

# Appointees, Personal Acting Bodies and Corporate Acting Bodies

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## Appointees

If 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, on receipt of a written application, 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 or relative) or an organisation.

Only one appointee can act on behalf of someone who is entitled to benefits from DWP.

The Secretary of State can also revoke an appointeeship, for example - if the appointee is not acting in the claimant's best interests.

## Eligibility

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

- the appointee must be over the age of 18
- the claimant must be incapable of managing their benefit affairs because of mental incapacity or severe physical disability
- 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 form 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
- 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 PAB 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 within the organisation 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, for example - Age UK

This is not a complete list.

A CAB will be appointed by the Secretary of State but can also be appointed by the:

- Court of Protection – as a Deputy (England and Wales) or Guardian (Scotland)
- Office of Public Guardian – Power of Attorney

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

## **Responsibilities**

The PAB or 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 on behalf of the claimant online (unless they are digitally excluded)
- maintaining the digital account on behalf of the claimant
- notifying changes 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 can be lifted.

### **Claimant with an appointee (PAB or CAB) contacts DWP**

If the claimant (rather than the appointee) makes contact with DWP, no account action should be taken.

If the claimant mentions a change in their circumstances, you must discuss this with the appointee immediately. The claimant should be referred to the appointee and the call ended.

If you judge the conversation as having no impact on the claim or current benefit, you can engage with the customer.

See Agents, Appointees, Attorneys and deputies guide paragraphs 5361 and 5362.

### **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 or CAB and/or the claimant.