



Author/Lead Officer of Report: Liam Duggan

Tel: 29 30253

Report of: *Jayne Ludlam, Executive Director People Services*
Report to: *Cllr Chris Peace, Cabinet Member for Adult Social Care*
Date of Decision: *31st January 2019*
Subject: Council run Deputyship Service

Is this a Key Decision? If Yes, reason Key Decision:-	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
- Expenditure and/or savings over £500,000	<input type="checkbox"/>	
- Affects 2 or more Wards	<input type="checkbox"/>	
Which Cabinet Member Portfolio does this relate to? <i>People</i>		
Which Scrutiny and Policy Development Committee does this relate to? <i>Healthier communities & adults social care</i>		
Has an Equality Impact Assessment (EIA) been undertaken?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If YES, what EIA reference number has it been given? <i>475</i>		
Does the report contain confidential or exempt information?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If YES, give details as to whether the exemption applies to the full report / part of the report and/or appendices and complete below:-		

Purpose of Report: Seeking approval to establish the practical requirements for an in-house Deputyship service prior to a decision to launch the service.

The service would build on our current appointeeship service, providing a less expensive alternative to private solicitors for 300-400 people across the city who lack the capacity to manage their own finances, as defined by the Mental Capacity Act 2005.

The service would generate approximately £190k per year additional revenue for SCC and save each individual over £900 per year compared to private rates.

The service would provide an efficient response to financial disputes to avoid individuals accruing debt and help to protect vulnerable people from the risk of financial abuse.

Recommendations:

Executor Services and Business Strategy to develop the operational requirements for a Council run Deputyship Service before a second cabinet member decision on implementation of the service.

Background Papers:

(Insert details of any background papers used in the compilation of the report.)

Lead Officer to complete:-	
1	I have consulted the relevant departments in respect of any relevant implications indicated on the Statutory and Council Policy Checklist, and comments have been incorporated / additional forms completed / EIA completed, where required.
	Finance: Tony Greenwood
	Legal: Clare Shepherd
	Equalities: Ed Sexton
<i>Legal, financial/commercial and equalities implications must be included within the report and the name of the officer consulted must be included above.</i>	
2	EMT member who approved submission: Jayne Ludlam
3	Cabinet Member consulted: Cllr. Chris Peace
4	I confirm that all necessary approval has been obtained in respect of the implications indicated on the Statutory and Council Policy Checklist and that the report has been approved for submission to the Decision Maker by the EMT member indicated at 2. In addition, any additional forms have been completed and signed off as required at 1.
	Lead Officer Name: Liam Duggan
	Job Title: Head of Business Strategy - Business Planning
	Date:

1. PROPOSAL

1.1 This proposal is to develop the operational requirements for a Council delivered Deputyship Service as an extension of the Appointeeship Service already operated by our Executor Services team.

A second cabinet member decision will be required before implementation of the service.

Both deputyships and appointeeships provide support for people who lack the mental capacity to manage their own finances. While appointeeships are suitable for people on state benefits or state pension, deputyships are required for people with resources around £16k and over, including private income, savings and property.

Currently, Sheffield residents requiring a deputyship are referred on to a private solicitor once our Legal Services team has applied to the Court of Protection on their behalf.

This proposal is for Executor Services to do the following prior to a second decision to implement the new service:

- build on current improvements to software and banking services to maximise the caseload capacity of the existing workforce in Executor Services
- access free training from our software supplier on how to use the resource to efficiently manage a deputyship account
- access training on the application process from SCC Legal Services in order to apply to be a deputy
- access training on Best Interest decision making from SCC Legal Services
- access advice and support from the Association of Public Authority Deputies (APAD) to ensure practical and relevant processes are in place before taking on Deputyship clients
- issue a tender for an Independent Financial Advisor accredited with the Society of Later Life Advisors (SOLLA) to support responsible decision making on behalf of clients
- prepare communications for Assessment & Care Management to inform social work teams of the new service and how to refer to it.

2. HOW DOES THIS DECISION CONTRIBUTE?

2.1 SCC are not legally required to offer a Deputyship Service, but the majority of local authorities opt to do so, and it provides several benefits for the customer, as well as providing additional revenue to SCC.

Customer Benefits:

- Quicker turnaround. From application to appointment currently takes 9-12 months. Going from a two-step process to one-step will reduce the time to a deputy being in place by an estimate of 6 months.
- A lower cost service. The in-house service would save customers approximately £5,300 in the first 5 years of service.
- Safeguarding. For customers with a low value estate, solicitors may be reluctant to take them on as a client leaving them vulnerable to financial abuse from other third parties.
- Debt avoidance. An in-house service will be better placed to resolve or avoid payment disputes and avoid debts accruing, while still representing the client's best interests.

SCC benefits:

- Income. SCC would recover fees on completion and fees at the end of the first year each year thereafter.
- Efficiency. An in-house service with access to SCC systems and processes will reduce time spent on resolving payment disputes, queries on finances and social care duties, and the recovery of application fees.
- Recovery of Care Home fees and deferred payment loans. Because the appointment of a Deputy can take up to a year, care home placements are funded by SCC in the interim through a deferred payment loan. The recovery of these loans would be significantly improved under an in-house service.

2.2 An in-house Deputyship Service will put SCC in line with the majority of local authorities in England and supports the Health and Well-being of Sheffield.

The service will support Sheffield residents who lack mental capacity to manage their own finances, ensuring they are able to access the care and support they need without avoidable delays.

While presenting a financial benefit to the customer through lower charges, there is an opportunity to realise additional income to support our social care duties.

3. HAS THERE BEEN ANY CONSULTATION?

- 3.1 The service will be made available to a small number of people who lack the mental capacity to determine their own care and support and do not have a carer to fulfil that role. Whether the service is appropriate for each individual will be determined by a Best Interest Assessment. The creation of the service will not remove access to any existing services, nor will it transfer existing arrangements away from external providers. Therefore it is not required nor is it appropriate to consult on this proposal.

4. RISK ANALYSIS AND IMPLICATIONS OF THE DECISION

4.1 Equality of Opportunity Implications

- 4.1.1 The creation of an in-house Deputyship service presents a positive move, advancing equality of opportunity for vulnerable people (for example older people with dementia) giving them a voice in decisions in their best interest and giving them access to their own finances that might otherwise be denied them.

People without the mental capacity to manage their own finances are vulnerable to financial abuse. The in-house service would provide a lower cost alternative to a solicitor, and be more readily available to people with lower levels of capital.

4.2 Financial and Commercial Implications

- 4.2.1 There is a financial benefit to SCC through providing this service in-house. The 2019/20 budget assumes income to the Council of £188k.

The in-house service would also save each client over £900 per year compared to private deputyship rates - approximately £5,300 in the first 5 years of service.

4.3 Legal Implications

- 4.3.1 Creating a Deputyship service within the same organisation charging the individual for contributions towards their care presents a potential for conflict of interests, against which there are several mitigations.

The decision to transfer clients with assets from an appointeeship to a deputyship does not sit with the service, but will be made through a Best Interest Assessment.

Executor Services have existing policies and procedures in place to ensure there is scrutiny in response to charges raised against clients, i.e. in the case of an incorrect charge, there is representation to challenge and review the invoice. These policies and procedures will be reviewed and adapted to the requirements of a Deputyship Service.

Our Internal Audit service also provides a check and balance to our

internal processes.

5. ALTERNATIVE OPTIONS CONSIDERED

- 5.1 The alternative to an in-house solution is already in existence – the use of solicitors at a higher cost to the client. It may still be necessary to use solicitors as the most appropriate provider in circumstances where the client's finances are complex or where there is an existing dispute with SCC.

The capacity and caseload of the in-house team was considered as a potential variation to this proposal. Should demand continue to build when the team's capacity is reached, there is the potential to recruit.

6. REASONS FOR RECOMMENDATIONS

(Explain why this is the preferred option and outline the intended outcomes.)

It is recommended that approval is given to develop the capacity for an In-house Deputyship Service in order to deliver a service that meets a recognised public demand. A second cabinet member decision will be required before implementation of the service.

The proposed model maximises the potential capacity of the existing workforce and delivers the best financial return on our investment in new software that has already been procured.

As a result, we expect to deliver a service that:

- Represents vulnerable people in a fair and responsible way
- Delivers a more efficient route to representation than is currently available in Sheffield
- Delivers additional income to SCC that would otherwise be paid to external providers at a higher rate
- Brings Sheffield into line with other local authorities