



Appointeeship Guide

For *family* appointees



This guide is for family carers who are the DWP appointee for their relative. It includes key information about your responsibilities as an appointee versus Hft's responsibilities, and who to contact when your relative's circumstances change.

We have included a helpful factsheet by Dosh, 'Being an Appointee', which provides an introduction to the role of appointee. We have also included a separate document explaining care charges, and a leaflet from The Money Carer Foundation about their products and services.

We have referred to family carers as the 'appointee' throughout this document for ease, but we recognise that some of you may have Power of Attorney or Deputyship for your relative instead. We have acknowledged the difference between an appointee and an attorney/deputy where it is relevant in this factsheet.

Everyone's financial circumstances will be different, so it is not possible to cover all possible scenarios in this factsheet. If you would like to discuss anything in more detail please get in touch with the local Hft manager.

Who should I inform if and when my relative's circumstances change?

As the appointee you are responsible for informing the relevant departments if your relative's circumstances change. It is important that you report changes promptly to avoid any negative financial consequences for your relative.

The three main areas of funding that can be affected by a change in circumstances are:

- 1. Means tested benefits**
- 2. Adult social care**
- 3. Housing benefit**

Assets and savings are taken into account with means tested funding – so if your relative inherits a property, this will be taken into consideration along with their savings. Savings include combined money across multiple accounts.

It is not possible to move money or property into a trust or an account in your name to avoid it being considered, as any movement of large amounts of money or assets is likely to be questioned. The DWP can question transactions over £500 – that is, where it has gone and why – and may ask for receipts or proof of purchase.

The DWP will update both the housing department and social care of any changes – but you are still responsible for contacting the various departments yourself.

If and when certain financial thresholds have been reached, you will be asked to provide evidence such as benefits award letters, bank statements for all accounts, and wage slips or a P60 if your relative is working.

1. Means tested benefits

As the appointee it is your responsibility to inform the DWP about any changes to your relative's circumstances which may affect their entitlement to means tested benefits. The main two means tested benefits are Employment Support Allowance (ESA) and Universal Credit. Pension credits are also means tested.

Changes to any of the following should be reported:

- Savings
- Income from benefits and any other income including a private pension
- Starting or stopping employment – both paid employment and volunteering need to be declared
- Inheritance including property or trust fund payments
- Change of address
- Leaving the UK for more than two weeks

Some benefits are not means tested, which means they are not affected by a person's finances. The main two non-means tested benefits are Personal Independence Payments (PIP) and Disability Living Allowance (DLA). State pensions are not affected by a person's finances either. However, you must still inform the DWP if your relative moves home. PIP and DLA can be claimed for up to 13 weeks outside of the UK.

What are the savings thresholds for means tested benefits?

- If your relative is in **supported living** and is in receipt of **working age means-tested benefits**, the lower threshold for savings and/or assets is **£6,000**. As a general rule, the upper threshold for savings and/or assets is **£16,000**, at which point your relative will no longer be entitled to means tested benefits – however, this can differ depending on a person's circumstances.
- If your relative is in **supported living** and is in receipt of **pension-age means tested benefits**, the lower threshold for savings and/or assets is **£10,000**. As a general rule, the upper threshold for savings and/or assets is **£16,000**, at which point your relative will no longer be entitled to means tested benefits – however, this can differ depending on a person's circumstances.
- If your relative lives in a **residential home** the lower threshold for savings and/or assets is **£10,000**. The upper limit is **£16,000**. If your relative receives pension credits there is no upper limit.

Once you inform the DWP that your relative has reached these thresholds, you will receive regular requests for up-to-date statements to keep a check on their savings. If savings drop below these amounts you will need to inform the DWP again.

You should report any changes to the following DWP departments:

DLA: 0800 121 4600

PIP: 0800 121 44 33

Pension Service: 0800 731 0469

ESA: 0800 169 0310

Universal Credit: Log into your online portal and add a note to the journal.

Is there anything else that I should be aware of with DWP benefits?

Don't assume that your relative is receiving the correct benefits.

If your relative lives in a residential home they should not be receiving the care component of DLA or the daily living part of PIP – nor should they be receiving the severe disability premium of ESA. However, the DWP do not always understand the difference between supported living and residential homes, so place the responsibility with the appointee to check that they are receiving the right benefits.

If your relative's needs increase they may be entitled to the higher rate of benefits if they are not already receiving them. Contact the DWP if this applies to your relative.

You do not need to contact the pension service when your relative is nearing state pension age – they will get in touch with you directly. You will normally receive a letter six months beforehand with instructions on what to do next.

2. Adult Social Care

If your relative is in receipt of local authority-funded care you must inform them if your relative goes over the lower capital limit of **£14,250** or the upper capital limit of **£23,250**, as their entitlement to funding may be affected. 'Capital limit' just refers to the total amount of any savings or assets (such as property) that your relative can have before their entitlement to social care is affected.

If your relative has assets between the capital limits they will pay what they can afford from their income (often known as their client, financial or weekly contribution), plus a means-tested contribution from their assets – calculated as £1 per week for every £250 of capital between the capital limits. If your relative has assets above the upper capital limit they may have to pay for the full cost of their care.

You should be able to find the contact details for the local authority's finance team on their website. There will normally be an email address, phone number and postal address that you can use to get in touch with them. Every local authority will have a slightly different process so it is probably best to phone them first and they will advise you as to the next steps.

What about Continuing Healthcare (CHC) funding?

If your relative is in receipt of Continuing Healthcare – that is, the full cost of their care is health-funded – you do not need to notify them of any changes to your relative's financial circumstances because it is not means tested.

However, if your relative is funded by both health and social care you will need to inform the local authority as the social care element of their care may be affected.

3. Rent and Housing Benefit

If your relative is in supported living they may receive housing benefit to pay for their rent. The housing benefit may pay for part or all of their rent depending on what they are entitled to. If they receive housing benefit for only part of their rent they may have to pay a 'top-up' to make up the full cost of their rent.

As the appointee it is your responsibility to ensure that your relative pays any charges relating to their property that are not covered by housing benefit, to ensure that they maintain their tenancy agreement. If your relative has been assessed as having the capacity to pay their rent themselves then they can do so – if not that will fall to you as the appointee.

Changes to your relative's financial circumstances have an impact on housing benefit, so it is important that you report any changes promptly.

What changes affect housing benefit and who should I contact?

The following changes to your relative's financial circumstances must be declared:

- Savings and/or assets between **£6,000** and **£16,000**. A weekly deduction can be made per £1 of entitlement to savings.
- Savings and/or assets over **£16,000**. This is likely to result in your relative no longer being entitled to housing benefit. If this applies to your relative they will become a private payer until their savings go below £16,000.
- Changes to income from benefits and any other income including a private pension.
- Starting or stopping employment – both paid employment and volunteering need to be declared.
- Inheritance including property or trust fund payments.

If changes are not declared this could result in an overpayment of housing benefit which your relative will have to pay back. The longer you leave it, the more money they will owe, so it is important to declare any changes as quickly as possible to avoid your relative owing rent arrears to their landlord.

Once your relative goes over **£6,000** in savings you will be asked for bank statements on a regular basis to ensure that their entitlement to housing benefit remains correct.

If your relative lives in an Hft-managed property – that is, Hft is the landlord – you will need to report any changes to our Senior Housing Officer, Jade Odell, at jade.odell@hft.org.uk. If you have a question you can call her on **07557 317 084**.

If your relative lives in a property where Hft is *not* the landlord, you will need to contact either the landlord or the local authority's housing department yourself. You can find details of the housing department on the local authority's website.

If your relative's savings or assets return to below **£16,000**, you will need to tell the relevant housing team in order to start reclaiming housing benefits again. The person you will need to speak to will depend on who your relative's landlord is. If you don't know who this person is, contact our Senior Housing Officer, Jade Odell, at jade.odell@hft.org.uk, who will either support you to make the reclaim, or point you in the right direction.

Supporting your relative with their financial affairs – what is my responsibility and what is Hft's responsibility?

As the appointee you will need to ensure that your relative has enough money to pay for their shopping, bills, and day to day activities, as well as money for bigger items and trips as and when they need it. It is your responsibility to make decisions about their benefits money and ensure that it is spent in their best interests.

If your relative does not have the capacity to receive their benefits and/or state pension money into their own account, or into an account managed by an attorney or deputy, it is likely that you will receive your relative's money into a separate bank account in your name. Unless you decide to open a Money Carer Foundation account in your relative's name, which you can do as the appointee, it is important to be aware that your relative has no legal authority to access money in your account, and would not be able to do so if anything were to happen to you. You should therefore take precautionary steps to ensure that your relative could still access their money if it's held in a bank account in your name, in case something should happen to you in the future.

Generally speaking, Hft staff members are responsible for supporting your relative with their spending and finances on a day-to-day basis, as long as it relates to their care and support needs – for example, whilst shopping and during trips out. If Hft has been commissioned to support your relative with their financial affairs then we have a legal duty to do so. However, there are certain things that Hft staff members can never do with regards to your relative's finances because we do not have the legal authority. These responsibilities will fall to you, as the appointee.

If your relative has the capacity to make their own decisions about their finances then we will encourage and support them to do so. If your relative lacks capacity to make decisions about their money, even with lots of support, we will work with you to ensure that their money is spent in their best interests.

Which areas of my relative's financial affairs will Hft staff members not be able to help them with?

- We cannot contact the DWP regarding your relative's benefits or give you advice about what benefits they should be receiving. Once you are the appointee this is your responsibility.
- We cannot plan your relative's budget for them, but we can work with you and your relative to come up with a budget plan.

- We cannot make bigger decisions about what your relative can spend their money on, but we can make suggestions and contact you when it is needed.
- We cannot pay your relative's bills or invoices for them, but we can support your relative to pay them so long as they have the capacity to do so. If they do not, the appointee is responsible for paying them.
- If your relative lacks capacity to manage their bank or building society account, we cannot access or manage it for them – nor can we support them to access it if they do not understand what they are doing. We can, however, work with you to come up with alternative banking arrangements.

Why are these changes happening?

When we were the appointee for your relative we had the authority to manage and make decisions about their benefits money. However, as we are not the appointee anymore we no longer have the legal authority to make decisions about their money unless it involves their day-to-day care and support needs.

The Mental Capacity Act protects care staff from liability when buying and paying for necessary goods and services on behalf of a person who lacks capacity, as long as it's in their best interests – but the Act does not allow care staff to take money out of a person's bank or building society account to do so. Staff members only have access to what they need to enable them to support your relative on a day-to-day basis – they are not to have access to main accounts or to large amounts of money.

Where we have previously supported people without capacity to access their bank or building society account we have done so because there are no alternative arrangements in place to enable them to access their money and pay their bills. We did this with the best of intentions, but it is not appropriate or lawful for us to continue doing so.

If your relative lacks the capacity to understand and manage their own account and to protect the money in it, they are likely to be vulnerable to fraud and financial abuse if there is no one formally keeping an eye on their financial affairs. Hft staff members cannot oversee your relative's account because we have no legal authority to do so, but without any formal oversight of your relative's bank account things are more likely to go wrong.

Banks and building societies have become much less lenient, and many of the people that we support have already had their accounts frozen because they lack capacity to manage them. Where there is no one with the legal authority to access the account, the only way to gain access again is through a lasting power of attorney¹ or deputyship² – both of which can be a lengthy process (in particular deputyship). Whilst an application is being processed your relative could be left without access to their money, which is why it is so important to ensure that alternative arrangements are in place.

¹ Lasting Power of Attorney is for people who have the mental capacity to consent to someone becoming their 'attorney', to help them make decisions or to make decisions on their behalf. There are two types of LPA: health and welfare, and property and financial affairs.

² Deputyship is similar to Lasting Power of Attorney except it is for people who lack the mental capacity to consent to someone become their 'attorney'. There are two types of deputy: personal welfare, and property and financial affairs. Applications for deputyship go through the Court of Protection, which is why they are more complex and take longer to process than LPA.

What are my options to get money to my relative?

If your relative has the capacity to manage their own bank or building society account, you can continue to transfer money into their account.

If your relative does not have the capacity to manage or understand a bank or building society account, you will have to use one of the following methods to get money to them, **as Hft will not be able to receive money on their behalf:**

1. Cash

You can drop cash off to your relative on a regular basis so long as the arrangements are in their best interests. However, if your relative likes to do online shopping this option may not be in their best interests.

2. Prepaid cards

Prepaid cards are a useful alternative for people who do not have the capacity to have their own bank account and where dropping cash off is inconvenient or not in a person's best interests. Prepaid cards can be used in the same way that a debit card can but they are separate to the main account that is managed by the appointee (or attorney/deputy).

Depending on what works best for the person a regular budget can be agreed upon which is 'loaded' onto the card in the same way that a pay-as-you-go mobile phone works. It is not possible to go overdrawn on these types of cards because once the money is gone, it's gone.

A prepaid card can be provided to your relative so long as they have capacity to manage the card and the money on it, and remember a PIN number. Even contactless cards require a PIN number after a certain amount of uses. Hft staff members cannot use any card that is in your relative's name, so it is not possible for a person to have their own prepaid card if they do not have the capacity to manage it.

Where people lack capacity to manage their own prepaid card, carers' cards are available instead.

Prepaid bank cards

Some banks offer prepaid cards with their bank accounts. However, this option is only possible if your relative has the capacity to understand and manage the prepaid card as staff members will not be able to use the card for them.

This option may only be available to attorneys or deputies who are able to open the account in the person's name, as opposed to an appointee who does not always have this authority.

There is normally a fee for this service. You can find out more about these accounts by searching for 'prepaid cards' on [moneysupermarket.com](https://www.moneysupermarket.com).

Prepaid budget cards through The Money Carer Foundation

The Money Carer Foundation offers a prepaid card service through their banking platform, which is available to family appointees as well as attorneys/deputies. This option is only possible if your relative has the capacity to understand and manage the prepaid card as staff members will not be able to use the card for them.

There is a fee for this service. You can find out more about The Money Carer Foundation's prepaid card in the enclosed information leaflet and on their website moneycarer.org.uk.

Prepaid carers' cards through The Money Carer Foundation

The Money Carer Foundation's prepaid carers' card service provides a secure method for staff members to access smaller amounts of money where a person lacks capacity to manage their own card.

There is a fee for this service. You can find out more about The Money Carer Foundation's carers' card in the enclosed information leaflet and on their website moneycarer.org.uk.

Regardless of which option you choose to get money to your relative there will be times when they may require additional money for larger spends. When additional money is required, the Hft manager will contact you to discuss your relative's needs.

Paying bills and invoices

What bills does my relative pay for?

Everyone's bills and expenses will be different so it is best to check what your relative is currently paying for with the local Hft manager. Some of their bills will depend on where they live.

If your relative has the capacity to pay their own bills and invoices they should be supported and encouraged to do so. However, if your relative has been assessed as lacking capacity to pay their own bills and invoices it will be your responsibility to do so instead, as the appointee, and to make sure that they are paid on time. This includes household and personal bills.

Residential homes

If your relative lives in a residential home and is in receipt of local authority funding, most of their expenses will be included in their care package. For example, they will not have to pay for their rent or utilities. However, there may be additional expenses that are not included in your relative's care package that they will need to pay for.

Some of the expenses in residential care may be paid for directly by your relative, whereas others may be paid for by Hft and recharged to them through a monthly invoice. However, we are moving away from this system – so it is likely that you will pay for your relative's invoices directly, as the appointee.

If your relative lives in a residential home, they are likely to contribute most of their income towards the cost of their care. These charges will come to you through an invoice. See the attached information leaflet for more information about care charges.

Supported living

If your relative lives in a supported living home they will pay for a lot more themselves because living costs are not included in their care package. For example, they will have to pay for their own food, rent and utilities (unless their rent is covered by Housing Benefit).

Some of the costs associated with supported living may be paid for directly by your relative, whereas others may be paid for by Hft and recharged to them. Utility bills, for example, will be paid in one of these two ways.

If your relative lives in a supported living home and is in receipt of local authority funding, they are likely to contribute a portion of their income towards the cost of their care. These charges will come to you through an invoice. See the attached information leaflet for more information about care charges.

Where bills are paid by a direct debit from a 'joint' household bank account, this arrangement cannot continue if the account is managed by Hft or if it is in a person's name that lacks capacity to manage it and understand the implications of using it for household bills. You will need to speak with the local Hft manager to come up with alternative arrangements.

What invoices should I expect to receive and when?

You will receive one or more of the following types of invoices:

1. One invoice per month from either Hft or the local authority* for your relative's care contribution (also known as their client, weekly or financial contribution, amongst other things)
2. One invoice from Hft per month for any rental charges
3. One or more local Hft invoices per month from the service for any recharges

**If you are not receiving an invoice for your relative's care it does not necessarily mean that they are not paying a client contribution. The council may be sending the invoices to your relative instead, so it's important to check – otherwise your relative could end up owing a large amount of money to the council for unpaid care fees.*

Hft's contracts team will email central Hft invoices to you no later than the 7th working day of each month. The invoices will be password protected using your relative's date of birth. A paper copy of the invoice can also be produced and posted should you prefer.

Locally produced Hft invoices may be sent out at different times.

You can pay Hft invoices via a bank transfer or standing order. The payment deadline is 30 days from the date of the invoice.

Do I need to update the contracts team about any changes?

There is normally an annual increase of benefits each April at which point the local authority may reassess what your relative can afford to contribute towards the cost of their care. Hft's contracts team will contact you around the same time to ask for an up-to-date figure. However, it is important to update them throughout the year if your relative's client contribution changes at any point.

If you move house you will need to update the contracts team (and the local authority if applicable) to ensure that the invoices are sent to the correct address.

Who should I contact if I have any queries about invoicing?

Hft's contracts team will be able to answer queries regarding the amounts on invoices, the invoicing period and details on the invoices (such as name and address). You can contact them on **contracts&revenue@hft.org.uk**. The contracts team will not be able to help with any other enquiries.

Any questions about local charges and invoices should be directed to the local Hft manager or administrator.

Any queries regarding underpayments, overpayments and account reconciliations should be addressed to Hft's credit control team. You can contact them on **incometeam@hft.org.uk**. The credit control team will not be able to help with any other enquiries.

Any questions about your relative's client contribution amount should be directed to the local authority.

Who should I contact if I have any other questions?

You should contact the local Hft manager in the first instance if you have any queries.

If you have any questions about your relative's state pension or benefits you should contact the DWP in the first instance. If you would like independent benefits advice you should speak to your local Citizen's Advice Bureau or benefits charity.

If you have any housing-related questions you should contact our Senior Housing Officer, Jade Odell, on **jade.odell@hft.org.uk** or **07557 317 084**. Where Hft is not the landlord you should contact the relevant landlord, housing association or housing benefit department.

If you need to discuss your relative's personal financial arrangements you can contact our Client Finances Manager, Kelly Jones, on **kelly.l.jones@hft.org.uk** or **0117 906 1727**. Kelly can help family appointees navigate the changes and come up with billing and banking solutions.

For independent advice on anything else you can contact Hft's Family Carer Support Service, on **familycarersupport@hft.org.uk** or **0808 801 0448**.

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