

CABINET

Date of Meeting	Tuesday, 20 th October 2020
Report Subject	Office of the Public Guardian Report
Cabinet Member	Cabinet Member for Social Services
Report Author	Chief Officer (Social Services)
Type of Report	Operational

EXECUTIVE SUMMARY

This report is brought to inform Cabinet of the content of the Office of the Public Guardian Assurance Visit undertaken in January 2020.

This report was scheduled to be brought in March 2020, but due to the COVID-19 Pandemic, has been delayed until October. The Office of the Public Guardian (OPG) uses Assurance Visits as a means of supervising and supporting Professional and Public Authority deputies. Assurance Visits look at specific client cases selected for review and also at how a deputy ensures the proper management and administration of their deputyship caseload.

Assurance Visits are conducted by Court of Protection visitors who make reference to the published deputy standards when reporting findings and observations to the OPG.

RECOMMENDATIONS

1	That Cabinet notes and is assured by the content of the Assurance Visit feedback letter and assessment of the authority's performance.
2	That Cabinet notes the Assurance Visits Overall Summary and the Council's response.

REPORT DETAILS

1.00	EXPLAINING THE OFFICE OF THE PUBLIC GUARDIAN ASSESSMENT VISIT
1.01	Members will be aware that if an individual loses the capacity to manage their finances, for example due to dementia or a severe stroke, and has not made arrangements in advance, another person can become a deputy to take responsibility for their financial affairs. In Flintshire, if there is nobody available or eligible to become a deputy for a person who has lost capacity, it is possible for the local authority's Receivership Team to take on this role.
1.02	Referrals to the service are normally made by the person's social worker following an assessment of the needs of the individual concerned. Whether Deputyship or the alternative, DWP Appointeeship, is the best option will depend on the person's financial circumstances.
1.03	Individuals with complex financial affairs, for example additional sources of income, investments or significant savings will have an application for Deputyship submitted to the Office of the Public Guardian.
1.04	A Deputy undertakes responsibility for the management of all of a person's financial affairs if they become incapable of doing so themselves, including savings, pensions, all sources of income, and assets such as property and valuables.
1.05	Applications for Deputyship are made to the Court of Protection and the Deputy is a person or organisation appointed by the Court of Protection. The Deputy makes specific decisions as set out by the Court and: <ul style="list-style-type: none">• take steps to implement those decisions; when• the person lacks capacity to make that decision for themselves.
1.06	A Deputy must apply the 5 statutory principles of the Mental Capacity Act 2005 and must only make a decision that is in the Best Interests of the person,
1.07	Flintshire's obligation to act as a court-appointed deputy are set out in the Mental Capacity Act 2005 (MCA 2005) and the Mental Capacity Act 2005 Code of Practice (MCA 2005 Code of Practice).
1.08	To ensure the Council, as a Deputy, is acting as a court-appointed deputy set out in the MCA 2005 the Office of the Public Guardian will undertake Assurance Visits to review specific cases in accordance with the standards set out in the July 2015 standards.
1.09	During the Assurance Visit in January 2020, seven of the Council's deputyship clients were selected to be reviewed. The visitor then met with the deputyship team to discuss the clients visited and the management of the deputyship caseload as a whole.
1.10	Performance Against the 4 Deputyship Standards

1.11	<u>Standard 1 – Secure the client’s finances and assets</u>
1.12	Reference was made to the use of the NatWest Bankline system to ensure regular monitoring of client’s finances, also the use of pre-paid cards which allows individuals to make purchases within certain restrictions. This gives individuals voice, choice and control over areas of their finances where they have the capacity to choose. Reference was also made to partnership working with Housing Benefits Team, the Welfare Right Officer and individual’s Social Workers.
1.13	From the evidence gathered the visitors concluded that the Council is meeting Standard 1.
1.14	<u>Standard 2 - Gain insight into the client to make decisions in their best interests</u>
1.15	The Deputyship Officers work closely with social workers to ensure the individual is supported to make their own decisions as much as possible. Reference was made to the joint use of the Paris Client Information System.
1.16	The visitors concluded that the Council was meeting Standard 2.
1.17	<u>Standard 3 - Maintain effective internal office processes and Organisation</u>
1.18	The visitors noted that fixed costs are being charged correctly as set out by the Court of Protection and the day to day management of the service raised no issues.
1.19	It was also noted that the service has a policy in regards to conflicts of interest.
1.20	The visitors did note that there were a significant number of cases per Deputyship Officer and questioner whether the current staff resources were sustainable.
1.21	The visitors concluded that the Council meets Standard 3.
1.22	<u>Standard 4 – Have the skills and knowledge to carry out duties of a deputy</u>
1.23	Reference was again made to the close working relationship with Social Workers and that best interest decisions are made on all information available from relevant parties.
1.24	The visitors noted that all decisions are recorded on Paris.
1.25	The visitors also commented that from the cases reviewed the deputyship officers had a good understanding of the Mental Capacity Act 2005 and its five statutory principles.
1.26	It was concluded that the Council met Standard 4.

2.00	RESOURCE IMPLICATIONS
2.01	There are no direct resource implications as a result of this letter, however reference was made to a lack of staff resource within the Deputyship Officer team and the need for an additional officer to support the workload.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	The letter is a very positive review of the work of the Deputyship Officers within the Financial Assessment and Charging Team of Social Services.
3.02	In response to the Visitor's assessment of under-resourcing, the service is in the process of appointing an additional Deputyship Officer to address the concerns raised by the Officers of the Office of the Public Guardian.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	There are no consultation requirements as a result of this letter.

5.00	APPENDICES
5.01	Office of the Public Guardian Assurance Visit Feedback Letter.
5.02	Assurance Visits – What you need to know.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None.

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officers: Jane Davies Telephone: 01352 702503 E-mail: jane.m.davies@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
	Court of Protection: The Social Services and Well-being (Wales) Act came into force on 6 April 2016. The Act provides the legal framework for improving the well-being of people who need care and support, and carers who need support, and for transforming social services in Wales. Mental Capacity Act (2005) The Mental Capacity Act (MCA) is designed to protect and empower

people who may lack the mental capacity to make their own decisions about their care and treatment. It applies to people aged 16 and over.

Office of the Public Guardian

The Office of the Public Guardian (OPG) helps people in England and Wales to stay in control of decisions about their health and finance and make important decisions for others who cannot decide for themselves. OPG is an executive agency, sponsored by the Ministry of Justice.

Paris Client Information System

Is the Social Services Client Information System where the case notes and details of all individuals who access services through Social Services are recorded.