

Policy and Procedure Guidelines

CORPORATE PROPERTY & AFFAIRS DEPUTY ACCOUNTS

		Actions			
		Involved Worker	Care Manager	General Manager	Financial Administrator - Appointees & Deputyships
1.	<u>Introduction</u>				
1.1	Where it has been identified that a Service User of our services lacks the mental capacity to manage their financial affairs there is the need for someone to act on their behalf in these matters. If the Service User signed an Enduring Power of Attorney (EPA)/Lasting Power of Attorney (LPA) before they lost the capacity to manage their finances then the Attorney will need to register this with the Office of the Public Guardian to enable them to act on the Service User's behalf. If the Service User had not made such arrangements then they may need someone to act as a Deputy on their behalf. A Deputy can be authorised to manage all of a Service User's financial matters including savings, private income e.g. occupational pension and property. If a Service User's only source of income is benefits from the Department of Work and Pensions (DWP) and they have savings below £6000 then it is preferable that the Service User has an Appointee - refer to procedure DASC/085.				
1.2	If a Deputyship is appropriate for the Service User then this could be a family member/friend, a care provider e.g. owner of a residential home, domiciliary care provider or a local solicitor. If there is no one willing/able to undertake this role then, as a last resort, the local authority will act as a Corporate Property and Affairs Deputy (CPAD) for that Service User. This will depend on the current case law and good practice advice.				
1.3	Flowcharts to assist with the process of identifying if someone is eligible for Corporate Appointeeship or Corporate Property and Affairs Deputy can be found as SAM/049 and SAM/051.				
2.	<u>Application Process</u>				
2.1	The Involved Worker completes the FACE Mental Capacity Assessment, Financial Passport and CPAD Referral Form within the DASC Corporate Property and Affairs Deputyship Referral Episode on Frameworki and asks the Finance Assessment & Benefits team (FAAB) to undertake a review of the Service User's benefits to ensure that they are claiming all benefits to which they are entitled.	*			

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2.2	The referral is forwarded to their Care Manager for agreement, and then to the General Manager.	*	*	*	
2.3	Once the General Manager has agreed that Cornwall County Council act as a CPAD, the request is then forwarded to the Financial Administrator, Appointeeships and Deputyships (FAAD) based in the HQ Finance Team at Old County Hall.			*	
2.4	The FAAD checks through the information to ensure that a CPAD is appropriate for this Service User. If the Service User's finances are such that it is appropriate to apply for an Appointeeship then the General Manager should be notified accordingly. The application should then be processed as per the Corporate Appointeeship procedure DASC/085. The FAAD will also check that the review of the Service User's benefits has taken place.			*	*
2.5	The FAAD checks the referral details with Fascia (separate financial module linked to Frameworki) for full details of:- <ul style="list-style-type: none"> • DWP Benefits (each one to be listed separately) • Any occupational pensions • Trust income • Income from employment • Miscellaneous income • Monies held in banks/building societies (to include account name, bank and branch, balances held) • Monies held by a third party on Service User's behalf • Investments • Life insurance policies • Land and property • Business interests • Miscellaneous assets and investments • Cost of residential care including allocation of costs • Contributions towards care <p>If details are incomplete the FAAD should contact the Involved Worker and/or FAAB.</p>				*
2.6	The FAAD sends form COP3 (Court of Protection Application Form) to the practitioner identified on the CPAD referral form for them to complete and return. Enter in the task diary to chase if this has not been returned after 2 weeks. Any fee, as invoiced by the practitioner, to be paid once the CPAD has been granted.				*
2.7	Forms COP1 (Application form), COP1A (Annex A Supporting information for property and affairs applications) and COP4 (Deputy's declaration) are completed by FAAD and signed by the Director of Adult Social Care. Form COP1 should include a request that any fees,				*

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costs incurred or likely to be incurred to be reclaimed from the Service User's assets once the CPAD is approved.					
2.8	Two copies are made of each of these forms and any supporting documents together with the COP3 (completed and signed by the relevant practitioner). Refer to the Finance Procedure DASC/087 to determine whether the Service User is entitled to an exemption or remission on the application and registration fees payable to the court and Form OPG506A (available from the OPG website) should be completed if necessary. Any fees payable should be listed as debts owed by the Service User on form COP1A and a covering letter sent to the Court advising that these will be paid once the deputyship has been granted.				*
2.9	The original forms/documents and copy set are sent to the Court of Protection (the Court).				*
2.10	The second set of copy forms are held in the pending applications file.				*
2.11	Enter in the task diary to chase if no response has been received after 2 months.				*
2.12	Once the CPAD application has been received, the Court will put an original stamp on the application form and return it together with forms COP5 (Acknowledgement of service/notification), COP14 (Proceedings about you in the Court of Protection), COP14A (Guidance notes on completing form COP14), COP15 (Notice that an application form has been issued), COP15A (Guidance notes for completing form COP15) and COP20 (Certificate of notification/non notification).				*
2.13	As per the Court's rules, within 21 days of the Court 'issuing' the application the FAAD must 'serve' a copy of forms COP1, COP1A, COP3, COP4 and any supporting documents on anyone named as a respondent in the application.				*
2.14	The FAAD must 'notify' relatives and others named in the application as likely to have an interest in the application by using form COP15.				*
2.15	All those who are 'served' or 'notified' should also receive a copy of form COP5.				*
2.16	For each person 'served'/'notified' form COP20 must be completed and returned to the Court within 7 days of the notification being provided.				*
2.17	The FAAD must send forms COP5 and COP14 to the Involved Worker for them to hand to the Service User in person and explain to them what the forms mean.	*			*

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2.18	Form COP20 is also sent to the Involved Worker for them to sign and return to the FAAD who will send it to the Court.	*			*
2.19	If not included in the above formal notifications, the Involved Worker, Care Manager and General Manager should also be notified.				*
2.20	Enter in task diary to chase if no response has been received after 2 months from the date the COP20 forms were returned to the Court.				*
2.21	After the service and notification period has concluded the Court considers the application and notifies DASC of their decision (the order).	*			*
2.22	Within 7 days of the order being granted the Service User must be notified by using form COP14. This form together with a copy of the order and form COP20 is sent to the Involved Worker for them to hand to the Service User in person and to explain to them what it means.	*			*
2.23	The Involved Worker completes and signs form COP20 which is then returned to the FAAD who in turn sends it to the Court.	*			*
2.24	The FAAD adds the Service User's details to the database and creates a file for the Service User.				*
2.25	Account set up for Service User on the Nat West Client Monies Account using their National Insurance Number as the account reference number.				*
2.26	The FAAD makes arrangements for all income to be paid direct to the Nat West Client Monies account. Income received should be processed in accordance with the Finance procedure DASC/087.				*
2.27	Payments made on behalf of the Service User should be authorised in line with the levels of delegation set out in the Finance procedure DASC/087.				*
2.28	Any fees paid out in connection with the application should be paid to the Court.				*
2.29	If the referral form states that the Service User does not have a will then refer to the procedure on Wills and Death DASC/088.	*			*
2.30	The FAAD can complete the Episode on Frameworki and should select an Outcome of "Corporate Deputyship Review" with a review date set for 12 months time. This will appear in the FAAD's Future Work Folder.				*

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2.31	<p>The FAAD should add their name to the Service User's Personal Details Screen as the Appointee / Deputy by undertaking the following:</p> <ul style="list-style-type: none"> • Select Amend > Worker Relationships • Select Add • Find name • Set Relationship Type as Corporate Appointee • Enter start date • Select Save and Ok 				*
3.	<u>Management of Accounts</u>				
3.1	If there are any changes to a Service User's circumstances, the FAAD must be notified as soon as possible as this may affect the benefits that they are claiming on the Service User's behalf.	*			*
3.2	Reconciliation of a Service User's account is carried out monthly as detailed in the Finance procedure DASC/087. The FAAD should look for any upward or downward trends. If these appear to be significant then advisory contact should be made with the Involved Worker.				*
3.3	A review of each CPAD should be made at a minimum of once a year. This is undertaken by the FAAD and Senior Admin Officer (Finance). Included in this review are financial trends, any requests to the Involved Worker, checking on Frameworki that the Involved Worker has undertaken a care review and any implication which this might have on the Deputyship, and ensuring that the requirements of the Court are being met.	*			*
3.4	In addition, a number of files will be reviewed in the quarterly quality audits as outlined in the Finance Procedure DASC/087.				*
3.5	<p>For further guidance regarding the Frameworki Episodes, please refer to the following Guidance Notes:</p> <ul style="list-style-type: none"> • DASC Corporate Property and Affairs Deputyship Referral • DASC Corporate Deputyship Application • DASC Corporate Deputyship Review <p>Which are available on the following page: http://social/social/adults/Frameworki/frameworkiEpisodeguidance.htm</p>				