

## **Cabinet – 15 December 2021**

### **Outcome of Formal Consultation on the Future Provision of Corporate Appointeeships**

**Portfolio:** Councillor M Bird – Leader of the Council Councillor

**Related portfolios:** Councillor K Pedley – Portfolio Holder Adult Social Care

**Service:** Finance

**Wards:** All

**Key decision:** Yes

**Forward plan:** Yes

#### **1. Aim**

- 1.1 This report presents the outcome of the formal consultation undertaken with regards to the future provision of Walsall Council's Corporate Appointeeship service, and seeks Cabinet's approval to implement measures that will allow the council to continue providing the service going forward.
- 1.2 Cabinet are asked to note that whilst provision of support to appointeeships is not a statutory requirement, it is however a valued service to vulnerable residents who need access to this type of support, which has seen significant increases in demand, and it would therefore be beneficial to be able to continue to provide this service on a more sustainable basis.

#### **2. Summary**

- 2.1 This is a key decision due to the proposed introduction of a charge for a service which is currently provided free, and which supports vulnerable residents across the borough.
- 2.2 The Financial Administration Client Welfare Services (CWS) team (within Finance) currently provide financial and administrative support for Adult Social Care clients, where required, by acting as Corporate Appointee or Deputy on behalf of the authority.
- 2.3 Evaluation of the Corporate Appointeeship service during 2020 identified that the service is not able to continue in its current form, due to significant increases in demand and rising costs. The proposed introduction of fees would therefore secure the future of the service, ensuring that it is more sustainable and that vulnerable clients who wish to continue using it will not be left without financial management support. This will reduce the risk of them being vulnerable to financial abuse.

- 2.4 The proposed implementation date is April 2022. This will give time for Walsall Council to set up the systems required to administer the charge and determine which fees are applicable to each client. It also allows time for clients to prepare to start paying the fees, and for those who do not wish to continue utilising the council's appointeeship service to make alternative arrangements.

### **3. Recommendations**

- 3.1 That Cabinet notes the outcome of the formal consultation on the future provision of Corporate Appointeeships that has been undertaken.
- 3.2 That Cabinet approves the introduction of the charges for the Corporate Appointeeship service from 1 April 2022 as set out at para 4.13 to support the continued provision of the service on a more sustainable basis.
- 3.3 That Cabinet delegates responsibility to the Executive Director for Resources and Transformation, in consultation with the Leader of the Council as portfolio holder, to review and amend those charges on at least an annual basis.

### **4. Report detail – Know**

- 4.1 The Financial Administration Client Welfare Services (CWS) team (within Finance) currently provides financial and administrative support for Adult Social Care clients, where required, by acting as Corporate Appointee or deputy on behalf of the authority.
- 4.2 The number of people utilising the appointeeship service has increased from circa 100 in August 2016 to around circa 300 presently and is continuing to grow due to an ageing population with over half of appointee clients and applicants being aged 65+ indicating this trajectory will continue. This has highlighted an issue with regards to the sustainability of the service and the ability to continue accepting new clients.
- 4.3 This increase in clients appears to be a national issue with a recent benchmarking exercise showing other local authorities also experiencing an increase in the number of clients supported, with Walsall seeing the fourth highest rate of increase since August 2016 of the benchmarked authorities, and with a number of those authorities recently introducing charges to ensure the continued provision of the service.
- 4.4 The Corporate Appointeeship service is a discretionary service, and clients are free to pursue other options, such as utilising a private company or appointing a relative or friend to manage their finances. However, there are risks associated with those alternate options which are noted in the "Risk Management" section of this report, and therefore the ability to continue to provide the service is important as it provides support and peace of mind to vulnerable residents.
- 4.5 As part of the Service Transformation Plan (STP) aligned to the Proud Programme, all departments were asked to identify areas to target improved service delivery for the public and also opportunities for financial efficiencies over the 2021/22 and 2022/23 financial years. As noted in the report to Cabinet in June 2021, an evaluation of the Corporate Appointeeship service took place as part of the STP

process to establish its sustainability, and it was clear that given the growth in demand the service was not sustainable in its current form, and a review of options to make the service more sustainable were included within the Finance STP.

- 4.6 In October 2020, as part of the consultation on 2021/22 – 2022/23 policy proposals an initial consultation on the future provision of the Corporate Appointeeship service was undertaken, with the outcome reported to Cabinet in February 2021 within the Draft Revenue Policy Proposals 2021/2022 – 2022/2023, and this was also within the final budget report presented to Council.
- 4.7 That report noted that as a 2022/23 policy proposal, the review on the future provision of the appointeeship service would require a formal consultation process to be undertaken with relevant stakeholders during 2021, so that Cabinet could consider implementation of any changes from April 2022 as part of the 2022/23 budget process.
- 4.8 A report to Cabinet in June 2021 therefore requested permission to undertake that formal consultation, with this report now setting out the consultation process that was followed and the outcome of that.

### **Context**

- 4.9 The formal consultation on the future provision of the service was undertaken between 5<sup>th</sup> August and 17<sup>th</sup> September 2021.
- 4.10 Given the capacity of the appointeeship group, advice provided by Legal services and the Corporate Equalities team confirmed that, as part of the formal consultation, the authority needed to involve people that were going to be able to advocate on the individuals' behalf.
- 4.11 The consultation therefore invited feedback from the following groups via a survey:
- Clients of the appointeeship service;
  - Relatives, friends and carers of the clients;
  - Social Workers;
  - 87 community / voluntary organisations (a full list is provided at Appendix A).
- 4.12 The consultation asked for opinions on 3 proposals:
1. Continue providing the service and introduce fees;
  2. Continue providing the service and implement a waiting list;
  3. Stop providing the service and ask individuals to utilise a private company instead.
- 4.13 In terms of the first proposal, the consultation also sought views of the introduction of the following proposed fees:
- £1 per week charge for clients with savings of £1000 or less;
  - £9 per week charge for clients with savings of more than £1000;
  - £1 per week in addition to the above charges for individuals who utilise a pre-paid card provided by the council;

- £20 for every hour of individual support in excess of 1 hour support per week which is included within the above weekly charges;
  - £300 charge towards the work required upon closure of an account.
- 4.14 A recent benchmarking exercise identified that these proposed charges would be more favourable than those charged by alternate providers - for example, one of the private providers reviewed raised charges for people living in their own homes ranging between £800 per year including 25 hours of support across the year, and £1300 per year with 50 hours of support, and for those living in residential accommodation the lowest annual fee was £400 but that only included 10 hours of support for the year. Additional hours of support above those set out were chargeable at a rate of £25 per hour.
- 4.15 The consultation survey and supporting information was posted to clients, and their representatives where appropriate. A total of 288 packs were distributed. They included the options to complete the survey online and request alternative formats with consideration given to equality and diversity needs. The survey and background information were made available on the Adult Social Care section of the council's website and the link was also sent to the social workers and community / voluntary organisations, again with the option to request this in alternative formats. A contact number and email address were provided to all recipients in case they wanted to discuss anything or ask questions before completing the survey.
- 4.16 With the aim of eliciting more qualitative feedback, the community / voluntary organisations were also offered the opportunity for a virtual discussion / focus group, however none of them requested these. The consultation survey however did include options for free text as well as multiple choice questions so that respondents were not restricted in the feedback they could provide.
- 4.17 The consultation yielded a total of 33 responses. Numbers of respondents in each category were as follows:
- Client / user of appointeeship service – **6**
  - Relative / friend / carer of client – **15**
  - Social Worker – **2**
  - Organisation – **3**
  - Other – **6**
- 4.18 A summary of the consultation findings, and any relevant management responses to those, is set out below, with more detailed feedback and highlights from comments set out at Appendix B.

#### Feedback on options for service provision

The majority of respondents supported the continuation of the service in some form, with over half preferring to continue with the introduction of fees and smaller numbers preferring to continue with a free service but implement a waiting list.

Management response:

It is clear that there is support for continuation of service, with the majority of respondents supporting the introduction of fees. In terms of the smaller numbers

preferring to continue with a free service but to implement a waiting list, as set out within the Risk Management section of this report there are risks with this option, as it may lead to a safeguarding risk and a negative impact on vulnerable clients, and it may also be difficult to assess how to prioritise clients on the list. It would therefore not be recommended to proceed with a waiting list option.

#### Feedback on proposed charges – weekly charge (including prepaid cards charge)

More people (21 of 31 who answered) agreed with the lower weekly fee for lower balances (£1000 or less). With regards to the higher charge of £9 per week feedback was divided with 13 who answered disagreeing that those with higher balances should be charged more but 12 responses did agree with this higher charge. Opinions on the introduction of a £1 fee for prepaid cards were also divided - of the 32 people who answered the question, 13 each agreed and disagreed with this fee and 6 were unsure.

#### Management response:

The original Draft Revenue Policy Proposals 2021/22 – 2022/23 included a flat rate weekly charge for all appointeeship clients. Feedback from the consultation undertaken in October 2020 indicated that there were some concerns regarding the potential risk of financial hardship for clients with lower levels of savings and the need for some differentiation in charges. The original proposals were therefore amended as part of the formal consultation that has now been undertaken to reflect these concerns and a variation introduced to offer a lower fee of £1 per week for clients with lower balances and a standard rate of £9 per week for clients with higher balances to mitigate this risk. The revised proposal keeps the differentiation of charges to a minimum number of tiers to both reduce the cost and time to administer that, but also recognises that for clients with significant balances the service would be seeking to transfer those individuals over to a Court of Protection standing rather than those clients being retained as appointees and continuing to incur the charges for the appointeeship service.

With regard to the proposed additional fee of £1 per week for the use of a prepaid card, this purely reflects the cost of providing that functionality, and the choice of whether to use a card or not is down to individuals and therefore these fees would only be charged where an individual did choose / require this service.

#### Feedback on proposed charges – excess support charge

More people disagreed with the proposed £20 charge for each additional hour of support over 1 hour per week, however the responses were again divided - of the 32 who answered, 9 agreed, 13 disagreed and 10 were unsure.

#### Management response:

These proposed additional charges would only be raised to reflect the situations where individuals do require more than usual levels of support, for example where the client has prior debt matters that need to be resolved e.g. negotiation for instalment payments with utility providers, and also if face to face client visits are required by the client welfare services team. However, it should be noted that the proposed charge is in line with the cost of providing this additional support (and

lower than that charged for additional support by other providers), and any risk of inequality or discrimination in the application of this charge has been addressed in the Risk Management section of the report.

#### Feedback on proposed charges – closure of account

The survey asked respondents to indicate whether they agreed with the introduction of a fee for the work required upon closure of an account. Opinions in respect of this were divided with 9 people considering this “about right”, 9 people saying they didn’t know and 11 people stating that it was too high.

Management response:

The closure of accounts can be a complex process, taking significant time to complete, for example, undertaking appropriate genealogy searches to identify next of kin, explaining probate requirements, confirming final balances and any debts that are outstanding, making payments to creditors where appropriate, passing over all relevant information to executors or next of kin, registering deaths and liaising with providers for funeral arrangements where there is no next of kin, contacting Department for Works and Pensions to cease all benefits, contacting other creditors and ceasing Direct debits where appropriate. This activity would not be covered in the proposed weekly charges and as such to ensure the service is sustainable it would be preferable to implement this charge to ensure the costs of providing this are appropriately recovered.

- 4.19 From reviewing the feedback from the consultation, and having considered appropriate management responses to that, and also undertaking the completion of a full Equality Impact Assessment (EqIA), the preferred option would be to continue providing the Corporate Appointeeship service and to introduce the proposed fees to ensure that is provided on a more sustainable basis. This will enable vulnerable residents to continue to access this support, particularly at a time when they have also been significantly impacted by the Covid-19 pandemic. This option will also minimise any disruption that could be caused to clients by changing providers or from the council ceasing to provide this service.

## **5. Council Corporate Plan priorities**

- 5.1 The Corporate Plan states that services should be reviewed regularly to ensure they are delivered within budget, and services and staff must adapt to meet customers’ needs. The Corporate Appointeeship service has been identified as a service that must be adapted in order that it can continue to provide support for all residents who need to access it, without the council incurring unreasonable costs to do so.
- 5.2 Although the majority of service users are of the older generation, the service is available to adults of all ages who are on benefits and assessed as lacking capacity to manage their finances, including care leavers. Securing the sustainability of the Corporate Appointeeship service aligns with the council’s commitment to supporting care leavers and to developing independence for people within their communities.

## 6. Risk management

6.1 The work completed prior to consultation helped to evaluate other options. As part of this, it was identified that if Walsall Council did cease to provide the Corporate Appointeeship service, clients would be left with the following options:

- Seek support from a private company (which would incur a charge);
- Appoint an individual (e.g. relative or friend) to act as appointee instead (which may also incur a cost for that support);
- No longer access support.

Each of these options however do have associated risks.

Comparisons have shown that private companies are more expensive than the council's proposed fees. In addition, a private company could at any time withdraw their service (or refuse to provide a service) or go into administration, leaving clients having to once again find an alternative solution. Given that these are already vulnerable individuals (having been assessed as lacking capacity), being put in that situation would be difficult for them and could cause problems such as arrears if the transition is not managed smoothly.

There could also be a negative impact on vulnerable individuals who have built up a relationship with officers within the council who are already providing them with support, as well as risks around ensuring consistency of services.

A relative or friend could at any time decide they are no longer willing or able to continue supporting the client. There is also a potential risk of financial abuse if the person selected acts dishonestly.

6.2 Additionally the council considered the option of implementing a waiting list for the service, however again there are risks associated with that as this would mean that a limit to the number of clients to whom the service is provided would need to be introduced. This option therefore may potentially lead to a safeguarding risk and a negative impact on vulnerable residents. It may also be difficult to assess how to prioritise clients on the list when spaces are available.

6.3 The alternate option of the council continuing to provide the service and charge fees for this does also see a risk that service users will have to start paying for a service which has to this point been provided free of charge and could therefore cause a pressure on their financial position. However, the proposed fees are lower than those charged by alternate providers which helps to manage this risk, and the continued provision of the service reduces the risks identified with the other options. Additionally, the outcome of the consultation indicated that people were in agreement that the service should continue to be provided, and as set out within the report the service is not compulsory and fees will not therefore be imposed upon anyone against their will.

6.4 The completion of the EQIA identified the protected characteristics of the service users as being primarily related to disability and age (particularly older people), however the demographics of service users will be reviewed on a regular basis in order to mitigate the risk of discrimination in this area.

- 6.5 The EqIA also identifies a potential risk of inequality in relation to the charge of £20 for each hour of support over the first hour each week. In order to address this risk clarity will be provided to team members supporting the service about the circumstances in which this charge would apply, to ensure that this does not discriminate against people based on protected characteristics.

## **7. Financial implications**

- 7.1 It should be noted that the 2022/23 budget includes assumed savings of £79k per year from April 2022 in relation to the review of the future provision of the service. The introduction of the proposed charges from April 2022 will support the delivery of this saving.
- 7.2 The actual level of income that will be delivered will be dependent on the choice of clients supported and those wishing to continue to receive the support of the service once fees are introduced, however modelling undertaken in relation to current client numbers indicate that the proposed fees would deliver the assumed level of savings should client numbers remain as they are.
- 7.3 Where there is a reduction in demand then this will allow a review of resources within the team which would still therefore allow the saving to be delivered, and conversely if there is a continued increase in demand then the introduction of fees would support both the delivery of the saving and also any further investment in additional resources within the team that may be required as the number of clients supported increases.

## **8. Legal implications**

- 8.1 Given the mental incapacity of a cohort of the appointeeship group to be able to make a decision on whom should be their appointee, advice was provided by Legal services that confirmed that as part of the formal consultation the authority needed to involve people that were going to be able to advocate on the individuals' behalf.

## **9. Procurement Implications/Social Value**

- 9.1 None directly related to this report.

## **10. Property implications**

- 10.1 None directly related to this report.

## **11. Health and wellbeing implications**

- 11.1 The health and wellbeing of vulnerable residents within Walsall who utilise this service will benefit from the ability to continue to provide this service on a more sustainable basis.

## **12. Staffing implications**

- 12.1 None directly related to this report, however, should there be a reduction in demand following the proposed introduction of charges for this service then a review of resources within the team would be required which may result in a

reduction in posts within the team. Conversely if there is a continued increase in demand then the introduction of fees would further investment in additional resources within the team that may be required as the number of clients supported increases.

### **13. Reducing Inequalities**

- 13.1 A full Equality Impact Assessment (EqIA) has been undertaken as part of the consultation process. Where this has identified potential risks of inequality then appropriate actions have been identified and will be put in place to mitigate these risks.

### **14. Climate Change**

- 14.1 There are no direct Climate Change implications arising from this report.

### **15. Consultation**

- 15.1 A full formal consultation process was undertaken with a range of stakeholders, as set out within the report, between 5<sup>th</sup> August and 17<sup>th</sup> September 2021. Full consideration of the outcome of that consultation has been undertaken, and a summary of the consultation findings, and any relevant management responses to those, is set out within the report, and with more detailed feedback and highlights from comments are set out at Appendix B.

### **16. Decide**

- 16.1 As set out within the report a range of options was considered prior to the consultation and the ability to comment on those alternate options was included within the consultation. All options considered have some level of risk associated with them, as set out within the Risk Management section of this report, however after considering these, and the consultation feedback, the option that offers the lowest level of risk would be to seek to continue with the service being provided by the council, but with the introduction of the proposed fees to ensure that it is provided on a more sustainable basis.

### **17. Respond**

- 17.1 Subject to Cabinet approving the recommendation and the proposed introduction of fees from April 2022, the service will seek to set up the systems required to administer the charge and determine which fees are applicable to each client. The outcome of this decision will also be communicated to service users to allow time for them to prepare to start paying the fees, and for those who do not wish to continue utilising the council's appointeeship service to make alternative arrangements.

### **18. Review**

- 18.1 Fees will be reviewed on at least an annual basis to take account of inflation, pay awards, and other costs of providing the service, and charges to individual clients will be adjusted accordingly, and also in line with their balances.

18.2 Client demographics and protected characteristics will be reviewed annually and where risks of any further significant impact are identified processes will be put in place to mitigate this.

## Background papers

Cabinet Report 10 February 2021 - Corporate Budget Plan 2021/22 to 2023/24, Capital Strategy, Treasury Management and Investment Strategy 2021/22

Council Report 25 February 2021 - Corporate Budget Plan 2021/22 to 2023/24, Capital Strategy, Treasury Management and Investment Strategy 2021/22

Cabinet Report 16 June 2021 - Pre-Audit Outturn 2020/21 and Covid-19 update

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15 December 2021



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**Leader of the Council**

15 December 2021



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15 December 2021



**Councillor K Pedley**  
**Portfolio Holder Adult Social Care**

15 December 2021

## **Appendix A – Community / Voluntary Organisations Included within the formal consultation process**

Walsall Carers' Centre  
Over 50's Forum  
Dementia Cafes  
Accord Age Matters / Accord Housing Association  
Chuckery TMO  
Moxley People's Centre  
Midland Mencap  
Walsall Society for the Blind & Macular Society Support Group  
CUSP  
W'EYES  
Deaf Support and Care Services Ltd  
Walsall Disability Forum  
Black Country Women's Aid  
New Life Resource Centre  
Walsall Pride  
Mind Matters  
Chair of Community Associations  
The Glebe Centre / YMCA Black Country Group  
Streetly Community Association  
Bloxwich Community Partnership  
Sneyd Community Association  
Brownhills Community Association  
Old Hall People's Partnership  
Park Hall Community Association  
Collingwood Centre  
Frank F Harrison Community Association  
Ryecroft NRC  
Willenhall CHART  
Caldmore Community Garden  
Walsall Refugee, Asylum Seeker & Inter-Agency Forum  
One Walsall Council Kingsley Fellowship Club  
Delves United Charity  
Walsall Bereavement Support Service  
Transforming Communities Together  
YMCA Community Navigators  
Black Country Innovate CIC  
Walsall College – Connecting Communities Team  
Walsall Police Strategic Community Reference Group  
European Welfare Association  
West Midlands Strategic Migration Partnership  
Walsall Black Sisters Collective  
A'aina Hub  
Walsall BME Advice Centre  
Refugee and Migrant Centre  
Afghan Welfare Centre  
Nash Dom CIC  
SOORA Association  
Syrian Resettlement, WMSMP

Masjid Abu Bakr  
Aisha Mosque  
Masjid Al Farouq  
Al Hidayah Foundation  
Baitul Muqteet Mosque Walsall  
Bilal Academy  
Jalalia Sunni Jami Masjid & Islamic Education Centre  
Masjid Hamza Community Centre  
Masjid-e-Usman  
Minhaj-ul-Quran  
Zia-E-Madina Mosque  
Jamia Masjid Ghausia & Community Centre (Birchills mosque)  
Karimia Institute  
Shah Jalal Jame Masjid  
Hindu Forum  
Bath Street Centre  
St Gabriel's Parish Church  
Caldmore Methodist Church  
Chatterbox Caldmore Evangelical Church  
St Paul's The Crossing  
St Luke's Church  
St Mary's The Mount  
St Matthew's Church  
Delves Place of Refuge  
Guru Nanak Gurdwara, Caldmore  
Gobind Marg Gurdwara  
Willenhall Sikh Temple  
Pleck Hindu Temple, Shree Ram Mandir  
Bilal Academy  
Sikh Recreation & Learning Centre  
Guru Nanak Gurdwara, Willenhall  
All Saints Church  
Walsall Hindu Forum  
Dar us Sunnah Madani Trust  
One Palfrey Big Local  
Healthwatch  
POhWER  
Age UK  
Citizen's Advice Bureau