

# EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR SOCIAL CARE & HEALTH

19 JULY 2018

**PRESENT: Councillor:** J. Tremlett (Executive Board Member).

**The following officers were in attendance:**

R. Page, Business Support Manager;  
J. Owen, Democratic Services Officer.

**Executive Board Members Office, County Hall, Carmarthen – 10:00am - 10:10am**

**1. DECLARATIONS OF PERSONAL INTEREST**

There were no declarations of personal interest.

**2. DECISION RECORD - 26<sup>TH</sup> APRIL, 2018**

**RESOLVED** that the decisions record of the meeting held on the 26<sup>th</sup> April 2018 be signed as a correct record.

**3. RELEASING SERVICE USERS FUNDS WITHOUT THE NEED FOR GRANT OF PROBATE**

The Executive Board Member considered a report detailing the proposal to increase the limit for release of sums to family members without the need for Grant of Probate from £5,000 to £20,000.

The Business Support Manager highlighted that the threshold within the statute were last increased in 1984 (by the Administration of Estates (Small Payments) (Increase of Limit) Order 1984), and that an increase now would be reflective of inflation and current levels set by financial institutions.

It was reported that whilst in the majority of cases, the sums held would be less than the current £5000 threshold with no issues, however, over recent years it had been established that there had been a significant increase in cases where larger sums of money held by the Authority. This increase placed additional pressure on the Business Support Unit from families who sought to release the monies without the requirement for probate.

The Business Support Manager explained that due to the financial risk attached to the Authority with regard to the distribution of funds over the £5000 small payments limit without the family first obtaining probate, it was necessary to ensure that the signatures of those family members concerned on a form of indemnity were obtained. This process minimised the financial risk to the Authority, particularly should a more entitled family member arise at a later stage. It was also acknowledged that should the threshold be increased in such circumstances, the quantum of risk would also increase.

The Executive Board Member considered the form of indemnity appended to the report. The Business Support Manager explained that the form had been reviewed and redrafted by the legal services section in order to safeguard the Authority's position and was intended to be used for any distribution of funds over the £5000 statutory threshold, which would strengthen the Authority's position should such a claim be made.

**RESOLVED:**

- 3.1 that the proposal to increase the limit for release of sums to family members without the need for Grant of Probate from £5,000 to £20,000 be approved;**
- 3.2 that the revised form of indemnity be approved and adopted.**

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**EXECUTIVE BOARD MEMBER**

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**DATE**