

# **Appointee and Deputyship Policy**

Date 24/10/24

POLICY INFORMATION SHEET	
<b>Name of Document:</b>	Appointee and Deputyship Policy
<b>Purpose:</b>	To give criteria and information for Bury Council to take on and manage Appointee and Deputyships
<b>Service area:</b>	Money Management Service
<b>Target Audience:</b>	Social Workers
<b>Forum Policy/Procedure/Strategy was approved:</b>	
<b>Date policy is effective from:</b>	
<b>Date review due:</b>	
<b>Last reviewed:</b>	
<b>Status:</b> <ul style="list-style-type: none"> <li>• <b>Mandatory (all practitioners and managers must adhere to guidance)</b></li> <li>• <b>Optional (procedures and practice can vary between teams)</b></li> </ul>	Mandatory
<b>Location of Document</b>	tbc
<b>Related document(s)</b>	
<b>Superseded document(s)</b>	N/A
<b>Document Owner</b>	Money Management Service

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Version control – complete as appropriate

Version Number	Purpose/Change	Author	Date
0.1	New draft	Jackie Brooks	14/8/2024
0.2	Revised draft	Jackie Brooks	25/11/2024
0.3	Revised Draft April charges	Jackie Brooks	14/05/2025
1.0	Revised charges	Jackie Brooks	21/05/2025
1.1	Revised referral form	Jackie Brooks	3/07/2025
1.2			



- The person has less than £50,000. If they have more than this amount, we will consider managing their affairs on a case-by-case basis.
- For appointeeship the person must only receive DWP benefits and no other payments, if they have investments, stocks and shares or a private pension then deputyship will need to be applied for.
- The individual does not already have an appointee or did not appoint a Lasting Power of Attorney (LPA) before becoming unable to manage their finances or the existing Appointee, LPA or Deputy has been removed by the DWP/Office of public guardian or is relinquishing their role.
- The individual is not living with a family member or partner who we do not act for.

## **4. Referrals and Scope of the Service**

All referrals must come to the Money Management team from a Social Work team. For those people who do not have capacity to manage their financial affairs, and fit the criteria, Bury Council will consider whether any of the following courses of action are appropriate:

- a) Seek appointment as Appointee - The Council is then appointed by the Secretary of State for the Department for Work and Pensions (DWP) to act on behalf of a person who is unable to manage their affairs, the appointment relates to their state benefits. The Council will:
  - Claim benefits and sign DWP forms for the person;
  - Collect and receive benefits, state pensions and allowances;
  - Ensure the person receives the maximum amount of benefits they are entitled to;
  - Make appropriate payments on behalf of the person from those benefits and.
  - Ensure the individual receives their personal allowance from their benefits.

As the Appointee the Council cannot receive or make payment from any other type of income other than those listed above.

- a) Seek appointment as a Court of Protection Deputy - The Council is then appointed by the Court of Protection to look after all of a person's financial affairs including:
  - Savings in a bank account, stocks and shares and investments.
  - Collecting all benefits, occupational pensions and other income.
  - Make all appropriate payments on behalf of the person.

b) Refer the matter to the Court of Protection to consider the appointment of a Panel Deputy appointed by the Court.

- The Council will request the Court of Protection appoints a Panel Deputy when the person owns assets totalling over £50,000 and or has any unoccupied real estate assets, being land or buildings.

The application form to request the appointment of an Appointee or Deputy can be found in Appendix A.

In the interim period whilst waiting for a deputyship application to be granted, Bury Council will apply to act as an Appointee, as this will enable the person to have access to their personal allowance, they will open a bank account and apply for benefits, the appointment can be transferred to the Deputy in due course.

Monies held on behalf of each person will be retained within Bury Council's main bank account with each person having their own separate sub account. Annual or monthly interest will be paid to each person's account at the same interest rate as the Council receives on its total investments.

The Council Officer authorised to act as Appointee for a person who lacks mental capacity is the Holder of the office of Service Manager for Adult Social Care Financial Support Service Department. These duties have been delegated to the Money Management Team within the Adult Social Care Financial Support Service department.

The Council Officer authorised to act as a Deputy for a person who lacks mental capacity is the Holder of the office of Director for Adult Social Services and Community Commissioning. These duties have been delegated to the Money Management Team within the Adult Social Care Financial Support Service department.

## **5. Appointeeship**

Bury Council can act in the role of Appointee by applying to the Department of Works and Pensions (DWP).

Appointeeship allows Bury Council to act on behalf of the client in respect of claiming and receiving benefits from the DWP. These benefits are used to provide statutory personal allowances, payment of client contributions and assistance with paying bills. Appointeeship is not a debt management service for clients.

### **5.1 Duties of an Appointee**

As an Appointee, Bury Council can:

- Use any money received on behalf of the person in their best interests.
- Claim benefits and sign DWP forms for the individual.
- Collect and receive benefits, state pension and allowances.
- Ensure the person receives the maximum amount of benefits to which they are entitled;
- Make appropriate payments on behalf of the individual.
- Ensure the individual receives their personal allowance.
- Ensure bills or payments are invoiced correctly and due before making payment from the person's account.

An Appointee cannot:

- Receive any types of income, other than those listed above.
- Deal with any debt, except to the DWP or Bury Council.
- Deal with debt companies or agencies.
- Invest or manage bank accounts.

## **5.2 Cost of Appointeeship**

There is a weekly charge for appointeeship, this may be reduced depending on savings.

Please see Appendix A for the costs associated with appointeeship for this calendar year.

## **6. Corporate Deputyship**

Bury Council can act in the role of Deputy by applying to the Court of Protection. A Deputy will take full responsibility for managing an individual's finances. The Deputy's powers are determined by the Court of Protection and will be set out in a court order. A Deputy must act in accordance with the court order and the Mental Capacity Act 2005 Code of Practice.

### **6.1 Duties of a Corporate Deputy**

When Bury Council becomes Deputy they will:

- Apply the required standards of care and skill.
- Exercise a duty of care.
- Not take advantage of the individual's situation.
- Act in good faith.
- Act in the individual's best interest.
- Help the individual understand their financial situation and involve them in decision making.
- Respect the persons confidentiality.

- Comply with the directions of the Court of Protection.
- Complete an annual visit to the individual they hold deputyship for.
- Complete an annual deputy report.
- Create a bank account to keep the individual's money separate bank account and keep accounts.

## **6.2 Cost of Deputyship**

The Court of Protection permits Deputies to charge a range of fees. Fees charged by the Council to act as Deputy will not exceed the fixed rates of remuneration permitted by the Court of Protection. These fee rates are published annually by the Council. There are a range of fees charged by the Court of Protection and Office of the Public Guardian, they include set up fee's annual fee and annual report fees.

Please see Appendix A for the costs associated with deputyship for this calendar year.

## **7 Best Interest and Decision Making**

Bury Council as Deputy agrees to always act in the best interest of the person. The best interest checklist under the Mental Capacity Act 2005 will be followed. Consideration will be given to activities or items that will improve or enhance the persons quality of life. The person will always be included in decision making in all appropriate circumstances. The person's wishes will always be respected, and consideration given to what they have done in the past when managing their finances and possessions. The best interest checklist is set out below.

1. Encourage participation of the person.
2. Identify all relevant circumstances.
3. Find out the person's views.
4. Avoid discrimination.
5. Assess whether the person might regain capacity.
6. Consult others.
7. Avoid restricting the person's rights.

Ultimate responsibility for decisions will be with the Director of Adult Social Services and Community Commissioning but will be delegated as follows;

- General day to day income and expenditure management, including requests for additional day to day expenditure and regular allowance increases, will be considered by the Money Management Service in conjunction with care support staff and/or social worker, taking into account persons wishes and the affordability.
- More complex decisions for more unusual items of expenditure or those which may affect the wellbeing of the person may be considered by holding a best



interest meeting. This will be led by the social work team but will include the Money Management Service. A final decision may be requested from the Director of Adult Social Services and Community Commissioning as recommended by the Best Interest meeting.

## **8. Visiting Deputyship clients**

As a minimum, Bury Council will ensure that all clients that Bury Council hold a Property and Affairs Deputy order for will receive an annual visit. This will be from a member of staff from the Money Management Team and will be in addition to the annual care needs review undertaken by the allocated social worker.

A yearly log of all required appointments will be kept ensuring that these take place. Appointments will take place one month before the annual report is due.

At the visit the staff member will discuss and record the person's feelings, wishes, beliefs and interests, both past and present directly with the person and with family or care providers present if needed. A wellbeing check will also be conducted. Staff members will ensure the Financial Visit Report form is completed at the visit and attached to the person's record on return. Please see the Financial Visit Report attached.



Blank Financial visit  
report form.xls

Any recommendations should aim to be actioned or notified to any other stakeholders within 28 days.

## **Appendix A**

### **Council Appointeeship costs 2025/2026**

If the person has less than £1000 in capital and is living in the community or £2000 and is living in a care home there is no fee for appointeeship, if capital is above these amounts the charge is £13.80 per week if the person lives in the community and £7.28 per week if the person lives in a care home.

### **Council Deputyship costs 2025/2026**

For accounts submitted where period starts during April 2025 – March 2026, there is an annual cost of £824, or if savings are less than £20,300 the charge is 3.5% of total savings. The cost of the annual report is £274.

## OPG Deputy costs

The cost to apply is £421. If the court decides the case needs a hearing, there will also be a charge of £259.

There is a fixed professional fee for preparing and submitting the application. This fee is up to £944, as set by the Senior Courts Costs Office (SCCO)

### Here's what this fee typically covers:

- Gathering medical and financial evidence
- Completing and submitting the Court of Protection forms
- Liaising with professionals (e.g. doctors, social workers)
- Notifying family members and interested parties
- Responding to any court queries
- Preparing for and attending a hearing (if required)

There is an annual supervision fee paid to the courts, depending on what level of supervision the deputyship needs. £320 for general supervision and £35 for minimal supervision, this is due on the 31<sup>st</sup> of March for the previous year.

The person may be able to get help with the application fee depending on the type of deputy and how much money they have.

Application form for Appointee and Deputyship requests.



referral form.docx

For further information about the Appointee and Deputy Policy  
please contact:



Log on to:

[www.theburydirectory.co.uk](http://www.theburydirectory.co.uk)



Email us at:

[acs.moneymanagement@bury.gov.uk](mailto:acs.moneymanagement@bury.gov.uk)



Write to us at:

Money Management Team

Third Floor, 6 Knowsley Place, Bury. BL9 0EL



Call us on:

0161 253 7438

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Council