

Deputyship Service Charging Policy

v3 September 2024

The purpose of this policy is to set out Nottingham City Council's approach to charging citizens whose Property and Financial affairs are managed under a Court of Protection Deputyship Order or DWP Corporate Appointeeship.

Legal Framework for charges

Remuneration for Public Authority Deputies

The Fees and Charges that Public Authority Deputies are permitted to charge are specified in Part 19 of the Court of Protection Rules 2017 and are contained within Practice Direction 19B "Fixed Costs and Deputy Remuneration in the Court of Protection"

Nottingham City Council will charge the maximum amounts permitted by the COP rules, unless discretion is used to waive elements of the charges as stipulated below.

The rates of remuneration specified in this policy are applicable from 1st April 2024.

Nottingham City Council will increase the rates specified under this policy in line with any future updates to the Court of Protection Practice Directions.

DWP Corporate Appointeeship and recovery of costs

The Competence Power in LA 2011 enables the Council to charge on a cost-recovery basis for new or existing services, where there is no pre-existing statutory authority.

Nottingham City Council has set its own charging policy for the financial case work it carries out on behalf of citizens under the authority of corporate appointeeship as specified below.

Deputyship Remuneration and Charges

The following remuneration categories will be levied:

COP Practice Direction 19B Categories of Costs and Remuneration	Charge from 1st April 2024	Circumstances when a charge is NOT levied
<u>Category I</u> Work up to and including the date of the Order	£944	When P has less than £2,000 in net assets or where applying the charge would place P below £2,000
<u>Category II</u> Applications under the Trustees Act and s18(1)(j) of the Mental Capacity Act	£633	
<u>Category III</u> Applications by an existing Deputy under Practice Direction 9D	£633	
<u>Category IV</u> Annual Management Fee: 1. For the First Year 2. For the Second and subsequent years	£982 £824	Always charged. A means- tested taper applies to ensure affordability

3. Where net assets are below £20,300 an amount of 3.5% of net assets	3.5% of new assets	
<u>Category V</u> Annual property management fee in respect of tenants and owner occupiers	£380	When P has less than £2,000 in net assets or where applying the charge would place P below £2,000
<u>Category VI</u> Preparation and lodgement of a report or account to the Public Guardian	£274	When P has less than £2,000 in net assets or where applying the charge would place P below £2,000
<u>Category VII</u> Preparation of a basic HMRC Tax return	£89	NA
<u>Travel Rates</u> Fixed rate per hour for travel costs	£51 per hour	NA

Where the period for which the annual management fee is claimed is less than one year, for example where the deputyship comes to an end before the anniversary of appointment, then the amount claimed will be the same proportion of the applicable fee as the period bears to one year.

DWP Corporate Appointeeship

The Service will manage cases under a simple Benefit Appointeeship where the client does not have a sufficient level of capital or assets (i.e. property), income other than DWP benefits, or other complexities to warrant a Deputyship Order.

The following capital based Administration Fee will be levied for financial management by way of corporate appointeeship.

Citizens Living arrangement	Charge from 1 st April 2024	Circumstances when a charge is NOT levied
Community Tenancy	£15 per week	Where capital is less than £2,000
Residential or Nursing Care	£10 per week	

The charge will increase annually in line with CPI.

The differential rates payable for the management of financial affairs by way of appointeeship between those living in the community and those living in a residential or nursing care setting, reflect the level and complexity of work that is undertaken for each setting.

Recovery of Costs

Nottingham city Council will pass the following charges on to citizens to ensure cost-recovery for the services provided. The rates are those specified by the Court or charged within Nottingham City Council contracts and are therefore subject to change.

Charge	Details	Charge
Court of Protection Application Fee	Paid on behalf of citizens through a HMCTS automated process, and re-charged to citizen once sufficient funds available	£371
Pre-payment cards	New and replacement cards (lost, stolen, or expired)	£4.25 per card
	Annual Fee	£10 per citizen annually
	Usage costs	Based on an average usage in the previous financial year
Building and Contents Insurance	Insurance provided by NCC corporate insurance team. Rates negotiated with corporate insurer annually.	<u>Rates for 2023-2024</u> Contents: £47.92 annually Buildings: £257.04 annually Other assets on case-by-case basis

Fees and charges to be levied: deceased or relinquished clients

Following the death of a client, or relinquishment of an Order by the Court, the Deputyship Order ceases, and the Deputy no longer has the authority to manage a client's funds and property.

Deputyship remuneration for the management of the case up until the Deputyship Order has ended will be calculated and invoiced on a pro-rata basis as specified in the COP practice Direction.

For deceased clients there will be several hours of work involved in resolving an estate: notifying necessary agencies/services, searching, and contacting Next of Kin, liaison with next of kin and/or solicitors to settle the estate via a probate or NCCs small estates and indemnity process, transferring funds and closing bank accounts. Nottingham City Council will levy a fixed charge of £250 in respect of post death work for all clients.

The charge will increase annually in line with CPI.