

Appointees

First published: 12 April 2016 (version 1)

Last updated: 20 September 2016 (version 4)

Contents

[Introduction](#)

[Eligibility](#)

[Responsibilities](#)

[Personal Acting Body](#)

[Corporate Acting Body](#)

[Claimant's Commitment](#)

[Payments](#)

[Overpayments](#)

[Advances](#)

Introduction

When a claimant is incapable of managing their own affairs an appointee may be appropriate. The Secretary of State may, on receipt of a written application, appoint a person aged 18 or over to act on the claimant's behalf. This form of appointment removes control of the benefit from the claimant.

An appointee can be an individual, e.g. a friend or relative or an organisation or representative of an organisation.

Only one appointee can act on behalf of someone who is entitled to benefits from the Department for Work and Pensions (DWP).

The Secretary of State can also revoke an appointeeship if the appointee is not acting in the customer's best interests.

Eligibility

To be eligible to be an appointee the following must be considered:

- the claimant must be incapable of managing their benefit affairs because of mental incapacity (or severe physical disability)
- an appointee is not appropriate if the claimant is simply unable to collect their benefits or no longer wishes to manage their own affairs
- claimants who can manage their own affairs but are unable to go to the bank, building society or post office may be able to arrange for a person they know and trust to collect their benefits on their behalf

Responsibilities

The appointee becomes fully responsible for acting on the claimant's behalf in all the claimant's dealings with the Department. This includes:

- claiming benefit/s, including completing and signing any claim forms
- collecting / receiving benefit payments and reporting changes in circumstances
- the appointee is also responsible for reporting any changes in their own circumstances that the Department may require. The following are examples:
 - a change of name or address
 - change of account

An appointee can only manage the claimant's benefit money.

Personal Acting Body

A Personal Acting Body (PAB) is a person who acts on behalf of a claimant who can't manage their own benefit affairs. A PAB could be a DWP appointee, a deputy (appointed by the Court of Protection) or someone holding a Lasting Power of Attorney.

A request for an appointment to act may be made by:

- the person or organisation wishing to become the appointee or
- someone acting on the customer's behalf stating that an appointee is needed

A PAB can be appointed by:

- the courts to administer all aspects or specified aspects of a claimant's affairs
- an officer (acting on behalf of the Secretary of State) to administer all aspects of a claimant's affairs relating to benefits, pensions and allowances

The claimant's PAB is responsible for reporting all changes in:

- the claimant's circumstances but only where the claimant has lost capability
- their own circumstances for example a change of name, address or change of account that the Department may require

There is a different legal process regarding the appointment of a Personal Acting Body under Scottish Law and it would be the Sherriff Court in Scotland that

would be involved in this situation. There is also an Office of the Public Guardian in Scotland that would be involved during these stages.

[Back to contents](#)

Corporate Acting Body

A Corporate Acting Body (CAB) is an organisation which acts on behalf of a claimant who can't manage their benefit affairs. A CAB could be any of the following:

- a solicitor
- Local Authority
- nursing home
- Age UK

This is not a complete list.

Claimant's Commitment

Appointees will not be able to accept a Claimant's Commitment on behalf of a claimant. If the claimant is physically or mentally unable to accept a Claimant's Commitment and this is unlikely to change the requirement to accept a Claimant's Commitment can be lifted.

Payments

Universal Credit is paid monthly in arrears by direct credit transfer and can be paid into an appointee's bank, building society or credit union account.

Overpayments

Any overpayment that is made to an appointee is recoverable from the appointee and/or the claimant.

When the appointee is still acting for the claimant, a single notification can be sent to the appointee. This notification will make it clear that the overpayment is recoverable from either the appointee, the claimant for whom they were acting as an appointee, or from both the appointee and the claimant.

Advances

As advances are payment of Universal Credit, it is treated the same as other payments and therefore can only be paid into the Universal Credit claimant's:

- bank
- building society
- Credit union account

In cases where the Universal Credit claimant has an appointee, the advance can be paid into the appointee's bank, building society or credit union account.

[Back to contents](#)