

**NORTH LINCOLNSHIRE COUNCIL
OFFICER DECISION NOTICE AND RECORD
(PUBLISHED)**

1. DECISION TAKEN		
Implementation a charging scheme for DWP Benefit Appointee service delivered by the Council from the 1 st November 2020 Charges will apply for new clients but existing clients charges will not be introduced until 1 st April 2021 to ensure a suitable notice period for the policy implementation.		
EXECUTIVE	<input checked="" type="checkbox"/>	NON-EXECUTIVE <input type="checkbox"/> (Please tick either)
IS THIS A 'KEY DECISION' ? (see definition overleaf)	<input checked="" type="checkbox"/>	No
DOES THIS DECISION RELATE TO EXEMPT INFORMATION?	<input checked="" type="checkbox"/>	No
EXEMPT PARAGRAPH REFERENCE (NOT TO BE PUBLISHED)		

2. OFFICER DECISION TAKER	<p>NAME Becky McIntyre</p> <p>POSITION/POST DIRECTOR GOVERNANCE AND PARTNERSHIPS</p> <p style="text-align: center;"></p> <p>SIGNATURE ...</p> <p>DATE ...22 September 2020</p>
3. REASONS FOR THE DECISION (Please ref to any report/minute/background documents attached)	
4. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED (BY DECISION TAKER(S))	
<p><i>TO BE COMPLETED BELOW - ONLY WHEN A DELEGATED OFFICER DECISION REQUIRES PRIOR CONSULTATION WITH A MEMBER (LEADER OF THE COUNCIL, CABINET MEMBER/CHAIRMAN OF A COMMITTEE) IN ACCORDANCE WITH THE 'SCHEME OF DELEGATIONS TO OFFICERS' OR DECISION/MINUTE OF COUNCIL/COMMITTEE OR DECISION/MINUTE OF CABINET/CABINET MEMBER.</i></p>	
5. DECISION REQUIRED TO BE TAKEN IN CONSULTATION WITH RELEVANT MEMBER	Cllr Hannigan briefing took place 1 September 2020

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<p>6. ANY CONFLICT OF INTEREST DECLARED BY ANY EXECUTIVE (CABINET) MEMBER (S) CONSULTED, WHICH RELATES TO THE DECISION, OR (NON-EXECUTIVE) – ANY MEMBER OF THE COMMITTEE THAT DELEGATED THE DECISION TAKEN</p>	
<p>7. WITH REFERENCE TO 6. ABOVE - HAS ANY DISPENSATION BEEN GRANTED TO THE EXECUTIVE (CABINET) MEMBER? (ONLY APPLIES TO EXECUTIVE)</p>	

PLEASE REMEMBER TO ATTACH ANY ACCOMPANYING REPORT.

WHEN COMPLETE, PLEASE SEND TO HEAD OF DEMOCRATIC SERVICES.

(The definitions of a key decision are when an **executive** decision is likely -

(i) to result in the Council incurring expenditure or the making of savings (including the receipt or loss of income) over £350,000 in any one financial year; or

(ii) to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority).

NORTH LINCOLNSHIRE COUNCIL

**DECISION TAKEN UNDER THE SCHEME OF DELEGATIONS TO
COUNCIL OFFICERS****INTRODUCTION OF FEES FOR PROVISION OF DWP BENEFIT APPOINTEESHIP SERVICE****1. OBJECT AND KEY POINTS IN THIS REPORT**

- 1.1 To seek approval of the introduction of charging fees for the Benefit Appointeeship Services

2. BACKGROUND INFORMATION

- 2.1 The Council's Managing Peoples Affairs Team provides a Benefit Appointee service for Service users with no mental capacity to manage their finances.
- 2.2 Nationally the figures relating to financial abuse of vulnerable adults continues to grow and the provision of a local (public) authority Deputyship and Appointeeship service is acknowledged as a robust mechanism for helping to maintain vulnerable adult's independence whilst safeguarding them against abuse.
- 2.3 The Council currently provides services to 91 Benefit Appointees and 40 Court Appointed Deputyships. It charges annual fees for Court Appointed Deputyship work as set by the Office of the Public Guardianship. It has not charged for Benefit Appointee work to date.
- 2.4 The levels of work being carried out by public authority deputyship and appointeeship team are forecasted to increase over the next few years. Benefit Appointee cases have increased by 42% since 2016. The nature of the work will broaden into greater working with Court of Protection cases and possibly in the area of supporting service users with managing personal budgets
- 2.5 There is no national policy governing charging for DWP Appointeeship. Policy and charges are therefore subject to local council decisions under the Care Act 2014 Section 14 Power of local authority to charge provisions contained in the National Assistance Act 1948.
- 2.6 A public authority has a power or discretion to decide to charge service users for the services that it provides under these sections, such as home care or day care at day centres or in this context, an appointee service.

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- 2.7 An impact assessment has recognised that charges will not be actioned for the individuals with low capital funds or if the charge will have a negative impact on the individuals financial and care needs.

3. OPTIONS FOR CONSIDERATION

- 3.1 Introduce a charging scheme for the Council's DWP Benefit Appointee service.

An analysis of service costs has been completed with finance team support. The costs to deliver this service are currently £48,206 per annum.

The proposed charge will be a £7.96 weekly fee for service users in residential care and a £22.09 weekly fee for service users living in the community except where service users:

- i) Have their financial and property affairs managed by the Council as the Court Appointed Deputy. The Deputy will claim deputyship fees as laid down by the Court of Protection.
- ii) Have less than £1,000 in capital.
- iii) Have capital greater than £1,000 but less than £2,000 and no disposable income. A flat fee of £50 will be charged based on the date the appointeeship is awarded and then annually on the anniversary of appointeeship.

The charging policy would be introduced for new clients from 1st November 2020 with charges for existing clients delayed until 1st April 2021 to give five months' notice of the policy being implemented.

The fee will be reviewed annually and when a service user has a change in personal circumstances.

Not for Profit Trusts are charging for providing a DWP Appointee Service for clients in Residential placements. The Council's charge is based on full cost recover whilst recognising the Council has a statutory duty to support vulnerable adults. The Council's charging is comparable with external offers in the market.

- 3.2 Do Nothing

4. ANALYSIS OF OPTIONS

- 4.1 Implementing a charging scheme will generate an income for the Managing People's Affairs service to reflect the work required to manage a service user benefits.

It will contribute towards the service costs being met by external income, resource development and future increases to meet growing demands.

- 4.2 Maintaining the status quo prevents the Council from accessing an opportunity to obtain income collectable it is legally entitled to charge.

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The increasing requirement for resources to deliver the Benefit Appointee will have to be met solely from wider Council budgets.

5. RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

5.1 Based on the current appointeeships managed by the team an implementation on the 1st November 2020 would generate approximately an average income of £46,958 per year (average over 5 years). Income would increase as demand for the service increases to support the required growth in service capacity.

	Year 1	Year 2	Year 3	Year 4	Year 5
	6 months income				
Income – Capital Below <£1000	£0	£0	£0	£0	£0
Income - Capital between £1001 - £2000 Based on growth of 5 cases per annum*	£350	£600	£850	£1,100	£1,350
Income Residential placement– Capital above £2000 Based on growth of 2 case per annum	£10,141	£20,696	£21,110	£21,524	£21,524
Income Community placement– Capital above £2000 Based on growth of 2 case per annum	£13,784	£28,717	£29,866	£31,014	£32,163
Total Annual Income	£24,275	£50,013	£51,826	£53,638	£55,037

* Increase in cases based on last 5 years data (new appointeeships less appointeeships ended)

6. OTHER RELEVANT IMPLICATIONS (e.g. CRIME AND DISORDER, EQUALITIES, COUNCIL PLAN, ENVIRONMENTAL, RISK etc.)

6.1 There are no implications under the Crime and Disorder Act 1998.

There are no implications under the Equalities Act 2010.

The proposals support the Council's priority for Keeping People Safe and Well by ensuring that vulnerable adults who lack the capacity to manage their benefits have the support in place to ensure they receive the benefits that will enable them to live safely and well.

7. OUTCOMES OF CONSULTATION AND CONFLICTS OF INTEREST DECLARED

7.1 Consultation has been taken with the Managing People's Affairs Team and APAD (Association of Public Authority Deputies) and Adults & Community Well-Being team.

7.2 Other local authorities and trusts have implemented charging policies with no negative impacts.

8. RECOMMENDATIONS

8.1 It is recommended that the Director approves the implementation of a charging scheme for DWP Benefit Appointee service delivered by the

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council from the 1 November 2020 for new clients with existing clients charges being introduced from 1st April 2021.

DIRECTOR OF GOVERNANCE & PARTNERSHIPS

Church Square House
30-40 High Street
SCUNTHORPE
North Lincolnshire
DN15 6NL
Author: Dave Jackson
Date: 16 September 2020

Background Papers used in the preparation of this report –

Care Act 2014 Statutory Guidance
Mental Capacity Act 2005
National Assistance Act 1948
Mental Health Act 1983
North Lincolnshire Council Benefit Appointee Charging Policy v0.2
Impact Assessment on introducing Benefit Appointee Charging