



# Appointeeship & Deputyship – Managing money on somebody else’s behalf

Nottinghamshire County Council will, in exceptional circumstances, manage the finances of people who are unable to do this themselves, and have no one else who is willing or able to do this for them. The Council offers Appointeeship or Deputyship (Court of Protection) for people living in residential care, or in the community.

## **Appointeeship**

### **What is it?**

Appointeeship is where the Council acts for someone, by collecting their state benefits, maximising benefit income, making payments from these monies for care charges, personal allowance or other items considered to be in the person’s best interests.

Appointees only manage benefits, and in some cases money from private pensions. The person may have a small amount of savings or other sources of income which the Council, as Appointee, cannot control. Appointeeship is granted by the Department for Work & Pensions (DWP) upon application by the Council.

### **Who can have an Appointee?**

Appointeeship can be granted for people in long term residential care or for people living in the community – including Shared Lives accommodation.

There must be evidence that they lack capacity to manage their money – either from a medical professional or a Mental Capacity Assessment carried out by a social care worker.

The Council will apply for Appointeeship only in the following situations:

- There are allegations of financial abuse (with or without a safeguarding referral being made)
- The person cannot manage their benefits for other reasons and either requests our services directly or via their social care worker
- A request is made by the Council's Debt Recovery Team due to unpaid care charges
- There must be no one else who is willing or suitable to act for the person
- The person has only state benefits, little or no other income, savings or assets

There has to be a mechanism in place whereby the person can access money, such as support to go to a cash machine from family members, support providers or their social care worker.

Once the Council has been made Appointee, the Council will have a clear picture of benefits income and will apply to have any other sources of income redirected. If a relative wishes to maintain administration of additional income from private pensions, then the Council will not act in any capacity for the person, and will hand over full responsibility for all the finances to the person or their relative.

Where the person lives in the community, support must be in place to assist them with the actual payment of bills. The Client Finance Team will budget the money but not organise payments to all the necessary payees – with the exception of payments to Nottinghamshire County Council for support which will be done by the Team.

## How to refer someone for Appointeeship

A Mental Capacity Assessment has to be completed in all cases either by the social care worker or by a medical professional. The social care worker then makes a referral to the team managing Appointeeship.

### Timescales

On average the process takes 8 – 10 weeks, for Appointeeship to be granted by the DWP, but redirection of private pensions can take a number of months depending on the pension provider.

### Charges

A charge of £12 per week will be made where a service user has in excess of £1,000 of savings.

## Deputyship (Court of Protection)

### What is it?

The Council can act as Deputy for a person who lacks mental capacity in respect of their Property & Affairs. This power is granted by the Court of Protection.

### Who can have a Deputy?

- Where there are allegations of financial abuse (with or without a safeguarding referral being made), and the person lacks capacity
- When the person has lost capacity and the Council needs to act as Property & Affairs Deputy of last resort (i.e. no other suitable person can be found to undertake this role)
- If the Court of Protection discharge a previous Deputy or Attorney and appoint the Corporate Director
- Where a request is made by the Council's Debt Recovery Team for it due to unpaid care charges
- If the person has savings or assets which they lack capacity to manage

Once appointed, the Council will manage the person's finances and property in consultation with them and any other interested parties in line with the Mental Capacity Act, and the terms of the Court Order made.

There has to be in place a mechanism whereby the person can access money, such

as support to go to a cash machine from family members, support providers or social care worker.

## How to make a referral for a Deputy

A Mental Capacity Assessment in order to determine that the person lacks capacity with regard to managing their finances has to be completed by the social care worker. The worker then completes a referral.

### Timescales

The process can take up to nine months, and may take longer where the person or any of their relatives or friends object to the proceedings.

### Charges

The Council makes a charge for this service, to be paid from the person's money. Charges are laid down by the Court of Protection, and reviewed by them on a regular basis.

## Contact details

### Nottinghamshire County Council Customer Services Centre:

Phone: 0300 500 80 80

Monday to Friday: 8am to 6pm

Email: [enquiries@nottscc.gov.uk](mailto:enquiries@nottscc.gov.uk)

Website: [www.nottinghamshire.gov.uk](http://www.nottinghamshire.gov.uk)

Minicom: 01623 434 993

Phone 0300 500 80 80 if you need the information in a different language or format

### Adult Care Financial Services

#### Client Finance Team:

Phone: 0115 9773295

Monday to Thursday: 8.30am to 5.00pm

Friday: 8.30am to 4.30pm

Email: [client.finance@nottscc.gov.uk](mailto:client.finance@nottscc.gov.uk)

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<https://www.nottinghamshire.gov.uk/global-content/privacy>