

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	5209
Author:	Kate Dixon
Department:	Finance and Resources
Contact:	Kate Dixon (Job Title: Deputyship Project Manager, Email: kate.dixon@nottinghamcity.gov.uk, Phone: 8764223)
Subject:	Deputyship Service Charging Policy: Introduction of new Fees for DWP Appointeeship case work
Total Value:	78,000 (Type: Revenue)
Decision Being Taken:	Approve the new Deputyship Charging Policy incorporating updated rate of remuneration in respect of Property and Affairs Deputyship cases and to introduce new charges for financial management of citizens money by way of simple DWP appointeeship

Reasons for the Decision(s)

The Deputyship Service manages the Property and Financial Affairs of vulnerable adult under an order from the Court of Protection, where they are assessed to lack mental capacity. NCC steps in as a last resort where there are no family willing, able or suitable to undertake this role. The amounts a Public Authority Deputy are permitted to charge are specified in the Court of Protection Rules and have been updated from 1.4.24. NCCs charging policy has been updated under delegated powers to apply the new maximum rates. This decision is seeking approval for NCC to introduce new charges for money management that is provided through the authority of DWP corporate appointeeship. Appointeeship provides authority to receive a citizens benefit income and use this to pay liabilities and provide for day-to-day needs. An appointee cannot manage tenancies, access bank accounts, receive private pensions. During 2024 citizens whose financial affairs are currently managed by the Adult Residential Services Charging Team will transfer to the Deputyship Service. This will provide better assurance and a more client centred service. It is not a statutory requirement for a Local Authority to deliver a corporate appointeeship service in-house to vulnerable adults and as such it is a discretionary service. It is proposed to introduce a fee for the Appointeeship Service. This will ensure full cost recovery for the cost of the service. The new Appointeeship charge is proposed at two rates: £10 per week for citizens living in residential care settings and £15 per week for citizens living in the community. No charge will be levied where the customer has both insufficient capital and insufficient disposable income to pay. The average charge for clients managed under a Deputyship Order is £20 per week. This stepped charge reflects the level of complexity and work required for the three different types of cases and has been benchmarked against other Local Authorities. Previously citizens requiring appointeeship were referred to an external private company who charged £17.31 a week for citizens living in the community and £10.38 in residential settings. It is proposed to create a new Appointeeship Officer role to act as the case manager for citizens money. There are to be created by a separate Staffing Decision once this charging decision has been considered. The power to charge will be limited to cover the costs of delivering the service. An Appointeeship Officer post at Grade E4 is currently £35,478 per annum with on costs, managing up to 75 cases. This would equate to income of £39,000 if all cases were fully chargeable. Citizens new to the service will have a choice as to whether they are referred to Nottingham City Council or an external money management company.

Briefing notes documents:

Deputyship and Appointeeship Charging Policy Final.docx

Other Options Considered:

1. Not to introduce new charges for money management through Appointeeship. This option was rejected as the income that will be generated is required to enable the creation of Appointeeship Officer roles that will deliver the money management service. It is not a statutory requirement for a Local Authority to deliver a corporate appointeeship service in-house to vulnerable adults. Therefore under Duties and Powers, as a discretionary service it should cease or charges should be introduced to recover the costs of delivery. 2. To introduce new charges at a higher rate than proposed. This option was rejected as the three tiers of charges are deemed to be fair and proportionate and in line with those charged by other Local Authority Appointeeship Services and private money management companies. In addition s3 of the Localism Act limits the power to charge to the cost of provision.

Background Papers:

Comparative information is provided in the uploaded document detailing appointeeship charges levied by private money management companies that NCC currently signpost citizens to, and neighbouring Local Authority Appointeeship Services.

Unpublished background papers:

Comparative Appointeeship Charges Final.docx

Published Works:	DD3225 - Deputyship Service Charging Policy
Affected Wards:	Citywide
Colleague / Councillor Interests:	None
Consultations:	<p>Date: 30/05/2024</p> <p>Other:107 care homes where current appointeeship residents live; social work team managers; Nottingham disability organisations. An engage Hub page was established to detail the proposals and questionnaire to capture respondents views. Respondents were contacted by email with links to the Engage Hub.</p> <p>One response was received from a local disability organisation asking why a charge was being introduced for a service that was previously free, raised a concern about affordability and what the money would be spent on. Given the low response rate, 10 care homes were contacted by phone to confirm the consultation email had been received (all confirmed it had), to confirm that residents affected were spoken to (those who had sufficient capacity to engage in a conversation had been consulted) and to capture what feedback was provided. The general theme from this sample were concerns about whether the charge would be affordable to citizens.Affordability has been considered and mitigated by the proposal that this capital based administration charge will not be levied where a citizen has less than £2,000 in capital.</p> <p>Those not consulted are not directly affected by the decision.</p>
Crime and Disorder Implications:	A Deputy or Appointee are sometimes put into place as a protection measure to safeguard a vulnerable adult subject to or at risk of financial abuse or exploitation
Equality:	Please login to the system to view the EIA document: EIA New Appointeeship Charges.docx
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	13/11/2024
Advice Sought:	Legal, Finance, Equality and Diversity

Commissioner Comments:

The Commissioners are content with this decision

Legal Advice:

The Deputyship Service Charging Policy was originally approved in 2018 and is updated using delegated powers so that the charges for the Deputyship service reflect the maximum set by statutory instrument. The revised Policy attached to this decision also incorporates charges for Appointeeships. These charges are discretionary but permissible under the Localism Act 2011. S3 of that Act however requires that taking one financial year with another, the income from such charges should not exceed the cost of the service provision
Advice provided by Ann Barrett (Team Leader) on 13/06/2024.

Finance Advice:

This report seeks approval for the new deputyship charging policy and the introduction of new charges for financial management of citizens money by way of simple DWP appointeeship.
The new Appointeeship charge has been proposed at two rates: £10 per week for citizens living in residential care settings and £15 per week for citizens living in the community. Caseloads will be managed by two new officer posts that will be created to manage 75 cases each. The estimated revenue income of £78k has been derived from the estimated caseload of 75 per officer at the proposed new appointeeship charge of £10 per week. The income will cover the staffing cost of £35,478 per post plus any overhead.
As the caseloads are based on estimates, there is a risk that any reduction would affect the income generated and therefore not be able to cover the total cost of the two officers. If this happens, the service will need to review the charge in order to recover total cost. The service should monitor budgets closely to ensure that the total staffing cost continues to be covered by income generated.
There are no additional financial implications relating to the Deputyship Service Charging Policy.
Alfred Ansong, Strategic Finance Business Partner (Finance & Resources)
6 June 2024
Advice provided by Alfred Ansong (Interim Strategic Business Partner) on 11/06/2024.

Equality and Diversity Advice:

An Equality Impact Assessment (EIA) for this proposal has been submitted. The EIA has been reviewed and approved by the EDI team. It will need to be updated should any changes occur, outlining mitigations where necessary. Advice provided by Nasreen Miah (Equality & employability consultant) on 20/06/2024.

Signatures

Linda Woodings as Portfolio Holder (Executive Member - Finance and Resources)
SIGNED and Dated: 29/10/2024
Sajeeda Rose (Chief Executive)
SIGNED and Dated: 30/10/2024