



6 October 2014

Agenda Item: 9

REPORT OF SERVICE DIRECTOR ACCESS AND PUBLIC PROTECTION

ESTABLISHMENT OF AN ADDITIONAL DEPUTYSHIP OFFICER POST IN ADULT CARE FINANCIAL SERVICES

Purpose of the Report

1. To outline proposals to expedite the processing of deputyship referrals by seeking approval to establish an additional Deputyship Officer post within the Adult Care Financial Services (ACFS) structure.

Information and Advice

2. The Corporate Director of Adult Social Care Health & Public Protection acts as a deputy for service users who have lost the mental capacity to manage their finances and have no-one else to act on their behalf.
3. Applications are submitted to the Court of Protection which grants an order giving the council the authority to act on behalf of the service user in relation to their property and finances. This is a non-statutory function but has been considered essential to address safeguarding concerns for vulnerable adults who may be at risk of financial abuse, accumulating debts or having to enter residential care as they cannot be supported in the community.
4. Over the last 6 years, the number of service users supported by ACFS by acting as their deputy has more than doubled from 173 to 361. There are currently 3 fte Deputyship Officer Posts and 1 Team Leader responsible for the caseload. The existing staff are managing an unsustainably high number of cases which is leading to delays in processing the referrals. There are currently approximately 70 unallocated cases requiring social workers to support service users to manage their finances without having an authority to act on their behalf. The consequences of this are inefficient use of social worker time and potentially increased safeguarding risk in these cases.
5. It is therefore proposed to recruit an additional Deputyship Officer to reduce these risks and allow more effective use of social care staff's time. The cost of this would be neutral by offsetting the salary and on costs against increased fee income.

Other Options Considered

6. ACFS have previously approached the Court of Protection to appoint a deputy from their panel of solicitors to act on the service user's behalf. The list of panel solicitors is approved and maintained by the Office of the Public Guardian (OPG). There are approximately 60 deputies at any one time, but currently there are none in the Nottinghamshire area.
7. It is considered good practice to have a local solicitor as the required annual visits from a more remote location would generate higher travel and time costs, which would be charged to the service user. Panel solicitors are permitted by Practice Direction B or the Court of Protection Rules to charge higher deputyship fees than local authorities so service users' savings and assets are depleted more quickly than if the local authority acts as deputy.
8. Panel solicitors have been unwilling to take on cases where the service user has less than £16,000 in assets as they are not financially viable. In these cases the amount that can be charged is based on a percentage of the service users' net assets up to a maximum of £500, which does not provide solicitors with an adequate profit margin. Panel solicitors do not always have the expertise to maximise service user income by applying for appropriate benefits in a timely manner. The work required by Nottinghamshire County Council to gather the necessary information and evidence to submit with an application to appoint from the panel is the same as if the Council were going to apply to become deputy.
9. Consideration has been given to referring cases to Freeth Cartwright Solicitors under the East Midlands LawShare agreement. This option presents the same difficulties as appointment of a panel solicitor with the only benefit that they are a local firm.

Reason/s for Recommendation/s

10. The proposed increase of Deputyship Officer Posts from 3 to 4 fte will allow the timely processing of cases and reduce the risks outlined in paragraphs 3 and 4 above. Service users will benefit from lower deputyship fees than if referred to a solicitor, as well as prompt identification and application of benefit entitlements and a nominated officer to support them. Social workers will spend less time supporting service users to manage their finances without any authority to act on their behalf.

Statutory and Policy Implications

11. This report has been compiled after consideration of implications in respect of finance, equal opportunities, human resources, crime and disorder, human rights, the safeguarding of children, sustainability and the environment and those using the service and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Implications for Service Users

12. If this proposal is approved, service users would benefit from lower deputyship fees, prompt identification and application of means tested and disability related benefits, and a dedicated deputyship officer who would support the service user to make decisions on how they want to manage their finances. Safeguarding issues involving potential financial abuse of vulnerable adults would be dealt with more quickly as would any debt problems.

Financial Implications

13. The cost to the authority would be the cost of 1 fte Deputyship Officer at Band A, £28,922, plus on costs, making the total cost £36,644. The costs would be contained within the Adult Care Financial Services budget.

Human Resources Implications

14. This report proposes to establish 1 permanent Deputyship Officer Post at Band A, £36,644pa.

RECOMMENDATION

It is recommended that Committee:

- 1) approve the establishment of an additional permanent 1 fte Deputyship Officer Post, increasing the current establishment from 3 to 4 fte posts, at a total cost of £36,644 per year.

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Constitutional Comments (LM 16/09/14)

15. The Adult Social Care and Health Committee has delegated authority within the Constitution to approve the recommendations in the report.

Financial Comments (KAS 16/09/14)

16. The financial implications are contained within paragraph 13 of the report.

Background Papers

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- None.

Electoral Division(s) and Member(s) Affected

- All.

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