

## The Appointeeship Unit

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We are a Sandwell Council service that offers help to people who cannot manage their own finances.

If someone else has responsibility for receiving benefits and paying bills, repaying debts, investing wisely and budgeting, it can help people to remain independent and take a weight off their minds.

### Who can we help?

We offer help to people who are mentally incapable of managing their own money, and who might be at risk of abuse.

We will **deal with the financial affairs** of people who:

- get a service from the council's Adult Social Care (social services) department;
- have been assessed as 'mentally incapable'; and
- have no friends or family who are able or suitable to take on this role for them.

We always act in the best interest of the client. We have extensive experience of protecting those members of the community who are vulnerable.

## **What do we mean by 'incapable'?**

Labelling a person as incapable of managing their own finances is a serious matter. It should not be done without looking at the whole situation or just because it is convenient.

There is a difference between people who are incapable of handling their own finances and those who have practical difficulties doing so, for example because they cannot physically get to the bank or post office.

Where a person is not 'incapable' we have no legal right to become involved in managing their finances.

A qualified person must look at the person's situation in detail (an assessment) before it is decided that the person is incapable.

Everyone's circumstances will be different. Generally, a person could be considered incapable of handling their own financial affairs if they have a mental health illness, dementia or learning disability, as a result of which they do not understand the value of money or are unable to make informed decisions about how to manage it.

## **What we can do to help**

### **Dealing with someone's financial affairs**

Where it has been agreed that the Appointeeship Unit will manage someone's financial affairs, we will:

- make applications to the Court of Protection and the Department of Work and Pensions (DWP) to give us the authority to act and make decisions on the person's behalf
- set up appropriate banking arrangements
- draw up an agreed budget for the client with the social care team
- pay bills
- ensure the person has enough money for their day-to-day needs

- monitor the person's finances
- deal with the Court of Protection, Benefits Agency, financial institutions, utility providers (such as gas and electric companies) and other linked companies.

People who we are helping will continue to have support from a social care team. Support staff from this team will work closely with us in managing the person's affairs.

### **We will not:**

- manage the financial affairs of anyone who is mentally capable of doing this for themselves, even if they need some help from support workers to do this
- be responsible for delivering cash directly to clients
- take over any of the responsibilities of the care manager or social care team

## **Case study – how we can help**

Mrs A lived on her own in her own home. The local newsagent asked her neighbours if they had seen her recently – she had not paid her paper bill for some time. The neighbours were concerned and so they visited her. They noticed she had lost a lot of weight and that there was a pile of unopened bills on her hall table.

Mrs A had no family or close friends. The worried neighbours contacted Adult Social Care through Sandwell Council Enquiry. Social care staff arranged to visit and find out more about the situation. Together with health staff they worked out what the council could do to support Mrs A.

Mrs A had short-term memory loss and was confused. She agreed to move into a residential placement for a rest and for the Appointeeship Unit to help with managing her finances. We applied to the Court of Protection to become her Deputy for property and affairs and as Department for Work and Pensions (DWP) Appointee also received all her benefits, paid her debts, her bills and ensured that she had all the money she needed for day-to-day expenses.

She was soon able to return home with continuing help from us.

## **Why do you apply to the Court of Protection?**

We manage all our cases through the Court of Protection. This means we can make sure that people who have savings and assets are protected and that appropriate decisions are made on their behalf, including being able to sign tenancy agreements and other legal documents.

When we apply to the court it will appoint a named officer from the council to act on its behalf as a 'Deputy'. This officer will have legal responsibility for managing the property and finances of a person who is no longer able to do this for themselves.

The Court of Protection will monitor and supervise the officer to ensure they are acting appropriately and in the best interests of the client.

## **Why do you apply to the Department of Work and Pensions (DWP)?**

We apply to the DWP to become the client's Appointee. An Appointee is someone who acts on behalf of another person to receive their benefits and pay bills. They will also give the person spending money and help them to budget.

Being an Appointee does not give someone the legal right to make choices and decisions for the other person. It does not enable them to cut through data protection laws to get and give the information that is needed to fully manage someone's financial affairs. This can only be done if they are a Deputy appointed through the Court of Protection.

We apply to both the DWP and the Court of Protection so that we can work most effectively to help and protect our clients.

## **Mental Capacity Act**

The Mental Capacity Act makes your rights about capacity stronger. If you would like to find out more about this, please ask us.

## **Is there a charge for your service?**

Yes, there is a charge for our service when we are managing someone's financial affairs. The amount we charge is set by the government each year. Our administration charges are considerably less than those charged by solicitors and other legal professions.

## **How can you get help from us?**

### **Help for people who may be incapable of managing their finances**

In the first instance you should contact our Adult Social Care contact centre, Sandwell Council Enquiry, on 0121 569 2266. A member of the team will write down your concerns and act upon them. They will refer your case to a Social Worker who will pass on your details to us if you

meet our criteria and they think we can help you. The decision that a person is incapable of handling their own financial affairs should not be made by one person alone.

When we get the request, we will record the details of your situation. We will aim to arrange a meeting with all parties concerned to discuss the referral in detail as soon as possible.

### **Other formats**

If you would like help to understand this factsheet contact:

Sandwell Council Enquiry

Tel: 0121 569 2266

Address: PO Box 15825, Oldbury B69 9EL

Email: [sandwell\\_enquiry@sandwell.gov.uk](mailto:sandwell_enquiry@sandwell.gov.uk)

Textphone: 0121 569 2083

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