

Managing Personal Finances Guidance

LONDON BOROUGH OF CAMDEN

ADULT SOCIAL CARE

Version 7 – September 2023

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CONTENTS

Section	Page
1. Purpose	3
2. Scope	3
3. Responsibilities	3
4. Principles	4
5. Legal Framework	5
6. PFS Eligibility Criteria	6
7. Supporting PFS residents – allocation of cases	6
8. Financial Reviews – appointees and deputyships	6
9. Communication	7
10. Planning	9
11. Cash advances	9
12. Debt management	9
13. Safeguarding	11
14. Further Information	11

1. Purpose

- 1.1. To set out the legal framework and provide guidance for staff working within Adult Social Care (ASC), Camden Learning Disability Service (CLDS) and Camden and Islington Mental Health Foundation Trust (C&I) for Camden residents who lack capacity to manage their personal finances and therefore require assistance to do so.
- 1.2. This guidance is designed to ensure residents receive a high quality service from the Personal Finance Service (PFS) and practitioners in relation to the management of their personal finances. PFS caseworkers and practitioners must work closely with individuals to uphold key elements in the Care Act 2014 including informed choice, control, personalisation, and protection from abuse. PFS caseworkers must work closely with the Practitioners to uphold the Office of Public Guardian (OPG) standards and follow Council policy and procedures.

2. Scope

- 2.1. This guidance relates to residents where the London Borough of Camden (LBC) has a legal responsibility to manage finances. These individuals may live in the community or residential/nursing care.
- 2.2. This guidance must be read in conjunction with the London Multi-Agency Adult Safeguarding Policy and Procedures 2016, Human Rights Act 1988 and all other legislation applicable to adults in England and Wales. Any relevant policy guidance within housing, LBC, C&I, and the NHS Clinical Commissioning Groups (CCGs) should also be adhered to. A list of relevant Personal Finance procedures can be found in section 14 of this document.

3. Responsibilities

- 3.1. All heads of services, team managers and their equivalents in the LBC and C&I must ensure their staff teams have access to and adhere to this guidance.
- 3.2. Front line workers are responsible for liaising with their team managers if they require further information or support to adhere to and action this guidance.
- 3.3. It is the responsibility of both the PFS caseworker and Practitioner to collaborate and work together.
- 3.4. Where the LBC has been authorised to act as Appointee or Deputy, the involved workers must ensure the person's finances are managed appropriately so the person has adequate funds. Equally, workers must encourage the person to consider a funeral plan where appropriate.

- 3.5. In CLDS and C&I, Service Managers must ensure that all PFS residents that are supported in the community (as opposed to a residential setting) have an allocated worker (practitioner) to support the individual, carry out annual reviews and work with the PFS caseworker as and when required. The allocated worker is not required to be a social worker and can be any relevant social care practitioner. In Support and Safeguarding where a resident is deallocated the Team Leader will remain the contact for PFS finance caseworker. This will ensure consistent support to residents with more complex issues.
- 3.6. Where a resident is in receipt of support with their personal finances in a residential setting but has complex issues related to the management of their finances, Service Managers will ensure the resident has an allocated practitioner to support the individual, carry out annual reviews and work with the PFS caseworker as and when required. Again, this will ensure consistent support to the resident.
- 3.7. The PFS Service manager will ensure this guidance and related practice guidance and procedures are reviewed annually and in line with any change in the OPG standards.

4. Principles

- 4.1. The 'wellbeing principle' of the Care Act 2014 must be adhered to when workers are providing care and support or are supporting individuals to make decisions.
- 4.2. People should be enabled and assisted to manage their own financial affairs as far as is possible. Any intervention must be strictly in accordance with Mental Capacity Act principles.
- 4.3. Where a person lacks mental capacity to manage their finances, after a financial assessment to determine eligibility (see appendix A for eligibility criteria) and where it is identified there is no other suitable option, a formal application request to manage the person's affairs by LBC must be completed (See the referral process in appendix B). This will protect the person's interests and provide protection for the Practitioner in respect of any decisions and actions they may take in relation to the person's finances.
- 4.4. Any financial management will be authorised by the Court of Protection or corporate appointee regulations.

5. Legal Framework

- 5.1. The Mental Capacity 2005 legislation sets out the process for assessing capacity and agreeing best interest decisions which an approved professional or practitioner will lead.

- 5.2. Office of the Public Guardian - Standards for Local Authority Deputies are the standards that a local authority must adhere as a Local Authority Deputy. Both practitioners and allocated caseworkers from PFS must work together to ensure these standards are met. These standards are also embedded in relevant PFS guidance and procedures.
- 5.3. The Care Act 2014 emphasises the need to support individuals to be independent in their own home and to delay, prevent and reduce needs and services. All effort must be made by workers to support individuals to manage their finances and not rely on LBC.
- 5.4. Section 47 of the Care Act places a duty on the Local Authority to protect a person's moveable property when: a person with care and support needs being met under section 18 or 19 is provided with accommodation, or is admitted to hospital (or both). Workers must gain consent from the person to enter the property and Mental Capacity Assessment process must be followed (see [Protection of Property Procedure](#)).
- 5.5. There are two legal paths where the PFS team may provide support:-
 - **Application for Corporate Appointee:** This permits the PFS team to manage Department for Work and Pensions benefit only.
 - **Court of Protection - Deputy for property and affairs:** This is a legal representation to access external bank accounts, private pensions, legal representation to sign documents, set up & sell investments, and make decisions on the individual's behalf.

ASC Legal Team will process all applications for a Panel Deputy for people with over £23,250 and property/assets. Where there are exceptional circumstances, this must be discussed with a team leader in the first instance to decide on an appropriate course of action.

- 5.6. Court of Protection - Deputy for Health and Welfare: This is a legal representative to make decision about medical treatment and where an individual may live, whom the individual meets with and day-to-day care. The application needs to be completed by the Practitioner and ASC Legal services will provide legal support.

6. PFS Eligibility Criteria: See Appendix A

- 6.1. The individual must be receiving a service from Adult Social Care, C&I or CLDS. Continuing Healthcare individuals must be considered on a case-by-case basis.
- 6.2. The resident must meet the following criteria in order to receive support from PFS:
 - The individual must have less than £23,250 in savings/other capital, who do not own any property or land, (i.e., they meet Camden's financial eligibility criteria for ASC and C&I).
 - Individuals must not have capacity to manage their finances, demonstrated by a completed mental capacity assessment and best interest assessment. The individual must also have no family, friends or other third party willing or able to manage their finances on their behalf.
 - The Office of the Public Guardian advises that distance is not a barrier to managing someone's finances, so living abroad is not a sufficient reason for family or friends to decline the responsibility.

7. Supporting PFS residents – allocation of cases

- 7.1. In order to ensure that there is a consistent practitioner that knows the resident and can work with PFS should issues arise. all community cases will have a named adult social care / trust worker. Within the Trust and CLDS this will be the allocated practitioner. Within Support and Safeguarding this will be the allocated social worker where the resident is allocated and where, following a review a case is closed, the reviewing officer will remain the named worker for the purposes of acting as a link worker for PFS caseworkers and dealing with PFS cases.

8 Financial Checks

8.1 Appointee Financial Checks

- 8.1.1 Financial reviews must be completed a minimum of every 12 months for individuals where LBC is a Corporate Appointee. All reviewing officers in ASC and the Trust will do a light touch check of financial transactions for those they are reviewing. The form has been significantly simplified and has now been embedded into Mosaic for those with access. If you do not have access, the 'paper' form and guidance to support this can be found on [the ASC Practice Guide](#). **It is crucial that this form is completed wherever possible on Mosaic, so that we are able to demonstrate that reviews are taking place to auditors.**

- 8.1.2 Reviewing officers should request bank statements for the resident in advance of the review, which they should check for any unusual/irregular transactions that may cause concern. The PFS caseworkers must provide the reviewing officer with the necessary paperwork in a timely manner and support the practitioner where they raise any concerns to explore the issue.
- 8.1.3 If the reviewing officer has concerns about a resident's finances they should raise these with PFS and their manager. If there are concerns about the conduct of a PFS Caseworker they should raise this with their Team Leader, who should in turn raise it with the Head of Insight, Quality, and Financial Services.
- 8.1.4 For high risk individuals, such as those with minimal contact with support services, a Safeguarding Concern or complex care/financial casework, reviews may be required more frequently.
- 8.1.5 PFS will conduct peer to peer reviews of casework to ensure financial management meets the required standards. Each PFS caseworker will have a minimum of one review a year.

8.2 Deputy Reviews– Property & Affairs, Court of Protection (COP)

- 8.2.1 The Deputy Report has replaced the COP Financial review, this is completed independently of the annual review and is completed by the visitors and must be completed in line with the anniversary of the court order.
- 8.2.2 To comply with the OPG standards a visit to the individual must take place at a minimum of once a year or six monthly if there is a high risk of financial abuse.
- 8.2.3 The annual review for deputies will be carried out by visitors commissioned by the Council. This contract will be reviewed annually in relation to quality and performance; PFS and practitioner capacity and budget constraints.
- 8.2.4 The PFS service manager will review the deputy visits throughout the year to ensure the commissioned service is compliant with the OPG standards and delivering a high quality service.
- 8.2.5 Any issues, queries, or recommendations from the Deputy reviews that the visitors may have will be raised with PFS caseworkers and practitioners.

9 Communication

- 9.1. The Practitioner and PFS caseworker must communicate to ensure any major change of circumstances information is shared.

- 9.2. The Practitioner will be required to share the following (not an exhaustive list):
- Advise immediately of any financial abuse concerns and share interim protection plan,
 - Death of an individual,
 - Change of residence: either temporary or permanent, community to residential and vice versa,
 - Relationships: Next of Kin, friends, significant others,
 - Inheritance,
 - Significant decision making on any matter relating to finances,
 - Section 117,
 - Continuing Health Care.
- 9.3. The PFS caseworker will be required to share the following (not an exhaustive list):
- Ownership of property in the UK or abroad,
 - Large benefits payment or other large sums of money which become available for the use of the individual,
 - Confirm when Appointee or Deputyship status has been authorised,
 - Alert teams when family approach direct for finance or information,
 - Alert if there are any financial safeguarding or fraud issues to be investigated.
- 9.4. The PFS caseworker is responsible for liaising with the Awards and Contribution Team (ACT) to ensure charges are accurate and paid in a timely manner. They ensure the FA7 is completed as early as possible. ACT will ensure a financial assessment is completed within a timely manner and the outcome communicated to the PFS caseworker.
- 9.5. Approval limits - PFS caseworkers can approve payments without seeking practitioner approval to the following limits:
- Routine increases in personal allowances up to £250 per week for community cases.
 - Ad Hoc requests for white goods and other electrical items - £500 per item.
 - Ad Hoc requests for Holidays / Outings up to £1500
 - Routine increases for personal residential cases up to the minimum allowed by Department for Work and Pensions.
 - Ad hoc requests for specialist equipment refer to practitioners for approval

Where requests are unusual or too frequent the PFS will refer to the practitioner to ensure it is a legitimate request.

10. Planning

- 10.2. The Care Act 2014 highlights the need for these plans to be person centred and

outcome focused. When a Practitioner is planning with a resident who has lost capacity to manage their finances, the Practitioner must make every effort to involve them where appropriate and consult their family/friends/advocate to gain information about meaningful outcomes, items, values, and beliefs that the individual had prior to and after losing capacity. These elements must be incorporated into the planning process. Practitioners should also have early conversations with people who are at risk of losing capacity about how they might want their money managed and whether there are other willing parties who could support them.

11. Cash advance

- 11.2. LBC may provide emergency loans for individuals; these are called business support loans and are arranged through the business support team.
- 11.3. This is only for the emergency period where PFS are waiting for Department for Work and Pensions benefits to be paid for in both appointee and COP cases.
- 11.4. The person will be lent a minimum amount of money for the shortest amount of time. If this is not adhered to, there is a high risk the person will not return the money to LBC or C&I budgets.
- 11.5. PFS will make reasonable arrangements to re-pay this debt once they have access to the person's accounts, ensuring they are left with adequate income. A payment plan may be required, and it may also be necessary to liaise with the Awards and Contributions Team to ensure the impact on charges are considered and the appropriate arrangements are made.

12. Debt Management

- 12.1 At the point of identifying the individual needs assistance with financial management the Practitioner will collate and summarise any creditors or debtors' information.
- 12.2 The Practitioner will apply for the resident to have their finances managed and will send the information to the PFS Service Manager to have this agreed.
- 12.3 If the case is accepted for PFS management by the Service Manager, it will be sent to the directorate for a final sign off by the ASC Director. Once approved PFS will start the process of gathering financial information which will include any debts e.g., care, rent and council tax arrears. Debts will be paid according to the priority debt list to ensure the threat of eviction or court action is prevented.
- 12.4 **Priority Debts**
 - 12.4.1 Priority debts are those that carry the most serious consequences if you don't pay

them.

12.4.2 These don't have to be the largest or debts with the most expensive interest rates, but if you don't pay them it could lead to serious problems.

12.4.3 Priority debts include:

- Court fines.
- Council Tax.
- TV Licence
- Child maintenance.
- Gas and electricity bills.
- Income Tax, National Insurance and VAT.
- Mortgage, rent and any loans secured against your home.
- Hire purchase agreements, if what you're buying with them is essential.

12.4.4 Please see section 10 regarding debt and business support loans.

13. Safeguarding

13.1 Financial and material abuse is one of the most frequent types of alleged abuse.

13.2 The Appointee and Deputyship process establishes the person's vulnerability in managing their financial and property affairs. The Safeguarding process must be followed for all vulnerable adults with care and support needs who are at risk of abuse and neglect and can't protect themselves because of their care needs. All organisations are accountable for ensuring Safeguarding procedures are followed where required. This includes LBC which is accountable for managing financial affairs and property.

13.3 If there are any concerns regarding the management of finances by LBC staff, these must be discussed with the Team Manager, Service Manager or the worker can liaise directly with the Safeguarding Service Manager and the Head of Insight, Quality, and Financial Services.

13.4 There are several Council policies and local procedures that ensure people's finances are managed appropriately and that they are therefore safeguarded from financial abuse. These should be read in conjunction with this guidance and include:

- Fraud
- Data protection

14. Further information

14.1 This guidance will be reviewed annually or earlier in accordance with relevant changes

in legislation, regulations or guidance and agreed by the PFS working group.

14.2 An ASC Practice Guide has been developed to support LBC Adult Social Care practitioners understand and deliver their duties in line with the legal requirements outlined in the Care Act 2014.

14.3 The ASC Practice Guide can be found [here](#).

End of document

Useful Links

Social Work and Social Care

Mental Capacity Information

<http://www.scie.org.uk/mca/introduction>

London Multi- Agency Adult Safeguarding Policy and Procedures 2019

<https://londonadass.org.uk/safeguarding/review-of-the-pan-london-policy-and-procedures/>

Definition of 'Wellbeing principle' Care Act

<http://www.scie.org.uk/care-act-2014/assessment-and-eligibility/eligibility/how-is-wellbeing-understood.asp>

Human Rights legislation

<https://www.equalityhumanrights.com/en/human-rights/human-rights-act>

Personal Finance Team

Office of the Public Guardian Professional Deputy Standards

<https://www.gov.uk/government/publications/office-of-the-public-guardian-deputy-standards/sd5-office-of-the-public-guardian-professional-deputy-standards-web-version>

Appendix A

Referrals to Personal Financial Services (PFS): A guide for Adult Social Care and the Camden and Islington Mental Health Trust

ASC's Personal Finance Service (PFS) team manages the finances of residents accessing ASC & C&I services if they do not have the capacity to do so themselves and there is no-one else willing/able to do so on their behalf. There are many options for the management of resident finances across the private, public and not-for-profit/voluntary sector. Therefore cases are not automatically accepted into PFS; referrals must meet all of the below eligibility criteria:

PFS Eligibility Criteria:

1. The resident must be receiving service from ASC or C&I

The resident must be in receipt of an ASC/C&I funded service at the point of referral. If a resident stops receiving support from ASC at any point after being accepted into PFS, then a decision will be made jointly with practitioners about how management of the person's financial affairs should continue.

2. The resident must have less than £23,250 in savings/other capital (i.e. they meet Camden's financial eligibility criteria for Adult Social Care support)

If the resident's savings/other capital exceeds £23,250 then the Practitioner should refer the case to Legal Services so that they can apply to the Court of Protection for a Panel Deputy.

3. The Resident must have no family, friends or other third party willing or able to manage their finances on their behalf

Family and friends are the preferred parties to manage the resident's finances, unless:

- they lack capacity themselves
- Camden does not consider them suitable (e.g. safeguarding or other concerns)
- The resident has expressed a strong wish that they not be involved

The Office of the Public Guardian advises that distance is not a barrier to managing someone's finances, so living out of borough or abroad is not a sufficient reason for family or friends to decline the responsibility. If family/friends are not willing to manage the resident's finances they must provide a written statement to that effect, which must be included in the referral to PFS. If a family refuses to provide written evidence the practitioner must clearly state the reasons for this refusal in the application form.

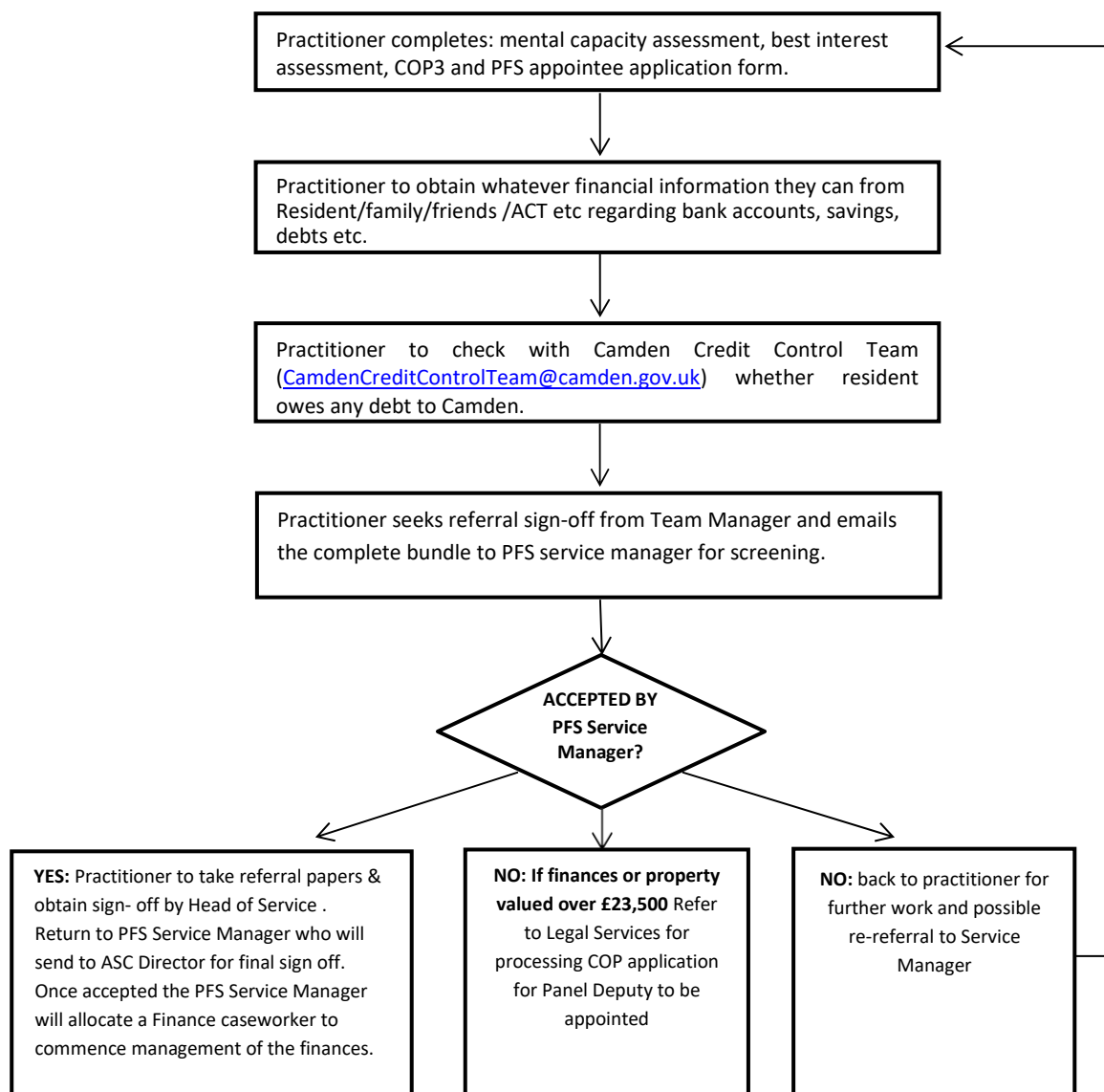
If the Practitioner believes that the resident may already have a Deputy or Lasting Power of Attorney in place then they should carry out a free search of the OPG Register by completing an OPG100 form: download from the Gov.uk website

4. Resident must not have capacity, demonstrated by a completed mental capacity assessment and best interest assessment

Practitioners should apply the five key principles of the [Mental Capacity Act 2005](#) when completing the capacity and best interest assessments, remembering that a referral to PFS for management of finances is not necessarily the least restrictive option.

Appendix B

PFS Referral Process



Get in touch...

Anyone who has any questions or concerns about making a referral to PFS are very welcome to contact PFS PFST@camden.gov.uk, or they can discuss with their Team or Service Manager.

PFS have a communications plan that ensures they will visit teams at least once yearly to keep colleagues in ASC and the trust up to date with changes and have an opportunity to address queries. PFS will also ensure they are part of the Trust and ASC induction and use a variety of other media to communicate with colleagues across the services.

PFS has a working group with representatives across all three teams (Support and Safeguarding, The Mental Health Trust and CLDS) – you can speak to your colleagues who sit on this working group if you have matters of practice, policy, or procedure you would like them to explore.

APPENDIX C

The financial review form can be found on the [ASC Practice Guide](#)

Guidance notes for carrying out a review.

- 1.1 An annual financial review is required for each resident that is managed by the Personal Financial Services Team as Corporate Appointee.
- 1.2 The 'paper' form can be found on the [ASC Practice Guide](#)
- 1.3 The review form will be part of the annual overview placement review or community support plan review.
- 1.4 Contact PFST@camden.gov.uk or PFS finance caseworker for an electronic copy of the annual financial statement for the resident prior to the review for checking:-
- 1.5 Check the financial statement for:-
 - Large sums of expenditure withdrawn from the account, has this been approved?
 - Irregular withdrawals for unidentified funds, can this be accounted for?
 - Is regular benefit income being paid into the account? e.g. Employment and Support Allowance, State Pension, Pension credits and Disability benefits (Personal Independence Payment, Disability Living Allowance, Attendance Allowance)
 - Note available capital in relation to living conditions and personal allowance in payment for any necessary adjustments.
- 1.6 Destroy the financial statement but note that you have checked it on MOSAIC and the review form.
- 1.7 Inform PFS of any concerns or amendments required.

DATA PROTECTION

- 1 If you have to print the financial statements do not leave the documents on desks unattended
- 2 Statements should only be stored in a locked or secure cupboard if not in use.
- 3 Destroy and put the paper copies of statements in the confidential shredding as soon as possible.
- 4 Electronic copies should be deleted and not saved to your H drive or shared drives
- 5 Do not load the financial statements into MOSAIC or RIO.