

CITY OF
WOLVERHAMPTON
COUNCIL

Response to Request for Information

Reference FOI 001890
Date 23 January 2018

Deputyship/Appointeeship

Request:

If the Council does not have a team that deals with deputyship/appointeeship; for individuals who lack capacity, this request will not be applicable so please respond with 'nil return' or 'n/a'.

1. Please provide the name, job title and email address of the person who oversees the Deputyship Team.

In response to question 1, we can confirm that the department holds information that you have asked for in relation to the above. However, the information is exempt under Section 21 of the FOI Act because it is reasonably accessible to you and I am pleased to inform you that you can access it on our website via the link supplied below. Please see pages 24 and 25:

<http://www.wolverhampton.gov.uk/CHttpHandler.ashx?id=10485&p=0>

Section 21 of the Freedom of Information Act exempts disclosure of information that is reasonably accessible by other means and the terms of the exemption mean that we do not have to consider whether or not it would be in the public interest for you to have the information.

You can find out more about Section 21 by reading the extract from the Act, available at <http://www.legislation.gov.uk/ukpga/2000/36/section/21>

2. Has the council's Deputyship Team used a heir hunter, tracing agent or genealogical researcher to trace relatives?
No. The council's Deputyship team do not use any Heir Hunters, Tracing Agents or Genealogical Researchers to trace relatives.

IF THE ANSWER TO QUESTION 2 IS 'YES', PLEASE ANSWER ALL OF THE FOLLOWING QUESTIONS:

3. Which researcher is used?
4. On how many occasions in the past 3 years has the Deputyship Team used a heir hunter to trace relatives?
5. How many times was the researcher used in respect of a client who was living?

6. How many times was the researcher used in respect of a deceased person?
7. When the Court of Protection appoints the council a public deputy for an individual who lacks capacity and that individual subsequently dies, does the council's Deputyship Team continue to hold and manage the funds belonging to the deceased until a Personal Representative ('PR') takes over the administration of the estate?
8. If not, please state to which department in the council the Deputyship Team transfers the funds and responsibility for the funds?
9. If the answer to Question 7 above is that the Deputyship Team do continue to hold the funds pending appointment of a PR, please stipulate the statutory power to do so.
10. I understand that where the deceased has lost contact with their family members there may be a period of time while relatives are being traced. During this intervening period, does the council department holding the funds and responsibility for the funds pay any of the following debts from the estate of the deceased:
 - a. the cost of the funeral and any officer time spent arranging it?
 - b. mortuary costs?
 - c. any cost involved in tracing estranged next of kin?
 - d. other expenses payable following death such as house clearance or outstanding care home fees?
11. Does the council in any way charge the estate of the deceased for officer time spent on the following:
 - a. coordinating with solicitors?
 - b. instructing and communicating with genealogical researcher used to trace next of kin?
 - c. communication with any NHS Trust or care home (where applicable)?
 - d. communication with the district council, where a public health funeral is required?
12. I understand that where the individual lacking capacity dies and a notification of death is made, the Office of Public Guardians ('OPG') may request a final report on the estate from their appointed deputy. From your records over the past 3 years, in what percentage of deputyships ending on the death of the client are these reports requested?
13. When the Deputyship Team at the council prepares such a final report for the OPG, please clarify the following:
 - a. does the report end at the date of the service user's death or, if not, for how long after the death does it extend?

- b. does the final report include a record of funeral and mortuary costs deducted from the estate?
 - c. does it include other expenses paid from the estate by the council following the death such as final care home fees, house clearance, costs relating to tracing next of kin and/or officer time spent on things other than arranging the funeral?
14. In relation to the specific process of paying any outstanding fees or costs from the estate of the deceased:
- a. please confirm which department or officer oversees this?
 - b. what is the policy for the assessment of such payments?
 - c. please provide copies of any and all written internal procedures, policies or other guidance documentation relating to this
15. When a PR is appointed to distribute the estate of the council's former deputyship client:
- a. please confirm whether the PR or the solicitor that is instructed for Probate purposes are provided with a schedule of deductions that have been made.
 - b. If so, does this include every payment made by the council from the estate, including those made internally to other parts of the council?
 - c. from your records, on how many occasions in the past 3 years has the PR or their solicitor queried or challenged a payment made by the council from the estate, and on each occasion, what type of payment did this relate to?