

**POLICY AND RESOURCES CABINET BOARD**  
**REPORT OF THE HEAD OF FINANCIAL SERVICES –**  
**DAVE REES**

**28<sup>TH</sup> MAY 2015**

**SECTION A – MATTER FOR DECISION**

**WARDS AFFECTED: ALL**

**REPORT ON CHARGING PROPOSALS FOR COURT DEPUTY SERVICE**

**1. Introduction**

- 1.1. As part of the budget setting process, Members approved the proposal (Corp 565) to implement charges for specific aspects of the service provided by the Court Deputy Team.
- 1.2. The Court Deputy Service provides support to vulnerable citizens who lack capacity and for whom there is no-one else available who is willing or able to manage their financial affairs on their behalf.
- 1.3. Due to the requirement to make financial savings the proposals that Members approved were to make additional charges for some of the services previously provided free of charge. The income generated from these charges will enable the Authority to maintain the level and volume of service currently provided.
- 1.4. As part of the budget setting process an Equality Impact Assessment (EIA) was prepared on the proposal which is attached again for Members at Appendix 1. It was also decided that a consultation exercise would be carried out and the purpose of this report is to provide Members with details of the responses to that consultation exercise.

**2. Consultation Exercise**

- 2.1. Because of the vulnerable nature of the service users it was felt that it would be inappropriate to consult directly with them or their families.

- 2.2. A list of appropriate organisations and individuals was therefore compiled (Appendix 3) and they were contacted by letter/e-mail and asked for their opinions on the proposals. The consultation letter which is attached as Appendix 2 to this report was also put on the Council's website using the online consultation tool. The period of consultation was 4 weeks ending on the 23<sup>rd</sup> March 2015.
- 2.3. The organisations/individuals contacted included:
- Town and Community Councils
  - Local AM's
  - Local MP's
  - Various groups attached to the Health Service
  - Various other groups/organisations that have links to this particular group of service users.
- 2.4. No responses were received online but a total of 8 responses were received by letters and e-mails. Of those received seven responded positively by either saying the charges were appropriate or using comments such as 'comfortable with', 'appropriate', 'reasonable' and 'agree'.
- 2.5. In the case of the one disagreement this was from an individual who expressed a view of being "uncomfortable" with it. The concern was in relation to individuals for example that may have their benefits reduced if hospitalised for any length of time. This concern is mitigated by the fact that no charge would be raised if the service user's financial assets fall below £3,000.

### **3. Conclusion**

The outcome of the consultation therefore is that of those who responded the clear majority accepted that the proposal was reasonable.

### **4. Recommendation**

That Members note the outcome of the consultation exercise and approve the implementation of the proposal as detailed in the consultation letter in full for all relevant service user accounts for the financial year 2015/16, and that charges be raised of:

- £250 for finalising the affairs of deceased clients
- £270 per annum property management fee

**5. Reason for Proposed Decision**

To agree service charges for 2015/16.

**6. List of Background Papers**

**7. Appendices**

Appendix 1 - Equality Impact Assessment (EIA) Report Form – Court Deputy Service

Appendix 2 – Consultation Letter - re Court Deputy Savings Proposals

Appendix 3 – Prospective list of Consultees

**8. Officer Contact**

Mr D Rees – Head of Finance Services.

Telephone: 01639 763634

e-mail: d.rees1@npt.gov.uk

Ann Hinder – Principal Council Tax Officer

Telephone: 01639 763908

e-mail: a.hinder@npt.gov.uk

## COMPLIANCE STATEMENT

### REPORT ON CHARGING PROPOSALS FOR COURT DEPUTY SERVICE

(a) **Implementation of Decision**

The decision is proposed for immediate implementation.

(b) **Sustainability Appraisal**

**Community Plan Impacts:**

Economic Prosperity	Neutral
Education and Lifelong Learning	No impact
Better Health and Well Being	Positive
Environment and Transport	Neutral
Crime and Disorder	Neutral

**Other Impacts:**

Welsh Language	No impact
Sustainable Development	No impact
Equalities	Neutral
Social Inclusion	Positive

(c) **Consultation**

Consultation has been carried out as set out in the report.

## Equality Impact Assessment (EIA) Report Form – Court Deputy Service

This form should be completed for each Equality Impact Assessment on a new or existing function, a reduction or closure of service, any policy, procedure, strategy, plan or project which has been screened and found relevant to Equality and Diversity.

**Please refer to the ‘Equality Impact Assessment Guidance’ while completing this form. If you would like further guidance please contact the Corporate Strategy Team or your directorate Heads of Service Equality Champion.**

Where do you work?
Service Area: Financial Services Division
Directorate: Finance and Corporate Services

**(a) This EIA is being completed for a...**

Service/ Function	Policy/ Procedure	Project	Strategy	Plan	Proposal
x	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	x

**(b)** Due to the requirement to make savings, the proposal is to introduce additional charges for some of the services previously provided free of charge. This will enable the Authority to maintain the level and volume of service currently provided. The proposed charges are:-

- £250 for finalising the affairs of deceased clients (approximately 15 cases per year),
- £270 per annum property management fee (approximately 100 cases).

In terms of the property management fee, the powers to levy this charge are contained in the Ministry of Justice Court of Protection rules (Category 3)

Both of the proposed charges are consistent with those levied in other Authorities.

The Court Deputy Section provides support to vulnerable citizens who lack capacity and for whom there is no-one else available who is willing or able to manage their financial affairs on their behalf.

The section has 8 staff (6.81 FTE) and has a net annual budget of £137,000. The section currently has a caseload of 201 cases consisting of 44 appointee, 22 short order, 107 court deputy cases and a further 28 in progress awaiting categorisation.

Appointee cases involve the team receiving any benefits on behalf of the service users from which they pay all bills. Court Deputy cases are far more involved, the team have to undertake a lot of initial work to set up the client, make an application to the court and are then governed by the 2005 Mental Capacity Act in respect of the duties they undertake on behalf of the service user. Short order cases are generally less complex and therefore require less time and resource to administer.

- (c)** No screening work was carried out as it was felt that a full Equality Impact Assessment would be appropriate.

**(d) It was found to be relevant to...**

Age .....	<b>x</b>	Race .....	<input type="checkbox"/>
Disability .....	<b>x</b>	Religion or belief.....	<input type="checkbox"/>
Gender reassignment .....	<input type="checkbox"/>	Sex .....	<b>x</b>
Marriage & civil partnership .....	<input type="checkbox"/>	Sexual orientation.....	<input type="checkbox"/>
Pregnancy and maternity .....	<input type="checkbox"/>	Welsh language.....	<input type="checkbox"/>

**(e) Lead Officer**

**Name:** Sue Gorman

**Job title:** Chief Accountant – Financial Services

**Date:** 2<sup>nd</sup> October 2014

**(f) Approved by Head of Service**

**Name:** Dave Rees

**Date:** 2<sup>nd</sup> October 2014

**Section 1 – Aims (See guidance):**

Briefly describe the aims of the function, service, policy, procedure, strategy, plan, proposal or project:

**What are the aims?** To reduce the net cost of the service by generating increased income for the service whilst limiting the impact on service users and maintaining service provision at current levels. The raising of these charges also brings us in line with many other authorities. **(29.9.14)**

**Who has responsibility?** The initiative is the responsibility of the Head of Financial Services. It will be the responsibility of the Chief Accountant (Financial Services) to monitor and review the outcomes. **(29.9.14)**

**Who are the stakeholders?** Clients who use the Court Deputy Service. **(29.9.14)**

**Section 2 - Information about Service Users (See guidance):**

Please tick what information you know about your service users and provide details / evidence of how this information is collected.

Age .....	<b>X</b>	Race .....	<input type="checkbox"/>
Disability .....	<b>X</b>	Religion or belief.....	<input type="checkbox"/>
Gender reassignment .....	<input type="checkbox"/>	Sex .....	<b>X</b>
Marriage & civil partnership .....	<input type="checkbox"/>	Sexual orientation.....	<input type="checkbox"/>
Pregnancy and maternity .....	<input type="checkbox"/>	Welsh language.....	<input type="checkbox"/>

**What information do you know about your service users and how is this information collected?**

Information for each service user is collected at the point of referral and stored on a client database. Male /female split 53%/47%, age over 65 (70%), age below 65 (30%), all services users have some form of disability which renders them incapable of managing their financial affairs **(29.9.14)**

**Any Actions Required?**None **(29.9.14)**Carry out a consultation with interested groups/individuals **(February 2015)****Section 3 - Impact on Protected Characteristics (See guidance):**

Please consider the possible impact on the different protected characteristics. This could be based on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

	Positive	Negative	Neutral	Needs further investigation
Age	➔ <input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>
Disability	➔ <input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Race	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or belief	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sex	➔ <input type="checkbox"/>	x	<input type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Welsh language	➔ <input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**Thinking about your answers above, please explain in detail why this is the case? including details of any consultation (and/or other information), which has been undertaken to support your view?**

There is a negative impact based on disability as the nature of the service is that all clients have some disability which renders them incapable of managing their financial affairs. The impact is negative because they will be charged for services previously provided free of charge.

**(29.9.14)**

There is also a positive impact however, in that a charge will enable the Council to provide the same level of service as at present and the service users will benefit from proper attention to their financial interests. **(5.5.15)**

**What consultation and engagement has been undertaken (e.g. with the public and/or members of protected groups) to support your view?**

No consultation and engagement has taken place to date. **(29.9.14)**

A consultation exercise has been carried out with interested individuals and groups. The result of the consultation was that the majority of those who responded accepted that the proposal was reasonable. **(5.5.15)**

**Any actions required (to mitigate adverse impact or to address identified gaps in knowledge)**None **(29.9.14)**

## Section 4 - Other Impacts:

Please consider how the initiative might address the following issues.

You could base this on service user information, data, consultation and research or professional experience (e.g. comments and complaints).

<b>Foster good relations between different groups</b>	<b>Advance equality of opportunity between different groups</b>
<b>Elimination of discrimination, harassment and victimisation</b>	<b>Reduction of social exclusion and poverty</b>

**(Please see guidance for definitions)**

**Please explain any possible impact on each of the above.**

1. It is possible that this proposal will have a negative impact in terms of fostering good relations and in terms of advancing equality between different groups, as there are distinct groups of people who will be affected by the proposal.
2. It is possible that the policy could have a negative impact in terms of discrimination as it is imposing charges only on those who currently use the service.
3. It is possible that the policy could have a negative impact in terms of reduction of social exclusion and poverty as it is imposing charges only on those who currently use the service.

**What work have you already done to improve any of the above?**

Not applicable **(29.9.14)**

**Is the initiative likely to impact on Community Cohesion?**

The proposal should have no impact on community cohesion. **(29.9.14)**

**How will the initiative treat the Welsh language in the same way as the English language?**

The ability to receive the service in Welsh will still be available in the same way as previously. **(29.9.14)**

**Actions (to mitigate adverse impact or to address identified gaps in knowledge).**

- None required at this stage. **(29.9.14)**

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## Section 5 - Monitoring arrangements:

Please explain the arrangements in place (or those which will be put in place) to monitor this function, service, policy, procedure, strategy, plan or project:

**Monitoring arrangements:** Each case is monitored closely on an on-going basis and any impacts of this proposal will be taken back to the Head of Service for review.  
**(29.9.14)**

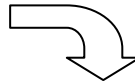
**Actions:** None **(29.9.14)**

## Section 6 – Outcomes:

Having completed sections 1-5, please indicate which of the outcomes listed below applies to your initiative (refer to guidance for further information on this section).

- Outcome 1: Continue the initiative...
- Outcome 2: Adjust the initiative...
- Outcome 3: Justify the initiative...
- Outcome 4: Stop and remove the initiative...

x



For outcome 3, detail the justification for proceeding here

## Section 7 - Publication arrangements:

On completion, please contact the Corporate Strategy Team for advice on the legal requirement to publish the findings of EIAs.

## Action Plan:

<b>Objective - What are we going to do and why?</b>	<b>Who will be responsible for seeing it is done?</b>	<b>When will it be done by?</b>	<b>Outcome - How will we know we have achieved our objective?</b>	<b>Progress</b>
Carry out a consultation exercise.	Head of Financial Services	April 2015	Opinions on the proposals from interested parties.	

## APPENDIX 2

February 2015  
01639 763646  
d.rees1@npt.gov.uk

Mr David Rees

HOFS/DR/RD

Dear Sir/Madam

### **re: Consultation Letter re Court Deputy Savings Proposals**

As you may be aware, the Council is required to make significant savings on its budget for the financial year 2015/16 and beyond. As part of its budget savings strategy, the Council is proposing to raise additional charges within the Court Deputy Service to enable it to continue to provide this vital service at the current level.

The Court Deputy Service provides support to vulnerable citizens who lack capacity and for whom there is no-one else available who is willing or able to manage their financial affairs on their behalf.

If this service was not available, the citizens concerned would be vulnerable to financial abuse and may have to be placed in residential care instead of being allowed to live independently.

The proposed charges represent a contribution to the Council's costs, not the full costs. There are two charges both of which the Council is considering. Your views are sought on these proposals and they will form part of the decision making process.

.../cont'd

**Proposal 1** – to raise a property management fee of £270 per annum for clients living at home. The Council has power to levy this charge under the Ministry of Justice Court of Protection Rules (Category 3), and the amount of the fee is dictated by those rules. A charge would not be levied against a client who has **financial assets** (eg cash, bank, building society) totalling less than £3,000.

**Proposal 2** – to make a charge of £250 for finalising the affairs of a deceased client, including preparation of documents for handover to the executors. The size of the charge is in line with that charged by other local authorities who charge for this service. This charge would not be raised against a client's estate where there are insufficient financial assets.

In light of the current budget savings being required of the Council, these proposals are being considered in order to enable the service to continue to be provided at its current level.

The Council would appreciate any comments you may have with regard to these proposals to help in the decision making process. The deadline for receipt of your comments is Monday 23 March 2015.

Please use the form attached, or if you prefer, you can send comments by e-mail to [d.rees1@npt.gov.uk](mailto:d.rees1@npt.gov.uk).

Yours faithfully

Head of Financial Services

Enc

**Court Deputy Savings Proposals – Comments**

Return to: Mr Dave Rees  
Head of Financial Services  
Neath Port Talbot County Borough Council  
Civic Centre  
PORT TALBOT  
SA13 1PJ

Comments on the charging proposals:

**Proposal 1:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Proposal 2:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Other Comment:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please return by **MONDAY 23 MARCH 2015**

**LIST OF CONSULTEES**

ADSS Cymru Business Unit  
Blaengwrach Community Council  
Blaenhonddan Community Council  
Briton Ferry Town Council  
Cilybebyll Community Council  
Clyne and Melincourt Community Council  
Coedffranc Community Council  
Crynant Community Council  
Cwmllynfell Community Council  
Dyffryn Clydach Community Council  
Glynneath Town Council  
Gwaun Cae Gurwen Community Council  
Neath Town Council  
Onllwyn Community Council  
Pelenna Community Council  
Pontardawe Town Council  
Resolven Community Council  
Seven Sisters Community Council  
Tonna Community Council  
Ystalyfera Community Council  
CSSIW National Office  
Disability Network Action Group(DNAG)(NPT)  
David Rees, AM  
Gwenda Thomas, AM  
Dr Hywel Francis, MP  
Rt Hon Peter Hain, MP for Neath  
Local Health Board  
Neath Port Talbot MIND Association  
Older Persons Commissioner for Wales  
Older Persons Council  
Neath Port Talbot CVS