoings, and citizens in residential care settings may only be left with the minimum £24.90 personal expenses allowance, it could take a significant period of time to accrue the lump sum required and Court of Protection applications would be delayed to the detriment of the citizen and Local Authority.

Background Papers:

None

Published Works:

None

Affected Wards:

Citywide

Colleague / Councillor Interests:

None

Consultations:	Those not consulted are not directly affected by the decision.
Crime and Disorder Implications:	None
Equality:	EIA not required. Reasons: There is no change to the services that are being provided, or policies and procedures, due to this decision.
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	29/03/2022
Advice Sought:	Legal, Finance
Legal Advice:	<p>There are no significant legal issues arising from this proposal. The establishment of the fund will ensure that required court fees can be paid and applications made to assist vulnerable adults. The fee will be treated as a disbursement that is fully recoverable from the citizens assets once the Deputyship is granted.</p> <p>Advice provided by Naomi Vass (Senior Solicitor) on 23/02/2022.</p>
Finance Advice:	<p>This decision seeks approval to establish a budget for disbursement within the Deputyship service. Disbursement expenditure will be recharged to the client once the authority becomes the deputy for the client, as result the value of decision is nil. There is a small risk that a request for NCC deputyship will is no longer required or a more suitable deputy is found by the courts. In this case, additional administrative work may be required to ensure the fees are recovered. It is recommended the service refer to established NCC customer collection processes. Advice provided by Chanelle Poyser (Commercial Business Partner) on 23/02/2022.</p>
Signatures	<p>Adele Williams (Portfolio Holder for Adults and Health)</p> <p>SIGNED and Dated: 22/03/2022</p> <p>Catherine Underwood (Corporate Director for People)</p> <p>SIGNED and Dated: 09/03/2022</p>