

Third party access

Department for Work and Pensions (DWP) appointee explained

What is a Department for Work and Pensions (DWP) appointee?

A DWP appointee is an individual who has been given the legal right to manage another person's benefits money. We refer to this individual as a Third Party. The person receiving state benefits may be unable to manage their own financial affairs for a range of reasons. The appointee would have full responsibility for making claims and managing spending. You'll find more information on becoming a DWP appointee on the GOV.UK gov.uk and Department for Work and Pensions websites. You can find our useful links page at hsbc.co.uk/help/life-events/third-party-mandate.

Who can become an appointee?

If you know someone who needs help claiming and managing their benefits because they are mentally incapable or severely disabled, then the GOV.UK website gov.uk has information on how to get in touch with the DWP. You can find our useful links page at hsbc.co.uk/help/life-events/third-party-mandate. You may want to seek legal advice before deciding if an appointment is right for you.

You'll find examples of when a Department for Work and Pensions appointment may be suitable in our 'Understanding Third Party Access' table at hsbc.co.uk/help/life-events/assisting-someone-with-their-money.

What important information do I need to know?

Restrictions

As an appointee you can only manage the other party's benefits money. If you want to manage funds that are not from benefits or government pension you may have to apply for a Court of Protection Order.

HSBC Appointee Bank Account

We can open an HSBC Appointee Bank Account even if the person receiving benefits doesn't have an HSBC bank account.

An HSBC Appointee Bank Account is designed for appointees managing benefits for an individual who has lost capacity, as long as the third parties appointee account balance remain less than £5,000.

What access does an appointee account allow?

To see what access the appointee account will allow, see our 'Managing Third Party Access' table on page 3. You'll find more information on an appointee's responsibilities on the GOV.UK website gov.uk.

How do I register my appointment with HSBC?

You can find information on how to become an appointee on the webpage of the DWP: [gov.uk](https://www.gov.uk).

Register your appointment in branch

You should obtain written confirmation of your appointment from the DWP.

You will also need to write a letter confirming that the assets of the individual who has lost capacity are less than £5,000. You should then bring both letters into an HSBC branch.

There are some important things to know:

- You must supply suitable documents proving the identity and address of yourself and of the individual who has lost capacity (see examples below).
- We will open an Appointee Bank Account in your name. The DWP will pay the benefits due to the incapacitated individual to that account.
- An Appointee Bank Account has the same features as our Basic Bank Account.

What ID documents are acceptable?

Example identification documents

- Current passport
- Current National Identity Card
- Current driving licence
- Travel Documents (issued in the UK by the Home Office)

Example address documents

- Council tax bill (valid for current year)
- Utility bill (dated within last four months)
- Telephone bill (dated within last four months) – mobile phone bills are not acceptable

For a list of all the documents we accept, please see our proof of ID and address page [hsbc.co.uk/help/banking-made-easy/help-us-identify-you](https://www.hsbc.co.uk/help/banking-made-easy/help-us-identify-you).

When will third party access stop?

Certain events would affect your appointment. For more information on events which may affect your appointment, see our 'Stopping Third Party Access' table on page 4. You can also find more information on the website of the DWP: [gov.uk](https://www.gov.uk).

These links may allow you to access other websites. Please read the linked websites' terms and conditions. HSBC UK Bank plc has no control over non-HSBC websites and is not liable for your use of them.

Managing Third Party Access

Actions to be done on behalf of the account holder	Third Party Mandate	Ordinary Power of Attorney	Lasting/ Enduring Power of Attorney	Court of Protection Order (Deputyship)	Department for Work and Pensions (DWP) Appointee (Please note, the below applies only for the benefits received by the individual who has lost mental capacity or has a severe physical disability)
Hold a debit card	✓	✓	✓	✓	✓ See note 2
Obtain information about account holder's account(s) from bank	✓	✓	✓	✓	✗
Open/close accounts in the account holder's name	✗	✗	✓	✓	✗
Issue cheques	✓	✓	✓	✓	✗
Make payments (i.e. bills)	✓	✓	✓	✓	✓
Withdraw cash	✓ See note 1	✓	✓	✓	✓ See note 2
Deposit cash/ cheques	✓	✓	✓	✓	✓
Retrieve items from safekeeping	✓	✓	✓	✓	✗
Apply for ISAs	✗	✗	✓	✓	✗
Access online banking	✓ See note 4	✓ See note 4	✓ See note 4	✓ See note 4	✓
Access Telephone banking	✓ See note 3	✓ See note 3	✓ See note 3	✓	✓
Hold a cheque/pay-in book	✗	✓	✓	✓	✓ See note 2
Manage the account if account holder becomes mentally incapacitated	✗	✓	✓	✓	✓
Sign a mortgage loan agreement	✗	✓	✓	✓	✗
Arrange an overdraft	✗	✗	✗	✗	✗

The information in the table above is for your guidance only. The powers we grant a third party over a customer's account may change from those listed above depending on the particular circumstances or changes to our procedures (and are subject always to our obligations under applicable laws and regulations). In particular, the power of attorney, court of protection order or third party mandate itself may contain restrictions on the third party's access to and powers over a customer's account(s). We will need to comply with any such restrictions which will override our general position set out in the table.

Note 1

Third parties acting under a Third Party Mandate can hold a debit card and withdraw cash, provided that the third party mandate or power of attorney documents do not contain any relevant restrictions and do not appoint two or more parties to act jointly.

Note 2

Appointees can have a Debit Card for the appointee account and use it to withdraw money from a cash machine. Appointees can also hold a paying-in book.

Note 3

Some third parties can have Telephone Banking access to the accounts of the individual they are acting for.

Irrespective of the type of third party authority held (third party mandate or power of attorney), we are only able to provide telephone access if both of the following are true:

- the third party access is unrestricted. This means that the third party has full authority to operate a sole account or has the same signing authority on a joint account as the individual they are acting for and there is no clause limiting their authority
- there is only one named third party OR there are multiple third parties acting jointly and severally

Deputies under a Court of Protection order and Department of Work and Pensions appointees can have Telephone Banking access as they will have their own accounts opened instead of being added as signatories to the account of the individual they are acting for.

Note 4

Third party mandate holders and holders of ordinary powers of attorney can only be set up for Online Banking in exceptional circumstances, for example, where the account holder has a physical incapacity which prevents them using Online Banking.

Mental incapacity cancels any ordinary power of attorney or third party mandate meaning we cannot allow access.

Some holders of lasting or enduring powers of attorney may be set up for Online Banking access, provided that all of the following are true:

- the individual they are acting for has lost capacity OR if the individual retains capacity, he or she understands and agrees that only the attorney will have access to Online Banking. This is because only one person can access a sole account via Online Banking at a time; therefore, either the attorney or the individual they are acting for can have Online Banking access, not both
- the Power is unrestricted. A power of attorney is unrestricted if the attorney has authority to operate a sole account or has the same signing authority on a joint account as the individual they are acting for and there is no clause limiting their authority
- there is only one named attorney OR there are multiple attorneys acting jointly and severally³ – in the latter case only one of the attorneys will have online access

Deputies under a Court of Protection order and Department for Work and Pensions appointees can have Online Banking access as they will have their own accounts opened instead of being added as signatories to the account of the individual they are acting for.

Note: Scottish Continuing/Combined Power of Attorney and Enduring Power of Attorney in Northern Ireland are similar to the Lasting Power of Attorney. They must be registered with the Office of the Public Guardian in Scotland or the Office of Care and Protection in Northern Ireland before they can be used. For information on Scottish Power of Attorney or Scottish Authority to Access Funds, Intervention Orders or Guardianship Orders please contact the Office of the Public Guardian in Scotland. For information on Power of Attorney and Controllership in Northern Ireland please contact the Office of Care and Protection. The details are at the end of this brochure.

Stopping Third Party Access

For an explanation of our different Third Party Access options see [hsbc.co.uk/help/third-party-access](https://www.hsbc.co.uk/help/third-party-access).

	Third Party Mandate	Ordinary Power of Attorney	Lasting Power of Attorney	Enduring Power of Attorney (only valid if written and signed before 1 October 2007)	Court of Protection Order (Deputyship) See note 5	Department for Work and Pensions Appointee Account
Account holder dies	The Mandate is automatically revoked and the balance of the account will form part of the deceased's estate.	The power is automatically revoked and the balance of the account will form part of the deceased's estate.	The power is automatically revoked and the balance of the account will form part of the deceased's estate. See note 3	The power is automatically revoked and the balance of the account will form part of the deceased's estate. See note 3	The order is automatically revoked and the balance of the account will form part of the deceased's estate. See note 4	Authority of the appointee is cancelled and the balance of the appointee account will form part of the donor's estate.
Account holder loses mental capacity	The mandate is automatically revoked.	The power is automatically revoked.	No change – the power remains valid and the attorney retains full authority.	If the power is unregistered, it is temporarily suspended until registration is completed. A registered power will remain valid and the attorney regains full authority.	The Court of Protection order would only be used in case of mental incapacity.	The Appointee account would only be used in case of mental incapacity or severe physical disability.
Account holder wants to cancel	The mandate is revoked upon receipt of account holder's instruction.	The power is cancelled by Deed of Revocation ¹ .	Written evidence by either the Court of Protection confirming Deed of Revocation ² or by the Office of the Public Guardian advising cancellation of the power. See note 3	Written evidence by either the Court of Protection confirming Deed of Revocation ³ or by the Office of the Public Guardian advising cancellation of the power. See note 3	Written evidence by Court of Protection needed to confirm Deed of Revocation ⁴ . See note 4	See note 2
Third party dies	The mandate is automatically revoked.	The power is automatically revoked. See note 1	The power is automatically revoked. See note 1 and 3	The power is automatically revoked. See note 1 and 3	The order is automatically revoked. The Court needs to appoint new deputy. See note 4	The appointment is revoked and the appointee's authority is cancelled immediately.

¹ Refer to our Glossary [hsbc.co.uk/help/third-party-access](https://www.hsbc.co.uk/help/third-party-access).

² Refer to our Glossary [hsbc.co.uk/help/third-party-access](https://www.hsbc.co.uk/help/third-party-access).

³ Refer to our Glossary [hsbc.co.uk/help/third-party-access](https://www.hsbc.co.uk/help/third-party-access).

⁴ Refer to our Glossary [hsbc.co.uk/help/third-party-access](https://www.hsbc.co.uk/help/third-party-access).

Stopping Third Party Access continued

	Third Party Mandate	Ordinary Power of Attorney	Lasting Power of Attorney	Enduring Power of Attorney (only valid if written and signed before 1 October 2007)	Court of Protection Order (Deputyship) See note 5	Department for Work and Pensions Appointee Account
Third party loses mental capacity	The mandate is automatically revoked.	The power is automatically revoked. See note 1	See note 3	See note 3	The order is automatically revoked. The Court needs to appoint new deputy. See note 4	See note 2
Third party wants to cancel	The mandate has to be revoked by the account holder.	The power is automatically revoked.	See note 3	See note 3	The order may be revoked upon application by deputy. The Court needs to appoint new deputy. See note 4	See note 2

Please refer to the most recent copy of HSBC UK Personal Banking Terms and Conditions and Charges and Additional Product Terms and Banking Made Easy document. You can obtain a copy at any HSBC UK branch or at the following link [hsbc.co.uk/1/2/legal](https://www.hsbc.co.uk/1/2/legal). If the information above differs from that in the terms and conditions, the terms and conditions override the above.

See our Third Party Access pages for explanation of other types of access at [hsbc.co.uk/help/third-party-access](https://www.hsbc.co.uk/help/third-party-access).

Note 1

All powers of attorney (General, Lasting, and Enduring):

These legal documents allow the individual granting a power of attorney to name multiple or replacement attorneys.

Subject to the text of the power of attorney, a replacement attorney may be able to take over in the event of bankruptcy, loss of capacity or death of an existing attorney.

If there are multiple attorneys appointed jointly and severally³ and one of them cannot continue to act for some reason, the other attorney(s) may continue to act on behalf of the individual who granted the power of attorney.

Note 2

See the Guide for Agents, Appointees and Attorneys on the webpage of the Department for Work and Pensions at [dwp.gov.uk](https://www.dwp.gov.uk).

Note 3

Find out more information under "Cancelling or ending a Lasting or Enduring Power of Attorney" on the DirectGov page at [direct.gov.uk](https://www.direct.gov.uk).

Note 4

Find out more information under “Cancelling or ending a deputy’s responsibilities” on the DirectGov page at [direct.gov.uk](https://www.direct.gov.uk).

Note 5

A deputy’s appointment can be revoked at any time by the Court of Protection.

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