Failings found in 'appointee' process

The Ombudsman has recommended that the Department for Communities should review its operation of the appointee procedure, after investigating a complaint from a woman who stated that she was concerned at the need for an appointee to act for her aunt, who died in 2016.

An appointee is a person 'appointed' by the Department to deal with social security benefit matters if a benefit customer is incapable of managing their own affairs.

The woman also complained about the choice of the appointee, and that she was unhappy with the way the Department had responded to her concerns.

The Ombudsman's Investigation Officer interviewed the Department's outreach officer who had visited the woman and her prospective appointee.

The Department's own guidance states that because of the possibility of family disputes arising out of the appointee process, a record should be made of the answers given by appointees to questions about the existence of other family members or a next-of-kin.

The complainant's aunt had a number of living family members including a surviving brother as well as several nieces and nephews.

However in this case it was found that there was no contemporaneous record of the visit. The Ombudsman was therefore unclear how the Department had been able to satisfy itself of the complainant's aunt's family members, or the existence or otherwise of a next-of-kin.

The Department's guidance also makes it clear that a comprehensive record should be kept of the visit to include information gained from questioning about the reasons for any decision on the mental incapacity of the benefit customer. In this case there was also no record of an assessment of capacity being made.

As a result of the Department's guidance not being followed, the Ombudsman found that the complainant sustained the injustice of distress and frustration. The complaint was upheld, with a recommendation that the Department issue an apology to the complainant.

The full investigation report can be viewed [here.](here)