

SMI Vulnerable Case Deputy/Power of Attorney Process

1	<p>A Vulnerable Claimant is identified by either DWP or SERCO and we assess that they require a Deputy/Intervention Order to be in place to enable a decision to be made on taking out the SMI Loan. Until a Deputy is in place SMI Benefit can still be paid for these claimants until the decision is made-even if no decision has been made after 6/4/2018.</p> <p>The claimants chosen or appointed representative is contacted and an explanation of the process is given with reference to the relevant websites explaining Deputy Status / Intervention Order process</p> <p>In England & Wales the application is for a Deputy status previously known as Power of Attorney and in Scotland the application is for an Intervention Order.</p> <p>Overall the process takes at least 12 weeks and can involve up to 3 assessments and the applicant may have to attend in person if requested. DWP will meet the cost in these cases of the authority being given, although many claimants will be eligible for low income exemption on fees which will be established after the process.</p>
3	<p>The claimants representative agrees to apply- in England & Wales they apply to the Court of Protection. In Scotland the application is made to the Office of the Public Guardian.</p>
4	<p>As part of the approval process the claimant may in England and Wales be subject to a Assessment by a Psychiatrist, a Doctor or GP and a Mental Health Officer. In Scotland all three elements are part of the process. Assessment reports are then sent to the Court of Protection or Office of Public Guardian.</p>
5	<p>The application then goes to the Court of Protection or Office Public Guardian for decision on granting the Deputy or Intervention Order.</p>
6	<p>Authority Given-If the Court of Protection or Office of Public Guardian give authority for the Deputy/Intervention Order then we obtain a statement from the approved representative to proceed with the remaining SMI process.</p> <p>If the Court of Protection or Office of Public Guardian does not give authority then we have three alternatives.</p>

	<p>1. The claimant is found to be capable of making a decision in respect of financial transactions –we then follow the normal SMI Information Provider Process after having sorted any fees.</p> <p>2. The claimant’s representative is deemed not suitable to perform this role, and the Court may state that a new application is sought or in some cases appoint a legal body to act on behalf of the claimant.</p> <p>3. Request may be rejected if the court decides the person does not need the loan (e.g. has funds)</p>
7	<p>If the decision is to appoint a Deputy then DWP will require proof that this in place to ensure we meet legal financial rules in place for vulnerable people. This should be entered into our systems and any relevant individual names or organisations (Lawyers/Council Officers should be noted and if possible any contact information for the SMI process.</p> <p>The documents should be returned to the Deputy as soon as possible in case they are needed for other actions by the Deputy.</p>
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9	<p>It has been agreed that payment of Deputy fees will be met by DWP in the relatively small number of cases which will fall into this area. Many claimants will qualify for fee exemption by virtue of benefits or low income but DWP will cover any payment issues which arise if the relevant Court assign fees. A process for this is yet to be designed.</p> <p>Where the Deputy status has not been agreed then either the claimant will follow the normal SMI Information Provider process or another application for Deputy will be set up. It is advised at this point to contact SMI Policy should a case have to go through another application process. Policy will seek legal advice on the best route or alternative.</p>
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11	<p>If the claimant has been deemed fit to make financial decisions or a Deputy has been put in place the process then follows the normal SMI Information Provider route as soon as possible.</p>