TAFLEN BENDERFYNIAD AELOD CABINET
CABINET MEMBER'S DECISION NOTICE

PWNC/*SUBJECT*:

Cyfraniad tuag at incwm yr Uned Rheoli Asedau a Chyllid Defnyddwyr Gwasanaeth drwy godi ffi am weinyddu ystâd defnyddiwr gwasanaeth yn dilyn marwolaeth.

Contribution towards the income of the Service User Finance and Asset Management Unit by charging for the administration of Service User's estate after death.

AELOD CABINET/*CABINET MEMBER*

Y Cynghorydd/ *Councillor*- Gareth Roberts

PENDERFYNIAD/*DECISION*

Cymeradwyo i Uned Rheoli Cyllid ac Asedau Defnyddwyr Gwasanaeth godi ffi o £250 am weinyddu cau materion ariannol ac asedau'r defnyddiwr gwasanaeth ar ôl marwolaeth.

Approval for the Service User Finance and Asset Management Unit to charge a fee of £250 for the completion of the administration of financial affairs and assets of service users after death

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RHESYMAU DROS Y PENDERFYNIAD/ REASONS FOR THE DECISION

O fewn Cyngor Gwynedd mae'n rhan o rôl y Cyfarwyddwr Statudol Gwasanaethau Cymdeithasol i gymryd cyfrifoldeb ariannol dros ddefnyddwyr gwasanaeth sydd heb capasiti feddyliol i weithredu'n ariannol dros eu hunain. Fel arfer mae'r defnyddwyr yma heb deulu na ffrindiau sy'n gallu cynorthwyo. Mae'r rôl yn cynnwys gweithredu fel Apwyntydd ar fudd-daliadau'r Defnyddiwr Gwasanaeth neu fel Dirprwy Cyllid ac Eiddo trwy'r Llys Gwarchod.

Yn 2014 penderfynodd y Cyfarwyddwr Statudol Gwasanaethau Cymdeithasol i ddirprwyo'r rôl i Bennaeth Adran Oedolion, Iechyd a Llesiant.

Mae'r gwaith o ddydd i ddydd yn cael ei wneud gan Uned Rheoli Asedau Defnyddwyr Gwasanaeth o fewn yr Adran Oedolion, Iechyd a Llesiant. Ar hyn o bryd mae'r Uned yn gweithredu ar ran 251 o ddefnyddwyr gwasanaeth.

Mae gan yr Uned targed incwm blynyddol o £94,840 ond mae gallu'r Uned i gasglu incwm yn ddibynnol ar allu'r defnyddwyr i dalu ac ar lefel ffioedd sy'n cael eu gosod gan y Llys Gwarchod.

Yn ychwanegol i'r ffioedd â osodir gan y Llys Gwarchod mae gan yr Uned hawl i godi ffioedd am eu gwasanaeth. Ar ôl holi Cynghorau eraill gwelwyd eu bod yn codi ffi ychwanegol am weinyddu ystadau defnyddwyr gwasanaeth ar ôl iddynt farw. Roedd y ffi a godir yn amrywio o Gyngor i Gyngor. Fel arfer codir ffi rhwng £150 a £350 fesul achos.

Er mwyn uchafu incwm yr Uned gofynnir am ganiatâd i godi ffi o £250 (heb TAW) ar gyfer

pob achos o farwolaeth. Amcangyfrif y byddai hyn yn denu tua £4,000 o incwm ychwanegol pob blwyddyn.

Bydd y ffi o £250 yn cynnwys gwaith hysbysu asiantaeth berthnasol am y farwolaeth a pharatoi gwybodaeth ariannol i weinyddwr y stad neu gyfeirio at Gyfreithiwr y Trysorlys a hefyd sicrhau gwaredu asedau yn ddiogel e.e. tŷ, dodrefn, gemwaith a.y.b.

Bydd casglu'r ffi yn ddibynnol ar allu ystâd i dalu h.y. os oes digon o arian yng nghyfrif y defnyddiwr gwasanaeth ar ôl talu dyledion.

Within Gwynedd Council it is part of the role of the Statutory Director of Social Services to take financial responsibility for service users who do not have the mental capacity to act for themselves in financial matters. Usually such a service user has no family or friends who can assist. The role involves operating as Appointee on the Service User's benefits or as Finance and Property Deputy through the Court of Protection.

In 2014 the Statutory Director of Social Services decided to delegate the role to the Head of Department of Adults, Health and Well-Being.

The day to day work is carried out by the Service User Finance and Asset Management Unit within the Department of Adults, Health and Well-Being. Currently the unit is operating on behalf of 251 service users.

The unit has a target annual income of £ 94,840 but the ability of the unit to gather income is dependent on the ability of users to pay and the level of fees that are set by the Court of Protection

In addition to the fees imposed by the Court of Protection the Unit has the right to charge fees for its services. After questioning other Councils it was found that they made an additional charge for the administration of service users' estates after they died. The fee charged varied from Council to Council but was usually between £150 and £350 per case.

In order to maximize its income, the Unit requests permission to charge a fee of £250 (excluding VAT) for the administration of each instance of death. It is estimated that this would generate about £4,000 in extra income each year.

The fee of £250 will include informing relevant agencies of the death and the preparation of financial information to the estate administrator or referring to the Treasury Solicitor and also ensuring the safe disposal of assets such as house, furniture, jewellery etc.

The collection of the fee is dependent on the ability of the estate to pay. i.e. if there are sufficient funds in the service user's account after settling all liabilities.

Ffioedd Llys Gwarchod – dyddiedig Chwefror2011
Court of Protection Fees – Dated February 2011

Categori 2- *Ffi weinyddol flynyddol ar ôl i'r Llys ddynodi'r Llywodraeth Leol i weithredu fel Dirprwy :-* *Blwyddyn gyntaf o weithredu* *Ail flwyddyn a phob blwyddyn yn olynol*	 *£700* *£585*
Ple mae asedau net person yn is na £16,000, gall y Dirprwy yn yr awdurdod lleol cymryd ffi rheoli flynyddol dim mwy na 3% o asedau net y person ar ben-blwydd y gorchymyn llys yn penodi'r awdurdod lleol fel Dirprwy.	*3%*
Pan fydd y Llys yn penodi Dirprwy awdurdod lleol ar gyfer iechyd a lles y person gall yr awdurdod lleol gymryd ffi rheoli flynyddol dim uwch na 2.5% o'r asedau net ar ben-blwydd y gorchymyn llys yn penodi'r awdurdod lleol fel Dirprwy ar gyfer iechyd a lles hyd at uchafswm o £500	*2.5%*
***Categori 3** -* *Ffi rheoli eiddo blynyddol i gynnwys gwaith sy'n ymwneud â pharatoi gwerthu eiddo, cyfarwyddyd i asiantau, trawsgludwyr, ac ati neu gynnal a chadw parhaus o eiddo gan gynnwys rheoli a gosod eiddo rhent.*	 *£270*
Categori 4- *Paratoi a chyflwyno adroddiad blynyddol neu gyfrif i'r Gwarcheidwad Cyhoeddus*	 *£195*

Category 2- *Annual management fee where the court appoints a local authority deputy for property and affairs , payable on the anniverasy of the court order:-*	
For the first year *For the second and subsequent years*	*£700* *£585*
Where the net assets are below £16,000, the local authority deputy may take an annual management fee not exceeding 3% of the net assets on the anniversary of the court order appointing the local authoirty as deputy	*3%*
Where the court appoints a local authority deputy for health and welfare,the local authority may take an annual management fee not exceeding 2.5% of the net assets on the anniversary of the court order appointing the local authority as deputy for health and welfare up to a max of £500	*2.5%*
***Category 3** -* *Annual property management fee to include work involved in preparing property for sale, instructing agents, conveyancers etc or the ongoing maintenance of property including management and letting of a rental property.*	 *£270*
Category 4- *Preparation and lodgement of an annual report or account to the Public*	 *£195*

Guardian.	

YSTYRIAETHAU PERTHNASOL/ *RELEVANT CONSIDERATIONS*

Ar gyfer cynnig yr argymhelliad uchod mae'r gwasanaeth wedi ystyried yr ymarfer o fewn Cynghorau eraill o ran codi ffi am weinyddu achosion yn dilyn marwolaeth defnyddiwr gwasanaeth.

In order to make the above recommendation the service has considered the practice of other Councils in raising an administration fee following the death of service users

BARN Y SWYDDOGION STATUDOL/*VIEWS OF STATUTORY OFFICERS*

1. Y Prif Weithredwr /Chief Executive:-

   Dim i'w ychwanegu. / *Nothing to add*.

2. Swyddog Monitro/ Monitoring Officer:-

   Nid oes sylwadau i'w cynnig o safbwynt priodoldeb. Dylid nodi fodd bynnag ar adegau pan fydd angen i'r Cyngor gomisynnu gwasanaeth cyfreithiol penodol ar gyfer gweinyddu ystad y bydd y costau yma hefyd yn cael eu had ennill.

   There are no comments regarding propriety. However, it should be noted that on occasions where the Council has to commission specific legal services to administer an estate, then these costs will also be recoverable.

3. Prif Swyddog Cyllid/Chief Finance Officer:-

   Lle'n briodol a fforddiadwy, dylai'r Cyngor godi ffi ar ddefnyddwyr sy'n adlewyrchu cost darparu'r gwasanaeth. Er ddim yn swm sylweddol iawn, byddai'r incwm ychwanegol yma'n cynorthwyo i gau'r bwlch yng nghyllideb yr Adran Oedolion.

   Where appropriate and affordable, the Council should charge the user the cost of providing the service. Although not a significant sum, this extra income would help to close the gap in the budget for the Adult Department.

BARN YR AELOD LLEOL/*VIEW OF LOCAL MEMBER*

Dim yn berthnasol / Not relevant

LLOFNOD /*SIGNED*	DYDDIAD/*DATE*
	24-03-2015