

Nottingham City Council Delegated Decision



Nottingham
City Council

Reference Number:	3225
Author:	Julie Sanderson
Department:	Children and Adults
Contact:	Julie Sanderson (Job Title: Quality Assurance Lead, Email: julie.sanderson@nottinghamcity.gov.uk, Phone: 0115 8764771)
Subject:	Deputyship Service Charging Policy
Total Value:	190,000 (Type: Revenue)
Decision Being Taken:	The ratification of Nottingham City Council's charging policy in respect of clients whose property and finances are managed under a Court of Protection Deputyship Order. Appendix A shows the existing charges that are made and the proposed new charging structure.
Reasons for the Decision(s)	<p>The fees and charges that public authority Deputies are able to levy are contained within Court of Protection 'Practice Direction B - Fixed Costs in the Court of Protection' (appendix B), and this sets out the national fixed amounts of re-numeration that may be claimed by public authorities appointed to act as Deputy.</p> <p>Currently, Nottingham City Council do not levy the maximum fees and charges that they are entitled to. Regional benchmarking has taken place and we are the only council who has not implemented the new charges as specified by the Practice Direction.</p> <p>Under the proposed updated Charging Policy (appendix A), Nottingham City Council will levy the maximum fees and charges as specified in the Practice Direction, on the anniversary of the court order appointing the local authority as Deputy.</p> <p>The additional income generated will enable the service running costs to be reduced and maximising income will contribute to the saving target for the Deputyship Team of £50,000, as identified in the Medium Term Financial Plan for 2019/20.</p> <p>The proposed Charging Policy allows for the waiving of additional fees where payment of such would cause the citizen to fall below a minimum emergency asset level. In this way, Nottingham City Council is safeguarding those citizens from potential financial vulnerability.</p>

Briefing notes documents:	Appendix A Deputyship Charging Policy June 2018.docx, Appendix B practice-direction-b-fixed-costs-in-the-court-of-protection-01-17.pdf
Other Options Considered:	Not to implement the charging policy - rejected as this would increase the financial cost to NCC of delivering its Deputyship service as some income is already generated from the service. This would also impact upon the Medium Term Financial Plan target.
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:	<p>The Deputyship Team provide a service to some of Nottingham's most vulnerable adults, some of which require safeguarding and lack the mental capacity to manage their own financial affairs and property.</p> <p>The team undertake this duty of a 'Public Authority Deputy' when authorised to do so by the Office of the Public Guardian 'OPG'. The team only undertake this duty when the citizen does not have anyone within their own family or social network. At present the team manage approximately 240 cases.</p> <p>This protects vulnerable citizens from financial exploitation, neglect and abuse.</p>
Equality:	Please login to the system to view the EIA document: EIA - Deputyship Service Charging Policy Final GREEN.doc
Decision Type:	Portfolio Holder
Subject to Call In:	Yes
Call In Expiry date:	13/08/2018
Advice Sought:	Legal, Finance, Equality and Diversity

Legal Advice:

I would agree with the summary of the law set out at the outset of this DDM. The Office of the Public Guardian prescribes rates which can be charged and it is then, by definition, lawful and appropriate for such charges to be levied when undertaking this work on behalf of persons in relation to whom Nottingham City Council acts as Deputy. There is, therefore, no difficulty in amending the charges in line with the prescribed rates set by the OPG.

Advice provided by Gordon Clow (Acting Team Leader) on 18/07/2018.

Finance Advice:

The proposed charging policy in respect of citizens whose property and finances are managed by the council under a Court of Protection Deputyship Order in line with rates set by the OPG will result in an increase in the level of income the council receives against the provision of this service.

As detailed within this decision, this will achieve the savings requirement of £50000 included in the Council's 2018/19+ Medium Term Financial Plan. The proposed implementation date will result in increased levels of income in the current financial year and, should the policy be agreed, will support the in-year position of the council.

Advice provided by Darren Revill (Senior Commercial Business Partner) on 31/07/2018.

Equality and Diversity Advice:

The proposal has the opportunity to ensure that some of the most vulnerable citizens within the city will not be adversely impacted by any changes in policy. Robust monitoring and continuous assessment will need to be in place to ensure that that aim is met.

Advice provided by Adisa Djan (Equalities and Diversity Consultant) on 30/07/2018.

Signatures

Sam Webster (PH for Adult Social Care and Health)
SIGNED and Dated: 06/08/2018
Helen Jones (Director for Adult Social Services (DASS))
SIGNED and Dated: 01/08/2018