

Client Property and Finance Service

Help for people who are unable to manage their own finances

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Hoople's Client Property and Finance team looks after the financial affairs of people who may have dementia, a brain injury, a learning disability or a mental illness, making it difficult for them to manage their own affairs. These people may be living in their own home, a care home, a residential home or a nursing home. The person's inability to manage their own affairs must be confirmed by either their medical practitioner or their allocated social worker.

What is the Client Property and Finance team?

The Client Property and Finance team will deal with the financial affairs of people who:

- > Are receiving a social care service
- > Have been assessed as being mentally incapable
- > Have no friends or family who are able, or suitable, to take on this role for them

As Appointee we will arrange to receive their income from the Department for Work and Pensions and pay their bills on their behalf. If the person has capital and/or owns their own home, we will apply to the Court of Protection to act as Court Deputy to enable us to pay their bills and deal with any other matters relating to finance.

The team also looks after Court of Protection cases for people who have savings and assets over a certain threshold. In these cases an authorised officer of Herefordshire Council is the Court appointed Deputy and will act on behalf of the Court of Protection.

What does the term 'mentally incapable' mean?

Stating that a person is mentally incapable of dealing with their own finances is a serious matter. A qualified person must assess the person's situation in detail before it is decided that the person is incapable.

There is a difference between people who are mentally incapable of handling their own finances and those who have practical difficulties in doing so, ie they cannot physically get to the bank or the Post Office. Where a person is not 'mentally incapable' we have no legal right to become involved in managing their finances.

Individual circumstances will vary. Generally a person could be considered incapable of handling their own financial affairs if they have a short term/ long term mental illness, dementia, a brain injury or a learning disability, and 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 is the Mental Capacity Act?

The Mental Capacity Act 2005 for England and Wales provides a framework to empower and protect people who may lack capacity to make some decisions for themselves. It makes it clear who can take decisions in which situations, and how they should go about it. The Act also allows people to plan ahead for a time when they may lack capacity.

The plan should cover major decisions about someone's property and affairs, healthcare treatment and where the person lives, as well as everyday decisions about personal care, where the person lacks capacity to make those decisions themselves.

What are the key principles of the Mental Capacity Act?

There are five key principles in the Act:

- > Every adult has the right to make his or her own decisions and must be assumed to have capacity to make them unless it is proved otherwise
- > A person must be given all practical help before anyone treats them as not being able to make their own decisions
- > Just because an individual makes what might be seen as an unwise decision, they should not be treated as lacking capacity to make that decision
- > Anything done or any decision made on behalf of a person who lacks capacity must be done in their best interests
- > Anything done for or on behalf of a person who lacks capacity should be the least restrictive of their basic rights and freedoms

What is an Appointee?

An Appointee is where a person acts on behalf of another to receive their state benefits and pay their bills. They will also give them spending money and help them to budget.

What is the Court of Protection?

The Court has the same powers, rights, privileges and authority in relation to mental capacity matters as the High Court. The Court of Protection will appoint a Deputy Decision Maker to have legal responsibility for managing the property/finances of people who are no longer able to do this for themselves.

What are the roles and duties of a Deputy?

The Court of Protection will set out the extent of the Deputy's powers and the Deputy can only make those decisions that they are authorised to make by the Court. The Client Property and Finance team will only apply to deal with the finances of a person and will not be responsible for personal welfare decisions, such as giving or withholding consent to medical treatment.

What will the Client Property and Finance team do?

Where it has been agreed, the Client Property and Finance team will manage an individual's financial affairs, in areas such as:

- > Making applications for the Department for Work and Pensions Appointeeship or Court of Protection to become a Court Appointed Deputy
- > Setting up appropriate banking arrangements
- > Drawing up an agreed budget for the client with the care practitioner
- > Paying bills
- > Ensuring they have enough money for their day-to-day needs
- > Monitoring the service user's finances
- > Dealing with enquiries from, and liaise with on the client's behalf, the Department for Work and Pensions and/or the Court of Protection
- > Offering advice and support to people who wish to make an application to become an Appointee or Court Deputy for a friend or relative

Will other Council departments be involved in managing my finances?

If a person goes into a care home that is funded by Herefordshire Council they will be financially assessed to see if they have to pay a financial contribution towards their care fees. This assessment is completed by the Welfare Rights team.

If the person in care is receiving state benefits only, it could be that the Client Property and Finance team will take responsibility for becoming the Appointee for state benefits only. Where a person has other assets or capital, bank accounts to be accessed or property to be sold, it could be that the Client Property and Finance team takes responsibility for dealing with that part of the person's finances.

Is there a charge for this service?

There are four main categories of remuneration which will apply where the court appoints a professional deputy:

- Category 1: Any work undertaken up to and including the date upon which the Court makes an order appointing a Deputy for property and affairs.
- Category 2: An annual management fee where the court appoints a professional deputy for property and affairs, payable on the anniversary of the court order.
- Category 3: Preparation and lodgement of an annual report or account to the Public Guardian.
- Category 4: An annual property management fee which includes work involved in preparing a property for sale, instructing agents or conveyances, or the ongoing maintenance of a property including management and letting of a rental property.

These rates are fixed and set by the Court of Protection. We may also charge a fee for any additional work required after the death of a client to enable the estate to be finalised.

Please contact us for current rates.

Where can I find further information?

For more information, you can also contact your local Adults and Communities office. You may also find additional information from the following organisations:

Age UK

Tel: 0800 169 6565

www.ageuk.org.uk

Alzheimer's Society

Tel: 0300 222 1122

www.alzheimers.org.uk

Citizens Advice Bureau

Tel: 0344 411 1444

www.citizensadvice.org.uk

Court of Protection

Tel: 0300 456 4600

www.gov.uk/court-of-protection

Department for Work and Pensions

Tel: 0800 882 2200

www.dwp.gov.uk

Mencap

Tel: 0808 808 1111

Minicom: 0808 808 8181

www.mencap.org.uk

Office of the Public Guardian

Tel: 0300 456 0300

www.gov.uk/government/organisations/office-of-the-public-guardian

The Pension Service

Tel: 0800 731 7898

www.gov.uk/contact-pension-service

Contact details

Client Property and Finance team
Hoople Ltd
P.O. Box 4
Plough Lane
Hereford HR4 0LE

Tel: 01432 261654

Email: cop@herefordshire.gov.uk

What if I do not agree with how the Client Property and Finance team has acted?

You can write to:

Team Leader
Client Property and Finance team
Hoople Ltd
P.O. Box 4
Plough Lane
Hereford HR4 0LE

Tel: 01432 260302

Your right to be heard

If you have any comments, compliments or complaints, please contact us on 01432 383678 or by email to enquiries@hoopleltd.co.uk.

Hoople Group

Client Property and Finance team

Plough Lane
Hereford
Herefordshire
HR4 0LE

Tel: 01432 261654
cop@herefordshire.gov.uk
www.hoopleltd.co.uk

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