

# Contents

## **Part one - Other Payees**

<b>Introduction</b> .....	1000
<b>Making changes to the Other Payee's CIS account</b> .....	1050
<b>Types of Other Payees</b> .....	1100
<b>Third Party Payees</b> .....	1101
<b>Personal Acting Bodies and Corporate Other Payees</b>	
Personal Acting Body .....	1150
Corporate Other Payee .....	1170
Deputy .....	1190
Controller .....	1200
Guardian, CB & T .....	1210
Power of Attorney .....	1220
Appointee .....	1230
Parent/Guardian .....	1240
<b>Authorized Payees</b> .....	1300
Death Arrears Payee .....	1320
Split Payment Payee .....	1330
<b>Third Parties</b> .....	1350
Bank or building society accounts.....	1351
Post Office® card accounts.....	1352
Signing Agent .....	1380
International Pension Centre .....	1381
<b>Other Payee flowchart</b> .....	1400

## **Part two - Deputy (England and Wales)**

<b>Introduction</b> .....	2000
<b>Role of a Deputy</b> .....	2002
<b>Verifying the Order of Appointment</b> .....	2005
<b>Paying benefit to a Deputy</b> .....	2008
<b>After you verify the Order of Appointment</b> .....	2009
<b>Doubts about Deputy's actions</b> .....	2010
<b>Receivers and Deputies under Scottish Law</b> .....	2011

## **Part three - Guardian, Curator Bonis & Tutor, Scotland**

<b>Introduction</b> .....	3000
Position in the order of authority.....	3010
<b>Verifying the Evidence of Appointment</b> .....	3050
<b>Guardian appointed on or after 1 April 2002</b>	
The Adults with Incapacity (Scotland) Act 2000.....	3053
Intervention Orders.....	3059
<b>Responsibilities of a guardian, curator bonis or tutor</b> .....	3100
<b>After you verify the Evidence of Appointment</b> .....	3150

## **Part four - Attorney**

<b>Introduction</b> .....	4000
<b>Attorney - England and Wales</b> .....	4050
Verifying the attorney is empowered.....	4055
Photocopies.....	4058
Scanned PoAs.....	4059

**Overseas attorneys**

PoA drawn up Abroad .....	4069
Capable customer with an existing Attorney moves overseas and wants attorney (who is staying in GB) to retain their role .....	4070
Attorney moving abroad, customer remaining in GB but wants attorney to retain role.....	4071

**Power of Attorney and Enduring Power of Attorney**

Power of Attorney Act 1971 .....	4100
Powers granted to the attorney under the Power of Attorney Act 1971.....	4101
Enduring Power of Attorney Act 1985 .....	4111
Powers granted under the Enduring Power of Attorney Act 1985 .....	4112
Checking the validity of a Power of Attorney made under the Enduring Power of Attorney Act 1985.....	4113
Enduring Power of Attorney issued on or after 31 July 1990.....	4114
EPoA and the Mental Capacity Act 2005 .....	4118
Lasting Power of Attorney under the Mental Capacity Act 2005.....	4119

**Responsibilities of an attorney .....** 4121**Customer/Attorney presents an Enduring Power of Attorney .....** 4126

Customer with an Enduring Power of Attorney loses capacity .....	4135
--	------

**Customer/Attorney presents a Lasting Power of Attorney .....** 4141

Customer has capacity .....	4143
Customer does not have capacity .....	4145
Two or more attorneys .....	4150
Power of Attorney document allows attorneys to act separately .....	4151
Power of Attorney document does not allow attorneys to act separately ...	4152
Either attorney declines to act on the customer's behalf.....	4153

**Power of attorney granted with specific powers .....** 4160**Power of attorney granted for a limited period .....** 4162

<b>Suspicion of fraud or mismanagement by the Attorney - registered</b>	
<b>Power of Attorney</b> .....	4164
<b>Suspicion of fraud or mismanagement by the attorney - unregistered</b>	
<b>Enduring Power of Attorney or Power of Attorney</b> .....	4165
Professional attorneys.....	4166
Attorney empowered to act .....	4169
Attorney not empowered to act .....	4180
<b>Attorney - Scotland</b> .....	4190
Power of Attorney made under the Power of Attorney Act 1971 .....	4194
Electronic Power of Attorney Registration – EPOAR (from May 2012) .....	4195
EPOAR Certificate of Registration – Validation .....	4196
EPOAR – Ability to verify Registrations on-line.....	4197
Other points to note.....	4198
Copies .....	4199
<b>Overseas Attorney</b>	
PoA drawn up abroad.....	4206
Capable customer with existing attorney moves overseas and wants attorney (who is staying in GB) to retain their role .....	4208
Attorney moving abroad, customer remaining in GB but wants attorney to retain role.....	4209
<b>Adults with Incapacity (Scotland) Act 2000</b> .....	4212
<b>Position in the order of authority</b> .....	4220
<b>Responsibilities of an attorney</b> .....	4230
<b>Powers granted to an attorney</b>	
Full powers .....	4240
Specific powers .....	4250
Power of attorney granted for a limited period .....	4260

<b>Verifying the attorney is empowered .....</b>	<b>4270</b>
Photocopies.....	4271
Checking the power of attorney document is acceptable .....	4273
Acceptable wording for powers of attorney .....	4275
Power of attorney document does not satisfy the Scottish requirement .....	4276
<b>Two or more attorneys</b>	
PoA document allows attorneys to act separately .....	4290
PoA document does not allow attorneys to act separately .....	4291
Either attorney declines to act on the customer's behalf .....	4292
<b>Attorney not empowered to act.....</b>	<b>4300</b>
<b>Attorney empowered to act.....</b>	<b>4310</b>
<b>Part five - Appointee</b>	
<b>Introduction .....</b>	<b>5000</b>
When appointee action is not appropriate.....	5010
<b>Managers of Care Homes in Scotland .....</b>	<b>5013</b>
<b>Responsibilities of an appointee.....</b>	<b>5050</b>
<b>Request for an appointee received .....</b>	<b>5100</b>
LA/CTB appointee .....	5102
<b>Considering the need for an appointee .....</b>	<b>5150</b>
Completing the BF56 appointee application form .....	5160
Visiting the customer .....	5170
Assessing the customer's capabilities.....	5180
Doubt over the customer's capabilities.....	5181
<b>Physical disability - special circumstances .....</b>	<b>5183</b>
Customer in hospital.....	5184

**Interviewing the prospective appointee - guidance for the Interviewing Officer**

Restrictions on residential care home or nursing home staff (CH/NH) .....	5200
If an individual is the prospective appointee .....	5210
If an organization is the prospective appointee .....	5220
Organization already acts as appointee for other customers.....	5221
Organization does not already act as appointee for other customers.....	5222
Organization submits medical evidence with application .....	5225
Someone other than authorized person contacts the department on behalf of COP .....	5227
<b>Prospective appointee lives outside your office area .....</b>	<b>5250</b>
<b>Appointee needed but no one nominated .....</b>	<b>5300</b>
<b>Changing an appointee .....</b>	<b>5303</b>
<b>Secretary of State's decision on the application</b>	
Appointment to act not approved .....	5350
Appointment to act approved .....	5360
Handling a phone call from the appointee.....	5361
<b>Revoking an appointment .....</b>	<b>5400</b>
Revoking the appointment because appointee is not acting in best interest of the customer.....	5401
Revoking an appointment – request received from the customer.....	5402
Case conferences .....	5403
Revoking a corporate appointee .....	5404
<b>Obtaining consent for the release of medical information when a customer has an appointee.....</b>	<b>5405</b>
<b>Jobseekers Allowance/ESA customer with appointee .....</b>	<b>5407</b>
<b>Death of the customer .....</b>	<b>5450</b>

<b>Overseas appointees</b> .....	5452
Customer with an existing appointee moves overseas but the appointee is staying in GB and wants to retain the role .....	5453
Appointee is moving abroad, customer remaining in GB .....	5455
Application from would-be appointee who lives abroad, customer in GB .....	5456
Overseas customer becomes incapable and prospective appointee lives near the customer.....	5457

### **Part six - Action following verification of a PAB/COP**

<b>Introduction</b> .....	6000
<b>Creating an OP/COP relationship</b> .....	6050
<b>Ending an OP/COP relationship</b> .....	6100
<b>Changing the customer's OP/COP</b> .....	6150

### **Part seven - Split Payment Payee**

<b>Introduction</b> .....	7000
<b>Recording the SPP's details</b> .....	7050
<b>Ending the split payment arrangement</b> .....	7100

### **Part eight - Collection of payment by an individual 3rd party**

<b>Introduction</b> .....	8000
<b>Direct Payment</b> .....	8001
Third party access .....	8002
Payment into a joint account .....	8003
Standing order to a third party account .....	8004
Emergency arrangements .....	8005
Post Office® card account.....	8006

<b>Customers not paid by direct debt .....</b>	<b>8007</b>
Customers with different third parties collecting benefit.....	8008

## **Appendices**

An example of form BF56.....	Appendix 1
An example of form BF57.....	Appendix 2
An example of form BF58.....	Appendix 3
Aide Memoirs - official use .....	Appendix 4
Aide Memoirs - appointee use.....	Appendix 5
Draft letter to appointee/attorney about withholding benefit.....	Appendix 6
An example of a Receiver's order of appointment .....	Appendix 7
An example of an evidence of appointment for a Curator bonis ....	Appendix 8
Prescribed format for an Enduring Power of Attorney for the period 10 March 1986 to 31 October 1987 .....	Appendix 9
Prescribed format for an Enduring Power of Attorney for the period 1 November 1987 to 31 July 1990 .....	Appendix 9a
Prescribed format for an Enduring Power of Attorney issued after 31 July 1990 .....	Appendix 10
An example of a Power of Attorney issued under section 10 of the Power of Attorney Act 1971 .....	Appendix 11
An example of a Scottish Power of Attorney .....	Appendix 12
Scottish Power of Attorney under the Adults with Incapacity (Scotland) Act 2000 .....	Appendix 13
An example of Lasting Power of Attorney Property and Affairs ....	Appendix 15
Letters for use where power of attorney is granted by a capable customer .....	Appendix 16
Appointee not suitable .....	Appendix 17
Doubts about appointees behaviour.....	Appendix 18
Appointee Review Process .....	Appendix 19
Appointee Review Letter .....	Appendix 20
EPOAR Example Certificate .....	Appendix 21