Client Representative - Power Of Attorney

This procedure will explain the steps taken to activate a power of attorney (PoA) on a client's case. A PoA is a person or persons who have authority on behalf of a client when they are unable, or find it difficult, to deal with their own case themselves.

A PoA can be captured as an individual and will be held on the system as a contact. They can be a relative, parent, sibling, solicitor, accountant, health worker, carer, etc. A PoA can also be captured as an organisation where any person can liaise with the Child Maintenance Group (CMG) e.g. Fathers for Justice. These will be held as accounts on the system.

Two types of representative are available, on the system they are known as:

- Individual
- Organisation

All PoAs (individual or organisation representative types) must be entered as an organisation within the system and are to be classed as a legal representative. For more information refer to Client Representative - Set Up.

Organisational representatives/PoAs can vary from a single person or multiple individuals. Certain organisations may have PoA on a client's case, e.g. Fathers for Justice. These will be held as third party accounts on the system.

There are two types of power of attorney:

- Ordinary = These types of attorney have authority for only a certain amount of time. However in these cases, the client does not give up their legal rights, so the CMG should still continue to communicate with the client unless the client states otherwise.
- Lasting = These types of attorney are given power over the clients property and financial affairs, therefore the CMG must legally communicate directly with the attorney and never the client.

There are different variations of ordinary and lasting PoAs. These are:

- Ordinary = Also known as general in Scotland.
- Lasting = Enduring (for Northern Ireland), continuing or continuing & welfare (for Scotland). If a representative has welfare only POA in Scotland, they do not have the legally required access to act as a representative. A lasting POA can also be accepted as a result of a deputy order, via the courts.

When a client requires a PoA, there are three separate categories that are available to them:

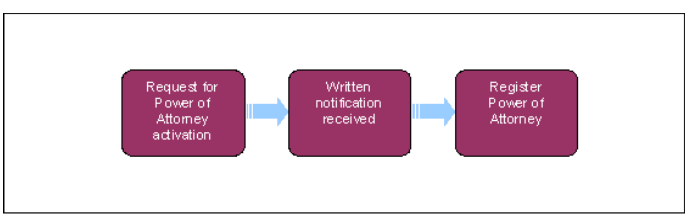
- Single = This is one person who has sole PoA for the client
- Joint = This can be more than one person. Decisions made on the client's case need to be authorised by all PoAs on the client case
- Joint and separate = There is more than one PoA on the case but decisions can be made without the other PoA's consent.

When a request is received for PoA activation, you will need to raise an Activate Client Rep service request (SR). Note that only a client can make a formal request for a PoA, with the exception of lasting power of attorneys (LPOA) who can make this request if they provide the required legal notification. For more information on PoA refer to the Policy, Law and Decision Making Guidance

When the application is made by a LPOA, we will only make contact with the LPOA. If the case has a LPOA, we are not legally allowed to contact the client.

This process will be completed by any case managing caseworker.

For more information refer to the departmental guidance link within the Policy, Law and Decision Making Guidance



When speaking to clients always use the new terminology. For more information refer to Terminology Changes.

Request for power of attorney activation received

When a request is received for power of attorney (PoA) activation, you will need to raise an **Activate Client Rep** service request (SR).

Note that only a client can make a formal request for a PoA, with the exception of lasting power of attorneys (LPOA) who can make this request if they provide the required legal notification. For further guidance refer to the departmental guidance link within the Policy, Law and Decision Making Guidance

If a caseworker receives a claim or enquiry from any person/s or organisation stating that they are the customer's attorney/s and that they wish to act for the client, ask to see their PoA document. For further guidance refer to the departmental guidance link within the Policy, Law and Decision Making Guidance

1. Create an SR, from the dropdown select:
    - **Process = CofC**
    - **Area = Manage Client Rep**
    - **Sub Area = Activate Client Rep**
2. Take one of the following actions dependent on the contact method and information received. The contact may be from a client or from an LPOA:
    - If the client/LPOA contact is by telephone and they would like further information or they have written to us but not provided the required information to progress, issue letter CMSL5512. **Ensure that the enclosure, Client Representative Type/Authorisation Form CMSB003 is selected prior to generating the letter** and send this to the client or the LPOA (depending on who is making the application). This form provides information about the PoA types available and a form is attached for the client/LPOA to complete and return to us. When creating a new activity to issue CMSL5512 you must tick the **Global Flag** before changing the activity type to **Letter - Outbound**.

Set the SR **Status** to **Wait**, and set a **Wait** period of **14 days**.

Go to **step 3**.

- If the client/LPOA contact is by telephone and they can provide the minimum information about the PoA, perform a manual search to determine whether the person or organisation they would like to be a PoA is already registered on the system. (If the contact is from a LPOA, this will be a search for their own details on the system)

If the application is from either a client/LPOA, carry out the following:

Ensure that the Representative type is set to Organisation. Select the search box in the **Last Name** field on the SR, enter the PoA details and select **Go**, if they appear on the search results as an organisation, select the relevant person to populate the SR with their details.

If the LPoA/PoA is not registered on the system as an organisation, you will need to create them as a third party on the system. Note the following information:

- Title
- First name
- Last name
- Address
- Telephone number
- NINO (if available)

Create a child SR from the **Child SR** tab on the SR and send the relevant information to the third party team to activate the LPoA/PoA as an organisation. From the dropdown select:

- **Process = 3rd Party**
- **Area = Add 3rd Party**
- **Sub Area = Add 3rd Party**
- **Status = In Progress**
- **Sub Status = Pending Assignment** (This will send it to the third party team for completion)

Await confirmation from the third party team that the organisation has been created on the system, once this is received, search for their details on the system as above.

Request written authorisation before next actions can be taken. Issue letter CMSL5512 and also send the Client Representative Type/Authorisation Form CMSB0003 to the client/LPOA. Set the SR **Status** to **Wait** and set a Wait period of **14 days**. When creating a new activity to issue CMSL5512 you must tick the **Global Flag** before changing the activity type to **Letter - Outbound**.

Go to **step 3.**

If the client/LPOA contact is by telephone and they are aware of the type of PoA they require but cannot provide this information at first contact, request further authorisation and information in writing. Issue letter CMSL5512 and send the Client Representative Type/Authorisation leaflet CMSB003 for the client/LPOA to complete and return to us. When creating a new activity to issue CMSL5512 you must tick the **Global Flag** before changing the activity type to **Letter - Outbound**.

Set the SR **Status** to **Wait**, and set a **Wait** period of **14 days**.

Go to **step 3.**

If written notification has been received and all required information is received about the PoA and the client has given their authorisation to act (if needed), create the PoA and capture further information.

Go to **step 5.**

Await written notification

Await written authorisation to continue with the activation process and perform one of the following actions.

3. When written notification is not received within 14 days, change the SR **Status** to **Not Registered – Unreachable**. By changing this **Status**, the system automatically issues letter CMSL0047 to the client to inform them we have been unable to register their PoA due to no written authorisation being received. Letter CMSL0049 will also be sent to the PoA applicant, if they have been created at the time the original letter was issued.

   When the application is made by a LPOA, the system issues letter CMSL0049 to the LPOA only. If the case has a LPOA, we are not legally allowed to contact the client.

4. If written notification is received but it does not provide the legally required information for the PoA type, change the SR **Status** to **Not Registered – Lack of Proof**. By changing this **Status**, the system automatically issues letter CMSL0048 to the client (if it is the client who is making the application) to inform them we have been unable to register their PoA due lack of proof. A letter will also be sent to the PoA CMSL0049 to inform them we have been unable to register them as a PoA due to no written authorisation being received, if they were created at the time the original letter was issued.

   When the application is made by a LPOA, the system issues letter CMSL0049 to the LPOA only. If the case has a LPOA, we are not legally allowed to contact the client. From the dropdown select:

   - **Status = Closed**
   - **Sub Status = Complete**

Written notification has been received

5. When the required notification is received:

   - Set the POA up as a new contact if you have not already done so following the instructions at **step 2** point. Add any further information to the PoA contact, if available:
   - The system selects the **Communicate with Client Rep** and **Opt Out Of SMS Updates** preference flags if the representative type is LPOA. To select an ordinary PoA as a point of contact you need to manually select these flags. For more information refer to Change - Security Details.

   Note that you need to have a single point of contact (SPOC) registered on the system when the PoA is a third party organisation.

6. Set the SR **Status** to **In Progress**, an Activity Plan will be created. From the dropdown list on the SR select:

   - **Representative type = Organisation**
   - **POA type** = As one of the following:
     - **Single Ord POA**
     - **Joint Ord POA**
     - **Joint & Separate Ord POA**
     - **Single Lasting POA**
     - **Joint Lasting POA**
     - **Joint & Separate Lasting POA**

7. Contact the PoA by telephone to gather further information, as required.

- If the PoA can be reached by telephone, go to **step 8**
- If the PoA cannot be reached by telephone, send letter CMSL0043 to request contact from them, set a **Wait** state of **14 days** on the SR. Await a call back or written authorisation to continue the activation process.
  - If no response is received, return to **step 5** and end the process
  - If a call back is received, continue to **step 10.**

Register client representative

8. For individuals, select the **Security Information** tab. Create a seven digit PIN and password. There is no requirement to gather information from clients to complete the 7 memorable questions. To progress through this screen input an X in each field, add any further information, as required. For organisations a third party reference number (TRN) will be automatically generated and created by the third party team.
   If you are speaking to a PoA before they have registered their PIN and password - in order to verify that they are the correct person, you should ask them alternative questions based upon the information provided by the client i.e. address (including post code), date of birth, NINO (if known), the date the power of attorney was granted.
9. Change the **Sub status** to **Create Client Rep**.
10. Update the **Resolution Code** changes to **Active**. The system will automatically generate registration confirmation letters to the client (CMSL0042) and PoA (CMSL0041).
11. Following PoA activation, close the SR, form the dropdown select:
    - **Status = Closed**
    - **Sub Status = Complete**

Where an SR has been created in error for type: **Create Client Rep**, the user must **Close** the SR using the following process: (In this scenario if the SR is **Closed** leaving the **Client Rep** as **Pending**, we are unable to change this status).Create the **Contact** and **Relationship.** Update SR **Notes** field with Reason for Creation. Suppress letters to both client and representative. Close the SR using the **Resolution Code** of **Lack of Proof**.

Exceptions

NICMS to replace Child Maintenance Group (CMG) in Northern Ireland

CMSL0040 - Important information about your case

Unable to confirm the client reps identity but will authorise client representative.

- All fields in this letter are system generated, no manual intervention is required

CMSL0041 - Thank you for the information you gave us

Thanking client representative for the information they provided and confirming the appointment of their representative.

- All fields in this letter are system generated, no manual intervention is required

CMSL0042 - Important information about your representative

Informing client that their client representative has been appointed.

- All fields in this letter are system generated, no manual intervention is required

CMSL0043 - You have been nominated to act as a representative

Informing a client representative of the client’s intention to register him/her as a representative and asking for information.

- All fields in this letter are system generated, no manual intervention is required

CMSL0047 - Important information about your representative

Informing client that we have been unable to register their representative because we have not been able to make contact with the representative.

- All fields in this letter are system generated, no manual intervention is required

CMSL0048 - We can't make someone your representative

Informing client that we have been unable to register their requested client representative because they have not sent evidence of POA.

- All fields in this letter are system generated, no manual intervention is required

CMSL0049 - We can't make you a client representative

Informing third party that we have been unable to register them as a client representative because they have not sent us written proof that they are authorised to act, or they have not set security details.

- All fields in this letter are system generated, no manual intervention is required

CMSL5512 - Generic free text

Off system letter.

- This is a generic free text letter used to issue information.

Call - Overview

Client Representative - Maintain

Client Representative - Remove

Client Representative - Set Up

Letters (Outbound) - Third Parties/Forward

Security - Set Up

Terminology Changes

Third Party - Contact