

# Appointees, Personal Acting Bodies and Corporate Acting Bodies

First Published 12/04/2016  
Last updated 16/02/2018 (Version 6)

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When a person is incapable of managing their own affairs an appointee, personal acting body (PAB) or corporate acting body (CAB) may be appropriate.

## Appointees

When a claimant is incapable of managing their own affairs because of mental incapacity or severe physical disability, an appointee may be appropriate. The Secretary of State may appoint a person to act on the claimant's behalf for benefit purposes. This form of appointment removes control of the benefit from the claimant.

An appointee can be an individual such as a friend, relative or 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

When deciding if an appointee is appropriate the following must be considered:

- the claimant must be incapable of managing their benefit affairs because of mental incapacity or severe physical disability
- the appointee must be over the age of 18
- the claimant must not have another person of equal or higher authority appointed to act for them such as a court appointed deputy or a Power of Attorney

- 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

Before an appointment is made, the claimant is visited to confirm they need an appointee. The prospective appointee is also interviewed to confirm their suitability to act and to explain their role and responsibilities. This is done using BF56.

### **Personal Acting Body**

A Personal Acting Body (PAB) is a person who acts on behalf of a claimant who can't manage their own affairs. Their appointment must be approved by the secretary of state. An appointee appointed by the secretary of state is also known as a PAB.

As well as an appointee a PAB can also be:

- a Deputy, appointed by the Court of Protection to administer a claimant's affairs
- a person with Power of Attorney, appointed by the claimant or the Office of the Public Guardian (England and Wales) to act on their behalf

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.

### **Corporate Acting Body**

A Corporate Acting Body (CAB) is not a named individual but an organisation which acts on behalf of a claimant.

An appointed CAB can delegate their authority to a named representative who has a day to day working relationship with the claimant. The representative will act as a third party

A CAB could be any of the following:

- a solicitor
- Local Authority
- specialist organisation a charity eg Age Concern

This is not a complete list.

A CAB will be appointed by the Secretary of State.

A CAB can also be appointed by:

- the Court of Protection – as a deputy(England and Wales) or Guardian (Scotland).
- the Office of Public Guardian – power of attorney.

Deputies and attorneys must have valid authority (which must be verified).

### **Responsibilities**

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

- making a claim to Universal Credit Full Service on behalf of the claimant on line (unless they are digitally excluded)
- maintaining the digital account on behalf of the claimant
- notifying change of circumstances for the claimant
- being available to attend appointments to support the claimant (a representative can be nominated on an ad hoc basis)
- reporting changes in their own circumstances by telephone for example:
  - a change of name or address
  - change of account

### **Claimant Commitment**

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

### **Payments**

Universal Credit is paid by direct credit transfer. If there is a PAB or CAB it must be paid into the account they nominate.

### **Overpayments**

If there is an overpayment where the claimant has a PAB or CAB, it may be recoverable from the PAB/CAB and/or the claimant.