

Report to:	EXECUTIVE CABINET
Date:	24 June 2020
Executive Member / Reporting Officer:	Oliver Ryan – Executive Member (Finance and Economic Growth) Ilys Cookson- Assistant Director Exchequer Services
Subject:	APPOINTEE AND DEPUTY SERVICE CONSULTATION OUTCOME
Report Summary:	This report details the outcome of consultation undertaken in relation to the changes to the charging model and increase in appointee costs, investments of capital and revised Client Finance Policy.
Recommendations:	<p>It is recommended that:</p> <ul style="list-style-type: none"> i. The weekly administration charge is £10 per week for all appointees with more than £1k capital with effect from 01 September 2020. ii. The weekly charge will be subject to annual corporate uplift in fees and charges in April each year. iii. Invest deputies capital in excess of £50k in the NS&I direct saver account. iii. Implement the revised Client Finance Policy with effect from 01 September 2020.
Corporate Plan:	The non-statutory Appointee and Deputyship scheme assists people to live independently while the Council manage their income, household bill payments, other expenditure and savings.
Policy Implications:	Provision of an Appointee and Deputyship Service is not a statutory function. Local Authorities have a duty of care, therefore any provision of an Appointee and Deputy Service must ensure that care is provided.
Financial Implications: (Authorised by the statutory Section 151 Officer & Chief Finance Officer)	<p>The review of fees is part of the annual budget setting cycle. The increased charges have been factored into the budget so there should be no significant financial impact due to the recommendations in this report.</p> <p>An annual review of the costs of the delivering this service, should be carried out at budget setting time to consider the impact on the councils budget of increasing the charges in line with fees and charges increases.</p> <p>Increasing the fee means that Tameside still remain the lowest charges in Greater Manchester alongside Bury, Oldham and Stockport.</p>
Legal Implications: (Authorised by the Borough Solicitor)	<p>This report follows the earlier report of 2020 in relation to the Appointee and Deputyship Service, which contained the detailed legal implications with reference to the service.</p> <p>As set out this report provides details of the outcome of the consultation in relation to the changes to the charging model and increase in appointee costs, investments of capital and revised Client Finance Policy. Members are required to pay due regard to</p>

the outcome of both the consultation and the Equality Impact Assessment in order to evaluate the impact or likely impact of their decision on the relevant equality needs and must take reasonable steps to understand those impacts. Additionally, there is a duty to deliver a balanced budget and therefore need to review benefits and costs of all discretionary arrangements.

Risk Management:

The risks are detailed in Section 4 of this report.

Background Information:

The background papers relating to this report can be inspected by contacting



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1. INTRODUCTION

- 1.1 Exchequer Services administer an Appointee and Deputyship Service as part of the Adults Social Care Finance function. The Appointee and Deputy Service provides financial support by way of managing an individual's personal finances where a Social Care Assessment has determined that the individual cannot manage their personal finances themselves due to lack of mental capacity or physical disability, and there is no family member to undertake this role on their behalf.
- 1.2 The Service within the Adult Social Care Finance Service has undergone review and the outcome of the review was considered by the Executive Cabinet on 22 January 2020. The review addressed the issues of increasing caseload, policy revision and increasing operating costs in addition to market testing for alternative provision. To address these increasing issues consultation was proposed to take place in relation to a proposed change to the charging model and increase in appointee costs, investments of capital and revised Client Finance Policy.
- 1.3 An appointee is the term given to a person or authority who is appointed by the Secretary of State for the Department for Work and Pensions (DWP) to act on behalf of a benefit claimant who is unable to manage their financial affairs. This is usually because of mental incapacity or severe physical disability. This income from benefits or state retirement pensions is used to pay care fees, all household bills, such as utility, insurance, phone etc. and to issue personal allowances to service users to spend how they wish (i.e. not as part of care fees), in addition to managing any savings that may accrue.
- 1.4 Deputy is the term given to a person appointed by the Court of Protection where there is an ongoing need for decisions to be made on behalf of a person who lacks capacity to make such decisions on their own. Whereas appointees manage benefit income on behalf of a service user, deputyships cover all financial assets and savings that a service user may have. Deputies can only make decisions that are ordered by the Court and the role involves bill payments, managing bank accounts, retirement and occupational pensions and other financial assets on behalf of the service user.
- 1.5 There are currently 267 appointee cases and 28 deputy cases and the caseload continues to rise steadily. Consultation has now taken place and this report details the consultation results, the equality impact assessment (EIA) and contains proposals for change. The delivery of the service remains unchanged.

2 CONSULTATION OUTCOME

- 2.1 The consultation was available to all members of the public, service users and stakeholders on the Big Conversation website between 23 January 2020 and 16 April 2020. Invitations to the consultation and support to potential participants were also extended to all Homecare and Day care providers, the Neighbourhood Teams, Mencap and People First.
- 2.2 Overall a total of 7 respondents took part, none of which are current service users. A number of specific questions were raised in relation to the proposed changes to the charging model, how service user's savings should be invested and the revised policy document. A further question was asked for overall comments on the Appointee and Deputyship Service.
- 2.3 By way of recap the consultation detailed two options for administration charges for appointees. Deputyship administration charges are set by the Office of the Public Guardian. The two options were:

Option A: Charge all appointees £10.00 per week

Option B: Charge appointees residing in residential care £7.50 per week and charge appointees living in the community £10.00 per week.

HM Treasury NS&I savings accounts were proposed for deputies with capital in excess of £50k as being a safe investment. Appointee's capital is not managed by the Council as the Client Finance Service role for appointees is to manage income from benefits and bill payments only. The proposed Client Finance Policy was also consulted upon and which is detailed at **Appendix 1**.

- 2.4 The following specific questions were raised and respondents were asked to respond in free text format. A summary of responses is detailed in the table below.

Table 1: Summary of responses

Question	Comments			
	Generally positive	Generally negative	No opinion	Other
Q2 Please state how the introduction of Option A would impact you/your relative or friend/or someone who uses the Appointee Service	2	0	0	0
Q3 Please state below how the introduction of Option B would impact you/your relative or friend/or someone who uses the Appointee Service	1	1	0	0
Q4 Please tell us how the proposal to invest the capital of those Deputyship service users with in excess of £50,000 into a NS&I account may impact you/your relative or friend/or someone who uses the Deputyship Service	3	0	0	0
Q5 A draft of the Client Finance Policy can be found here. Please give us your thoughts and opinions on the Policy.	1	0	0	1
Q6 Do you have any other comments you wish to make in relation to the Appointee/Deputyship Service?	1	0	0	1

- 2.5 **Appendix 2** details the full consultation responses to all questions including equalities questions which were answered by 2 or the 7 respondents. Overall respondents gave generally positive responses.
- 2.6 Option A – to charge all recipients of the Appointee Service a £10.00 a week administration charge is more favourable to one respondent as it could be unfair to have two different charging rates, and the investment of service user's savings in excess of £50k to be held in a secure NS&I bank account was supported. Comments on the Client Finance Policy were that the policy was fair and reasonable and other comments were regarding guidance for supporting service users when requesting additional monies and funeral costs in the event of a death. Additional comments on the service provided were that guidance was required for social workers on the referral process.
- 2.7 None of the responses arising from the consultation gave rise for concern with regard to the charging model, investment plans or revised Client Finance Policy.
- 2.8 The outcomes in terms of the consultation are as follows:
- Increase weekly administration charge to £10 per week for all appointees with more than £1k capital.
 - Invest deputies capital in excess of £50k in the NS&I direct saver account.
 - Implement the revised Client Finance Policy reflecting the changes.
- 2.9 The increase in administration charge from £6.92 to £10.00 a week is comparable with the weekly charge in other Greater Manchester local authorities at £10.35 per week. The increase would be effective from 01 September 2020 and thereafter be subject to the corporate annual uplift in fees and charges in April each year. This would affect all 267 appointees as deputyship weekly administration fees are set by the Office of the Public Guardian. One deputy case currently has in excess of £50k capital that would be affected by the beneficial investment of monies in the NS&I account.

3 EQUALITY IMPACT ASSESSMENT

- 3.1 A full equality impact assessment has been carried out and which is detailed at Appendix Three. The Equality Act 2010 makes certain types of discrimination unlawful on the grounds of:

Age	Gender	Race	Gender reassignment
Disability	Maternity	Sexual orientation	Religion or belief

- 3.2 Section 149 of the Equality Act 2010 places the Council and all public bodies under a duty to promote equality. All public bodies, are required to have regard to the need to
- Eliminate unlawful discrimination.
 - Promote equal opportunities between members of different equality groups.
 - Foster good relations between members of different equality groups including by tackling prejudice and promoting understanding.
 - Eliminate harassment on the grounds of membership of an equality group.
 - Remove or minimise disadvantages suffered by members of a particular equality group.
 - Take steps to meet needs of people who are members of a particular equality group.
 - Encourage people who are members of an equality group to participate in public life, or in any other area where participation is low.
 - This specifically includes having regard to the need to take account of disabled people's disabilities.

- 3.3 The Act therefore imposes a duty on the Council which is separate from the general duty not to discriminate. When a local authority carries out any of its functions, the local authority must have due regard to the matters within the section of the Act outlined above. The Courts have made it clear that the local authority is expected to rigorously exercise that duty.
- 3.4 The equality impact assessment has identified that there is no anticipated direct or indirect impact to users of the Appointee/Deputyship Scheme on the basis of age, sex, ethnicity, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnerships, carers, military veterans or anyone breast feeding.
- 3.5 The proposed changes will directly impact people with a disability because the provision of an Appointee and Deputyship Service is for adults who cannot manage their own finances due to a disability and/or lack of capacity and therefore require the Council to be responsible for benefits, income or assets. The proposed changes will directly impact people with a disability. The proposal will directly impact on those with a disability as changes to the charges for the service will affect all appointees and the proposal to amend the investment policy will affect only those deputies with more than £50k in capital. The changes to the scheme will impact those classed as on low or no income, as the investment policy change will impact all service users of the scheme, however those with less than £1k in capital will continue to not be charged for the service, until such time that they have accrued more than £1k in capital.
- 3.6 Mitigating factors have been identified in the equality impact assessment as being comparisons to charges across Greater Manchester local authorities are low and no charges are applied to a service user's account where the capital held for a service user is less than £1k. The evidence sources to support the equality impact assessment are the number of appointee and deputy cases currently managed by the service and the results of the 12 week consultation as detailed in **Appendix 2**.

4 RISKS

- 4.1 Although a considerable amount of work has been undertaken by way of review to address the management of the caseload and its associated risks, it is clear that the financial safety of vulnerable service users in the Borough must be considered at all times.
- 4.2 In order to continue to deliver a safe and effective service risk management must be considered both in the short and long term. An increasing ageing population and service users with mental health needs is unlikely to yield a reduction in cases being referred to the appointee and deputy service, therefore staffing is expected to continually increase as caseloads rise. As staffing costs increase, so too does the cost of service. This upward spiral of caseload, resources, costs and risk is likely to continue to rise indefinitely against which the increase in charges to be reviewed annually is a mitigating factor.
- 4.3 Careful consideration must be given not only to cost of service but to the extreme vulnerability of the service user and any unintended consequences arising from any changes to service provision, therefore the policy will be kept under continual review to ensure that should any unintended consequences arise that these are addressed immediately.
- 4.4 The 12 week consultation carried out between 23 January 2020 and 16 April 2020 and the full equality impact assessment has been carried out to ensure that all risks are identified, mitigated against where possible, and taken into consideration prior to setting the administration charges, revision to policy, changes to service delivery and investments of service users capital.

5 CONCLUSION

- 5.1 The Appointee and Deputy Service has undergone extensive review amid increase in caseload, costs of service and administration duties in terms of deceased estates. Arising from this a number of issues were consulted on via the Big Conversation and invitation to participate was extended to all Homecare and Day care providers, the Neighbourhood Teams, Mencap and People First by Adults Social Care colleagues. The consultation was live on the Big Conversation website between 23 January 2020 and 16 April 2020 and the following matters were consulted on:
- Costs of service
 - Investment of deputy capital monies
 - Review of current policy
- 5.2 Overall 7 people responded to the consultation none of whom were users of the Appointee and Deputy Service. The consultation findings were generally positive on the overall approach with regard to increasing costs, investment of capital and policy revision, and one set charge per week for all appointees is preferred than having a two tier charging model depending on whether the appointee lived in the a residential setting or in the community.
- 5.3 A full equality impact assessment has been undertaken and no direct or indirect impact was identified on the following characteristic groups: age, sex, ethnicity, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity, marriage and civil partnerships, carers, military veterans or anyone breast feeding.
- 5.4 The proposed changes will directly impact people with a disability because the provision of an Appointee and Deputyship service is for adults who cannot manage their own finances due to a disability and/or lack of capacity. The proposal to increase charges will directly impact on appointees and the proposal to amend the investment policy will affect only those deputies with more than £50k in capital. The changes to the scheme will impact those classed as on low or no income, however those with less than £1k in capital will continue to not be charged for the service, until such time that they have accrued more than £1k in capital.
- 5.5 Mitigating factors have been identified in the equality impact assessment as being comparison to charges across Greater Manchester local authorities has been, and will continue to be low, and no charges are applied to a service user's account where the capital held for a service user is less than £1k.
- 5.6 The risks to increasing costs of service and to investments (although this is a beneficial change), and revision to the policy to reflect these, are considerable had consultation and equality impact assessment not been carried out. Both the consultation and the full equality impact assessment have assessed the impact on this vulnerable group of service users and which will be subject to continual review to ensure their continued financial safety.

6 RECOMMENDATIONS

- 6.1 As set out at the front of the report.

APPENDIX 1

Client Finance Policy

Tameside Council Exchequer Services administer an Appointee and Deputyship Service. The function of the Appointee and Deputy Service is to provide financial support by way of managing an individual's personal finances where a social care assessment has determined that the individual cannot manage their own personal finances. This is usually due to lack of mental capacity or physical disability, and where there is no family member to undertake the role on their behalf.

The Council are not able to consider any case which is deemed to be complex, for example where there is ownership of a property in whole or part, where there is family dispute, dispute over an estate or there is significant capital held which is deemed to be in excess of £23,250.00. Such cases must be referred to a solicitor of choice as the Appointee and Deputyship service does not have the expertise to provide a service in such cases.

The policy refers to both Appointeeships and Deputyships unless otherwise stated.

Eligibility Criteria

Applications will be considered where the individual:

- Is in receipt of care and support after a care assessment has undertaken by Tameside Council
- Lacks the mental capacity to manage their financial affairs
- Does not have more than £23,250 in capital
- Does not own or part own any property or land
- Does not have an Appointee, Deputy or Lasting Power of Attorney in place at the time of application
- Does not have family or friends with capacity to act on their behalf or associates or access to organisations to support them with their finances
- Must agree that they want the Council to manage their financial affairs on their behalf

The individual must provide evidence of all financial affairs, including bank account numbers, copies of all bills, debts outstanding and ownership of any assets, bonds or trusts. Evidence must be provided of all other sources of support that have been explored and why none are considered appropriate for the individual.

Where an application is rejected the applicant will be notified in writing.

Referrals

For all cases the appropriate referral forms must be completed with a Social Worker. In the case Deputyship referrals the COP3 Mental Capacity Assessment must be completed by a qualified Social Worker, Community Psychiatric Nurse (CPN) or Mental Health Practitioner.

Costs

All Appointeeship cases with capital over £1000.00 will be charged in accordance with the annual uprating of Council Fees and Charges or as notified in writing during the year.

Deputyship cases will be charged in accordance with the Court of Protection's Fixed Costs structure.

Fee exemptions under hardship may be applied upon evidence and demonstration of hardship and will be awarded on an individual case by case basis for a specific period of time.

Personal Allowance

Each individual will be permitted a weekly personal allowance for expenditure and cash cards will be provided for this purpose where applicable. The card is used to access personal allowance monies, one off additional payments and make any required purchases. The amount and frequency of the personal allowance will be determined by the Appointee/Deputy's Social Worker or CPN and any additional payments will also be authorised by the Social Worker/CPN. Social or Support Workers provide quotes for purchase in excess of £100.

Capital

Where any Appointeeship case has capital in excess of £16,000 a Deputyship will be considered. Where any Deputyship case has or accrues capital in excess of £50k which is the protected amount by Barclays Bank, monies will be invested in a better interest account or as directed by the Councils Section 151 Officer.

Safeguarding

Any concerns identified in relation to financial abuse or any other kind of abuse upon the vulnerable adult will be immediately referred to the Councils Safeguarding Adults Team.

Relinquishments

Requests for a relinquishment for an appointee case should be made in writing by a Social Worker or CPN. Exchequer Services will write to the Department for Works and Pensions to confirm the relinquishment.

Deaths

Appointeeships and Deputyships cease from the date of death. Executors of the deceased must liaise direct with the Councils Bank or NS&I depending on amount of capital held. Client Finance cannot enter into any communication with Executors other than to confirm there are sufficient funds available to arrange a funeral.

Client Finance cannot make payment of any kind from the estate other than to pay for death certificates or the funeral. Monies remaining in the estate are finalised by liaison with Executors or where a person dies intestate, the Duchy.

Policy Revisions	Date of Revision	Responsible	Status
Version 1	2013	M.Bowler Service Unit Manager	Implemented - Effective from 01 April 2013
Version 2	Nov 2019	A. Chadderton Operations Manager	Draft for consultation
Version 2	June 2020	A. Chadderton Operations Manager	Final for implementation Effective 01 September 2020

APPENDIX 2

CONSULTATION RESPONSE ANALYSIS

Appointee and Deputyship Consultation Outcome

The consultation was open to all members of the public via the Big Conversation web-site.

Take up invites were issued to Homecare and Day care providers, the Neighbourhood Teams, Mencap and People First.

Overall 7 respondents took part, none of which are current service users.

The responses to the consultation are detailed in the table below:

Question 1 - Please indicate which of the following best describes your main interest in this issue		
Interest	Number	Percentage
I currently have an Appointee who takes responsibility for my benefit claims/income agreed with Tameside Council	0	0
I currently have a Deputy who takes responsibility for my financial affairs as agreed with Tameside Council	0	0
I am a relative or friend of someone who currently has an agreed Appointee with Tameside Council	0	0
I am a relative or friend of someone who currently has an agreed Deputy with Tameside Council	0	0
I don't currently have an Appointee or Deputy but may do so in the future	0	0
I am a member of the public	0	0
I represent a community or voluntary group	0	0
I represent a partner organisation	0	0
I represent a business/private organisation	0	0
I am a Tameside Council or Tameside & Glossop CCG employee	7	100
Other	0	0
Total	7	100%

Question 2 – Please state below how the introduction of Option A would impact you/your relative or friend/or someone who uses the Appointee Service	
	Comments
1	An increase in charge would be fair when compared to the alternative services within the community. The alternative options within the borough are limited and much more costly. The aim of the authority is to support people living as independent a life as possible in their own accommodation within the community, a single cost point across would limit the impact on this when transitions are completed.
2	Option A.

Question 3 – Please state below how the introduction of Option B would impact you/your relative or friend/or someone who uses the Appointee Service	
	Comments
1	As above, but for the long term stability of the service I feel although there is a slight increased cost to some in option A the sustainability of the service is higher.
2	I think this would be difficult and possible seen as not fair and equitable. As some community support may require increased resources but this would not be the same for all users of the service.

Question 4 – Please tell us how the proposal to invest the capital of those Deputyship service users with in excess of £50,000 into a NS&I account may impact you/your relative or friend/or someone who uses the Deputyship Service	
	Comments
1	This would be beneficial and a non-risk investment of an individual's monies.
2	No impact from the commissioning side, however all risk should be regularly audited annually.
3	I think this would be beneficial and is supporting people to have sound advice and information as guided.

Question 5 – A draft of the Client Finance Policy can be found here. Please give us your thoughts and opinions on the Policy in the box below.	
	Comments
1	Fair and reasonable
2	Guidance needed on whether 3 quotes are required when requesting additional monies and funeral costs in the event of a death.

Question 6 – Do you have any other comments you wish to make in relation to the Appointee/Deputyship Service?	
	Comments
1	No.
2	Guidance is needed as stated in relation to how Social Workers are to support client finance and how to collate the required evidence for a referral as this is not always available.

Consultation Analysis Q2 to Q6

Question	Comments			
	Generally positive	Generally negative	No opinion	Other
2	2	0	0	0
3	1	1	0	0
4	3	0	0	0
5	1	0	0	1
6	1	0	0	1

Participant Demographic Information

Question 7 – Are you Female or Male?	
Female	1
Male	1
Prefer not to say	0
Prefer to self-describe	0

Question 8 – Is your gender identity the same as the sex you were assigned at birth?	
Yes	2
No	0
Prefer not to say	0

Question 9 – What is your age?	
30 to 40 years old	2
41 to 50 years old	0
51 to 60 years old	0

Question 10 – What is your postcode?	
OL6	1
L15	1

Question 11 – What is your ethnic group?	
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White: English/Welsh/Scottish/Northern Irish/British	2
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Question 12 – What is your religion or belief?	
No religion	1
Spiritualist	1

Question 13 – What is your sexual orientation?	
Heterosexual/Straight	2

Question 14 – Are your day to day activities limited because of a health problem or disability which has lasted, or is expected to last, at least 12 months? Include problems related to old age.	
Yes, limited a lot	0
Yes, limited a little	0
No	2

Question 15 – Do you look after, or give any help or support to family members, friends, neighbours or others because of either long term physical or mental ill-health/disability or problems related to old age?	
No	1
Yes, 1-19 hours a week	1
Yes, 20-49 hours a week	0
Yes, 50 or more a week	0

Question 16 – Are you a member or ex-member of the armed forces?	
Yes	0
No	2

Question 17 – What is your marital status?	
Single	0
Married	0
Civil Partnership	1
Divorced	1
Widowed	0

EQUALITY IMPACT ASSESSMENT



**Tameside & Glossop Strategic Commission
Equality Impact Assessment (EIA) Form**

Subject / Title	Appointee and Deputyship
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Team	Department	Directorate
Adult Social Care Finance	Exchequer	Governance & Pensions

Start Date	Completion Date
27 January 2020	13 May 2020

Project Lead Officer	Tracey Watkin, Service Unit Manager, Exchequer Services
Contract / Commissioning Manager	n/a
Assistant Director/ Director	Ilys Cookson, Assistant Director, Exchequer Services

EIA Group (lead contact first)	Job title	Service
Tracey Watkin	Service Unit Manager	Exchequer
Amanda Chadderton	Operations Manager	Exchequer

PART 1 – INITIAL SCREENING

An Equality Impact Assessment (EIA) is required for all formal decisions that involve changes to service delivery and/or provision. Note: all other changes – whether a formal decision or not – require consideration for an EIA.

The Initial screening is a quick and easy process which aims to identify:

- those projects, proposals and service or contract changes which require a full EIA by looking at the potential impact on, or relevance to, any of the equality groups*
- prioritise if and when a full EIA should be completed*
- explain and record the reasons why it is deemed a full EIA is not required*

A full EIA should always be undertaken if the project, proposal and service / contract change is likely to have an impact upon, or relevance to, people with a protected characteristic. This should

be undertaken irrespective of whether the impact or relevancy is major or minor, or on a large or small group of people. If the initial screening concludes a full EIA is not required, please fully explain the reasons for this at 1e and ensure this form is signed off by the relevant Contract / Commissioning Manager and the Assistant Director / Director.

<p>1a.</p>	<p>What is the project, proposal or service / contract change?</p>	<p>The proposal is to increase the fees charged to appointees and to introduce a new investment policy for deputies with capital over £50,000.</p> <p>1. Charging:</p> <p>Two proposed options for charging have been considered through a consultation. Both options would lead to an increased charge for the appointee service. They were as follows:</p> <ul style="list-style-type: none"> • Maintain the current charging model and charge all appointees the same rate and increase to £10.00 per week, or • Introduce a two-tier model for charging dependent on residential status, a lower rate of £7.50pw for those in a residential care home and a weekly rate of £10.00 for those living in the community <p>2. Amendment to investment policy:</p> <p>The proposal to amend the investment policy for those Deputies with more than £50k in capital is an update to the existing process to ensure that the Council is maximising the returns of service users' capital where possible.</p> <p>3. Amend Client Finance Policy</p> <p>Finally it is proposed that the Client Finance Policy is updated to reflect the above changes.</p>
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1b.	<p>What are the main aims of the project, proposal or service / contract change?</p>	<p>The main aims of these proposals are to align charges for the appointee service to minimise the cost of service to the Council. The need for this has come about as a result of a review of the service which found that many practices had evolved since the last update of the Appointee/Deputyship policy, causing the service to be operating less efficiently than is possible.</p> <p>Similarly, the aim of the proposal to amend the investment policy for those service users with £50k in capital or more is to ensure that we are fulfilling our duty in terms of maximising return on this capital.</p> <p>Our duty as deputies is set out by the Office of the Public Guardian in relation to investments. The Council is to 'maximise the return on clients' savings, investments and any other assets' in the case of deputyships. As the policy for this service requires an update and because the general caseload of service users, including the amount of capital they hold, has increased, this proposal is to ensure that the Council continues to fulfil its duties through best practice.</p> <p>Finally, the Client Finance Policy (CFP), which details how the Council will carry out its duties in respect of the Appointee and Deputyship Service, requires updating to reflect these changes to ensure that they are enshrined in practice going forward.</p>
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1c. Will the project, proposal or service / contract change have either a direct or indirect impact on, or relevance to, any groups of people with protected equality characteristics?				
Where there is a direct or indirect impact on, or relevance to, a group of people with protected equality characteristics as a result of the project, proposal or service / contract change please explain why and how that group of people will be affected.				
Protected Characteristic	Direct Impact/Relevance	Indirect Impact/Relevance	Little / No Impact/Relevance	Explanation
Age			X	There is no evidence to suggest that service users will be disproportionately impacted as a result of their age. The appointee and deputyship schemes are for adults of any age range.
Disability	X			The proposed changes will directly impact people with a

				<p>disability.</p> <p>The Appointee and Deputyship service is for adults who cannot manage their own finances due to a disability and therefore require the Council to be responsible for benefits, income or assets.</p> <p>The proposal to change the charges for the service will affect all service users and the proposal to amend the investment policy will affect only those deputies with more than £50k in capital.</p>
Ethnicity			X	<p>There is no anticipated direct or indirect impact to users of the Appointee/Deputyship Scheme on the basis of their ethnicity. The scheme is used by people of all ethnic backgrounds.</p>
Sex			X	<p>There is no anticipated direct or indirect impact to users of the Appointee/Deputyship Scheme on the basis of their sex. The scheme is used equally by male and female and is their sex has no bearing on their use of the service.</p>
Religion or Belief			X	<p>There is no anticipated direct or indirect impact to users of the Appointee/Deputyship Scheme on the basis of religion or belief.</p>

				The scheme is used by people of all religions/beliefs.
Sexual Orientation			X	There is no anticipated direct or indirect impact to users of the Appointee/Deputyship Scheme on the basis of sexual orientation. The scheme is used by people of all sexual orientations.
Gender Reassignment			X	There is no anticipated direct or indirect impact to users of the Appointee/Deputyship Scheme on the basis of gender reassignment. The scheme may be used by anybody regardless of gender reassignment.
Pregnancy & Maternity			X	There is no anticipated direct or indirect impact to users of the Appointee/Deputyship Scheme on the basis of pregnancy or maternity. The scheme may be used by anybody regardless of pregnancy or maternity.
Marriage & Civil Partnership			X	There is no anticipated direct or indirect impact to users of the Appointee/Deputyship Scheme on the basis of marriage or civil partnership status. The scheme may be used by anybody regardless of their

				marital status.
Other protected groups determined locally by Tameside and Glossop Strategic Commission?				
Group (please state)	Direct Impact/Relevance	Indirect Impact/Relevance	Little / No Impact/Relevance	Explanation
Mental Health	X			<p>The proposed changes will directly impact people with a disability.</p> <p>The Appointee and Deputyship service is for adults who cannot manage their own finances due to a disability and therefore require the Council to be responsible for benefits, income or assets.</p> <p>The proposal to change the charges for the service will affect all service users and the proposal to amend the investment policy will affect only those deputies with more than £50k in capital.</p>
Carers			X	<p>There is no anticipated impact on any carers.</p> <p>This is because the proposed changes to the service affect all users of the Appointee & Deputyship service, who will use this service in lieu of having family/carers who could take on this responsibility of managing any capital, whereas any carers will have responsibility for separate matters such as health care and support of service users.</p>

Military Veterans			X	There is no anticipated direct or indirect impact to users of the Appointee/Deputyship Scheme on the basis of their status as ex Armed Forces. The scheme may be used by anybody regardless of their status as ex-armed forces. There is no evidence to suggest that there are any users of the service who have served in the Armed Forces.
Breast Feeding			X	There is no anticipated direct or indirect impact to users of the Appointee/Deputyship Scheme on the basis of whether they are breastfeeding. There is no evidence to suggest that there are any service users who are breastfeeding.

Are there any other groups who you feel may be impacted by the project, proposal or service/contract change or which it may have relevance to?

(e.g. vulnerable residents, isolated residents, those who are homeless)

Group (please state)	Direct Impact/Relevance	Indirect Impact/Relevance	Little / No Impact/Relevance	Explanation
Low or no income groups	X			The changes to the scheme will impact those classed as on low or no income. The investment policy change will impact all service users of the scheme, however those with less than £1k in capital will continue to not be charged for the service until such time that they have accrued more than

				£1k in capital.
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“Low or no income groups” should be included as a key consideration when assessing the impact of your project, proposal, policy or service/contract change.

Wherever a direct or indirect impact or relevance has been identified you should consider undertaking a full EIA or be able to adequately explain your reasoning for not doing so. Where little / no impact or relevance is anticipated, this can be explored in more detail when undertaking a full EIA.

1d.	Does the project, proposal or service / contract change require a full EIA?	Yes	No
		Yes	
1e.	What are your reasons for the decision made at 1d?	<p>It has been identified that the changes proposed will make a direct impact on people with a disability, and/or lack of capacity those on low or no income.</p> <p>As direct impact has been identified in terms of disability, a full EIA is required.</p>	

If a full EIA is required please progress to Part 2.

PART 2 – FULL EQUALITY IMPACT ASSESSMENT

2a. Summary
<p><u>Background to the proposals:</u></p> <p>Exchequer Services administer an Appointee and Deputyship Service as part of the Adults Social Care Finance function. The Appointee and Deputy Service provides financial support by way of managing an individual's personal finances where a Social Care Assessment has determined that the individual cannot manage their personal finances themselves due to lack of mental capacity or physical disability, and there is no family member to undertake this role on their behalf.</p> <p>There is no statutory duty to provide the service, however the Council recognised the importance of supporting vulnerable people to effectively manage their finances and to safeguard them from potential (or actual) financial abuse.</p> <p>The monthly administration charge is not discretionary for deputyships and the rate of monthly fee is set by the Office of the Public Guardian (OPG) in respect of cases where the Council acts as deputy. On the whole, local authorities administer the appointee and deputyship functions although a number of private organisations and solicitors do provide financial management services and act as appointee or deputy for vulnerable service users. The charge has increased by up to 2% each year from April 2014 and the current charge for the appointee service is £92.27 per quarter.</p> <p>A review of the service commenced in late 2018 against a background of rising caseload and costs and review of the appointee policy. As at 01 May 2020 there were 262 appointee cases and 25</p>

deputyship case.. It is considered good practice to review policies from time to time to ensure they remain reflective of current need.

The review identified a number of issues and changes which have impacted on the safe and effective provision of the Appointee and Deputyship Service:

Ageing population increasing demand for service: with an increasing ageing population with increased needs, there has been a steady rise in referrals for the service received from Social Workers. The service was transferred to Exchequer Services from Adult Services in 2011 and prior to this, 'complex cases' were transferred to an external solicitor to manage the affairs of clients. Cases have not been transferred since this point. A number of resource-intensive referrals are being made to the Appointee Service where the complex circumstances of the service user require the Council to spend a significant amount of time/resources and have the skill and expertise to carry out the role as Appointee. This rise in caseload must be considered against other responsibilities that the Council is charged with relating to Deputyship cases e.g. home visits to ensure property checks.

Appointee and Deputy capital increasing: With the increasing caseload, the amount of savings money held by the Council on behalf of service users has also increased over time. The OPG state that Councils should '*seek independent advice to maximise the return on the client's savings, investments and any other assets*' in the case of deputyships. The current practice is that monies are held in the Council's bank account used for regular income and expenditure and day to day activity for appointees and deputies accruing interest at the rate of 0.50%. Given the increase in caseload there is cause to review the way that capital is held.

Administration of the estates of the deceased: In addition to the above, the service has also taken on the responsibility for administering the estate of any deceased service users, previously this time intensive task undertaken by the Co-op probate service when the Council banked with Co-op Bank. Now all corporate banking activity is undertaken with Barclays, who do not provide a probate service, leaving this task to Exchequer.

Service operating at a loss: due to the additional requirements that have emerged over time the service is operating at a loss – the annual fees and charges do not cover the cost of service provision despite annual rise of up to 2% each year.

Policy review required: It is clear that the policy put into place in 2013 requires review to ensure that it continues to provide clarity on how the service is to operate.

Summary of proposals:

Following the review of the service and research into practices by other authorities, it is proposed that the following changes take place:

1. Fees/charges for the service change
2. Change the policy relating to investment of appointee and capital monies
3. Review of the current policy

Change of fees/charges

The following are the options for increase in costs for the service that have been out to consultation:

Option A: maintain the same charging model currently in place and charge all appointees the same rate and increase to £10.00 a week.

Option B: Introduce a two tier model dependent on residential status and which reflects the resource required for appointees living in the community.

Status	Current caseload	Charge	Estimated Income
Residential home	60	£7.50 per week	23.4k
Community	206	£10.00 per week	107.1k
			130.5k

The rationale to Option A is to continue to charge one rate for all appointees, which may be deemed to be fairer, however appointees living in the community tend to require considerably more resource due to the number of bill payments per household. This could also be considered to be reflective of the additional work required regarding the administration of deceased estates and is an average of weekly payments across Greater Manchester.

The rationale for Option B is to introduce a charging model dependent on residential status, and again which reflects differential in day to day resource required between those living in the community and those in residential care. The weekly amount of £7.50 would be payable for those residing in residential care reflecting level of benefit in payment and £10.00 would be proposed for appointees living in the community.

Both of the above models would increase the weekly payments.

Summary of the findings of the EIA:

The EIA has identified that first and foremost, people with a disability will be impacted by the changes. This is by virtue of the recipients of the Appointee/Deputyship scheme. Users of the scheme require the Council to manage their benefits or general finances because a disability means they do not have the capacity to do this themselves.

Furthermore, the changes will impact those on a low or no income as some users of the scheme are in receipt of benefits for the appointee scheme and some service users have less than £1k in savings.

Mitigations:

There are no measures required to mitigate the impact felt by those with either a disability or those from low or no income groups.

The impact of the increase in the fee for use of the service will impact all recipients of the service other than those with less than £1k in capital.

2b. Issues to Consider

Research into the approach adopted by other local authorities:

Research has taken place across Greater Manchester and North West Councils with regard to how appointee and deputy capital is invested. Of those that responded, only two Councils had a clear policy and invested deputies money in anything other than a current account. One of the Councils used an independent financial advisor and detailed a mixed model of investment approaches

comprising fixed year bonds, high interest savings accounts, five year plus investments and bespoke portfolio investments; however the overall capital held per person was significantly higher than in Tameside. The other Council gained independent financial advice from their Councils Section 151 Officer and invested monies in the Councils current account (which may have been the virtual account for client services purposes), National Savings and Investment (NS&I) and bespoke portfolio investments for capital over £100,000. NS&I is backed by HM Treasury and is considered a safe and low risk option.

Comparative data:

The below table outlines the practices by other GM authorities with respect to weekly appointee administration charge for service users in the community and in residential care:

		COMMUNITY CLIENTS			RESIDENTIAL CLIENTS	
Authority	Charge Frequency	Weekly charge	Annual charge		Weekly charge	Annual charge
Bolton	No charge	Nil	Nil		Nil	Nil
Manchester	No charge	Nil	Nil		Nil	Nil
Salford	No charge	Nil	Nil		Nil	Nil
Wigan	Weekly	£15.00	£780.00		£15.00	£780.00
Trafford	Over 16k Under 16K	£11.25 £7.69 (9.47 average)	£585.00 £399.88 (492.49)		£11.25 £7.69 (9.47 average)	£585.00 £399.88 (492.49)
Rochdale	Weekly	£11.07	£575.64		£6.92	£359.84
Bury	Weekly	£10.00	£520.00		£5.00	£260.00
Oldham	Weekly	£10.00	£520.00		£5.00	£260.00
Stockport	Weekly	£10.00	£520.00		£5.00	£260.00
Tameside	Weekly	£6.92	£359.84		£6.92	£359.84

From the table it is evident that Tameside is charging less than the majority. Three local authorities do not charge any administrative charges for the appointee service and operate a charging policy based on residential status which is reflective of work involved for those living in their own home setting and those residing in care. Tameside is the lowest charging authority for those who do charge for the service.

Financial Implications

The Council invests significant resource into the provision of an Appointee and Deputyship Service. This service is currently operating at a loss and placing pressure on the Council's revenue budget. As caseloads have increased, and are expected to continue to increase, the revenue pressures are likely to grow under the existing charging regime.

Whilst some charges are determined by statute, where the Council is responsible for determining the charges it must ensure that charges are reasonable but also reflect the cost of delivering services, and that these charges are fair and proportionate. This report sets out proposals to consult on changes to the charging model which are intended to reduce the cost of service provision.

Consultation and Engagement:

A consultation was held over a period of 12 weeks where members of the public were invited to have their say on the proposals. The consultation was available on the Big Conversation website, promoted via the Partnership Engagement Network to over 300 PEN 'family' members, many of whom represent a number of relevant agencies such as Adult Services.

Take up invites were issued to Homecare and Daycare providers, the Neighbourhood Teams, Mencap and People First.

A total of 7 responses were received.

Demographic of the current users of the Scheme

The cohort of current service users fall into the following categories

- Disability
- Mental Health
- Low income

2c. Impact/Relevance

Impact on disability

:

As highlighted in the sections above, the proposed changes to the Appointee/Deputyship Service will directly/indirectly impact people with a disability. Users of the Appointee/Deputyship scheme do so because they do not have mental capacity to manage their income or financial affairs, and therefore require the Council to act on their behalf.

The uplift in charges for the Appointee Service if implemented will affect all appointees with more than £1,000 in capital.

Impact on low/no income:

The uplift in charges for the Appointee Service if implemented will affect all appointees with more than £1,000 in capital.

Impact on mental health:

As highlighted in the sections above, the proposed changes to the Appointee/Deputyship Service will directly/indirectly impact people with mental health issues. Users of the Appointee/Deputyship scheme do so because they do not have mental capacity to manage their income or financial affairs, and therefore require the Council to act on their behalf.

The uplift in charges for the Appointee Service if implemented will affect all appointees with more than £1,000 in capital.

2d. Mitigations (Where you have identified an impact/relevance, what can be done to reduce or mitigate it?)	
<i>Impact/Relevance 1</i> (Describe)	No charges will be applied where capital held is below £1,000
<i>Impact/Relevance 2</i> (Describe)	The Council acts on behalf of service users and will ensure that service users have sufficient funds to pay the charges.

2e. Evidence Sources
<p>Current caseload numbers taken from the Councils Management system at 01 May 2020</p> <p>Appointees 262 Deputyships 25</p> <p>Consultation Results – These can be found at Appendix 1</p>

2f. Monitoring progress		
Issue / Action	Lead officer	Timescale
Annual financial review conducted for all service users	Amanda Chadderton	12 Monthly

Signature of Contract / Commissioning Manager	Date
Signature of Assistant Director / Director	Date
I. Cookson .	May 2020