factsheet

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Arranging for someone to make decisions about your finance or welfare

About this factsheet

This factsheet looks at arrangements for other people to make decisions about your welfare and finances if you lack the capacity to make those decisions yourself based on the protections set out in the *Mental Capacity Act 2005.*

It includes information on how to plan for the future with a Lasting Power of Attorney. It also has information on the role of the Court of Protection, the Office of the Public Guardian, court appointed Deputies, Appointees, and the Independent Mental Capacity Advocate.

The factsheet also deals with arrangements for others to help with your finances while you are able to supervise them and make your own decisions.

The information given in this factsheet is applicable in England and Wales. Different rules may apply in Northern Ireland and Scotland. Readers in these nations should contact their respective national Age UK organisation for information specific to where they live – see section 18 for details.

For details of how to order other Age UK Factsheets and information materials go to section 18.

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1 Recent developments

- The *Care Act 2014* came into power in April 2015, replacing virtually all existing adult social care legislation, regulations and statutory guidance with a single modern statute, new regulations and a single new set of statutory guidance. This is based around a general requirement on a local authority to promote individual wellbeing in all of its actions and decisions. Some mental capacity-related points from the Act will be discussed in section 13 below.
- It should be noted that the majority of the *Care Act 2014* affects England only. In Wales, reforms and changes to the social care system are being enacted through the *Social Services and Well-being (Wales) Act 2014*, rather than the Care Act.

2 Introduction

The *Mental Capacity Act* has been in full force since October 2007. It aims to protect people who may not be able to make certain decisions for themselves and to empower them to make their own decisions where possible.

Changes brought in under the Act in October 2007 extended the circumstances in which you can arrange for people to make decisions on your behalf if you are no longer able to do so yourself.

Before October 2007 you could only set up a power of attorney to cover your financial affairs; you can now give someone authority to make decisions relating to your health and personal welfare as well, using a Lasting Power of Attorney.

This factsheet looks at your options if you want someone else to look after your financial affairs while you still have mental capacity to act for yourself. This could be, for example, if you cannot get to the post office or bank yourself, or if you are in hospital or going abroad for a few months. It then looks at the options for planning for a time in the future when you may no longer have the capacity to make your own decisions. It also deals with arrangements that can be made by others if it is necessary to make decisions on your behalf.

3 Decision-making and mental capacity

The law presumes that every adult has the right to make his or her own decisions and is assumed to have the capacity to do so unless it is proved otherwise. Mental capacity means that a person is able to understand and retain information and make a choice based on that information. A person's capacity may vary depending on the nature of the decision, for example its complexity, or the nature of their illness or condition might mean that their capacity to make decisions may change from day to day.

Taking time to understand something or communicate may be mistaken for a lack of mental capacity, for example when someone has dementia. Where someone may have difficulty in communicating a decision, attempts should always be made to overcome those difficulties before concluding that the person does not have capacity.

Decision specific

A good way to think of it is that mental capacity is decision specific. For example, a person may not be able to decide on a major, complex, issue but may be able decide on a more straightforward one, so no general presumption should be made.

The following quote is from the statutory guidance that supports the new *Care Act 2014* in England[1]*:*

> Where there is concern about a person's capacity to make a specific decision, for example as a result of a mental impairment such as dementia, acquired brain injury or learning disabilities, then an assessment of capacity should be carried out under the Mental Capacity Act. Those who may lack capacity will need extra support to identify and communicate their needs and make subsequent decisions, and may need an Independent Mental Capacity Advocate. The more serious the needs, the more support people may need to identify their

[1] Although this statutory guidance covers England only, the general principles outlined in this quote will apply equally to the situation in Wales.

impact and the consequences. Professional qualified staff, such as social workers, can advise and support assessors when they are carrying out an assessment with a person who may lack capacity[2].

3.1 What is mental capacity?

The *Mental Capacity Act* sets out the legal test to decide whether someone lacks the mental capacity to make a particular decision or express their views. This includes inability of a person to:

- understand information given to them
- retain that information long enough to make a decision
- weigh up information to make a decision
- communicate their decision – via all possible means.

It also establishes the following principles about mental capacity:

- **a presumption of capacity** – every adult has the right to make his or her own decisions and must be assumed to have capacity to do so unless it is proved otherwise
- **the right to be supported to make their own decisions** – all practicable steps must be taken to help a person make their own decision before anyone concludes that they are unable to do so
- **the right to make eccentric or unwise decisions** – a person is not to be treated as being unable to make a decision simply because the decision they make is seen as unwise
- **best interests** – any decision made or action taken on behalf of people without capacity must be made in their best interests
- **least restrictive intervention** – anyone making a decision for or on behalf of a person without capacity should consider all effective alternatives and choose the one that is the least restrictive of the person's basic rights and freedoms.

[2]https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/366104/43380_23902777_Care_Act_Book.pdf; paragraph 6.32

People who are appointed to manage the finances and property of an older person, or make health and welfare decisions for them, if they are unable to do so themselves, must apply these principles when making decisions on their behalf; they are sometimes called the 'best interest' principles.

3.2 Who decides whether I have mental capacity or not?

For most day-to-day decisions there is no formal process. For more important decisions such as medical treatment, the medical professional delivering the treatment must decide whether you have the capacity to consent. For legal matters such as a will, a solicitor needs to make a judgement about whether you are capable of understanding the meaning of the will. If in doubt they would need to get an opinion from a doctor or other appropriately skilled professional.

A solicitor will also often be involved in setting up a Lasting Power of Attorney and so would need to decide whether you understand what it is and that no undue influence is being placed on you to set one up. The Court of Protection has power to decide whether someone has mental capacity or not, if this is in dispute (see section 8 below).

3.3 Best Interest decisions

There may be situations where a group of appropriately skilled and knowledgeable professionals need to make a 'best interests' decision on someone's behalf in the context of health or social care. An example of this in health care is where someone may be eligible for NHS continuing healthcare funding and there needs to be an assessment to confirm this carried out by a multi-disciplinary team. Age UK's Factsheet 20, *NHS continuing healthcare and NHS-funded nursing care* contains more information on this at section 4.2 (in Wales, see Age Cymru's Factsheet 20w, *NHS continuing healthcare and NHS-funded nursing care in Wales*, which has equivalent information in sections 5 and 6).

The *National Framework for NHS Continuing Healthcare and NHS-funded Nursing Care* also requires the use of an Independent Mental Capacity Advocate (IMCA) where necessary[3].

Code of Practice guidance

The Mental Capacity Act Code of Practice provides the following summary regarding the correct approach to best interest decisions. The person/people with responsibility for this should:

Encourage participation

- do whatever is possible to permit and encourage the person to take part, or to improve their ability to take part, in making the decision.

Identify all relevant circumstances

- try to identify all the things that the person who lacks capacity would take into account if they were making the decision or acting for themselves.

Find out the person's views

- try to find out the views of the person who lacks capacity, including:
    - the person's past and present wishes and feelings – these may have been expressed verbally, in writing or through behaviour or habits
    - any beliefs and values (e.g. religious, cultural, moral or political) that would be likely to influence the decision in question
    - any other factors the person themselves would be likely to consider if they were making the decision or acting for themselves.

Avoid discrimination

- not make assumptions about someone's best interests simply on the basis of the person's age, appearance, condition or behaviour.

Assess whether the person might regain capacity

- consider whether the person is likely to regain capacity (e.g. after receiving medical treatment). If so, can the decision wait until then?

[3] In Wales, there is a different National Framework – 'Continuing NHS Healthcare: The National Framework for Implementation in Wales (June 2014)' – but the requirements in regard to when IMCAs should be appointed is the same as in England.

If the decision concerns life-sustaining treatment

- not be motivated in any way by a desire to bring about the person's death. They should not make assumptions about the person's quality of life.

Consult others

- if it is practical and appropriate to do so, consult other people for their views about the person's best interests and to see if they have any information about the person's wishes and feelings, beliefs and values. In particular, try to consult:
    - anyone previously named by the person as someone to be consulted on either the decision in question or on similar issues
    - anyone engaged in caring for the person
    - close relatives, friends or others who take an interest in the person's welfare
    - any attorney appointed under a Lasting Power of Attorney or Enduring Power of Attorney made by the person
    - any deputy appointed by the Court of Protection to make decisions for the person.
- For decisions about major medical treatment or where the person should live and where there is no-one who fits into any of the above categories, an Independent Mental Capacity Advocate (IMCA) must be consulted.
- When consulting, remember that the person who lacks the capacity to make the decision or act for themselves still has a right to keep their affairs private – so it would not be right to share every piece of information with everyone.

Avoid restricting the person's rights

- see if there are other options that may be less restrictive of the person's rights.

Take all of this into account

- weigh up all of these factors in order to work out what is in the person's best interests.

4 Arrangements while you can still make decisions

Nobody can make decisions about your healthcare or personal welfare on your behalf while you have the capacity to make these decisions yourself. However, you can choose to let other people manage and access your finances even if you could manage them yourself. This section explains how.

4.1 Arrangements for access to your bank account

Direct debits and standing orders

The most common way to allow other people access to your money is through direct debits or standing orders. Many banks and building societies now offer an easy-to-use basic bank account. Your pension or benefits can be paid directly into these accounts. With most basic bank accounts you can set up direct debits (eg, to pay regular bills) and standing orders (eg, to make a regular payment of the same amount to someone).

A standing order is an instruction to your bank or building society to transfer a fixed amount into someone else's account on a regular basis. You still have control of your finances and the third party cannot access any funds except the transfer amount. The third party must already have an account to transfer into and it can take up to four working days to access the money, so may not be suitable if access to the money is needed urgently.

A direct debit is an instruction to your bank or building society to allow someone to collect money from your account. They can collect any amount, as long as they have informed you beforehand of the amount and the date it will be collected.

Joint accounts

This will give you and the joint account holder the authority to withdraw all money.

An advantage is that you don't need to set up any specific instructions, but you need to be sure you can trust the other account holder, as there is no restriction on their access to the funds, and you may be liable for their debts. You will both have a card and a personal identification number (PIN) to allow easy access to the account.

The British Bank Association and Building Societies Association produce a booklet entitled *You and your joint account*[4]. This provides guidance on how banks and building societies should act if one of the joint account holders loses mental capacity.

In England and Wales, if one joint account holder loses mental capacity to operate their account, banks and building societies should use their discretion to determine whether or not to temporarily restrict the operation of the account to essential transactions only (for example, living expenses and medical/residential care bills for both parties) until a Deputy has been appointed or a Lasting Power of Attorney registered.

If the other joint account holder holds an unregistered Lasting Power of Attorney for the holder who has lost mental capacity, they can register it and run the joint account. If the person who has lost mental capacity has chosen someone else to be their attorney, that person (once registered) would have to agree with the other joint account holder, and the bank or building society, how the joint account should be run in future, possibly requiring new bank instructions and mandates in relation to the account.

The rules are slightly different in Scotland and Northern Ireland.

Third party mandate

This is an instruction to your bank or building society to provide access to your account for another person. The mandate gives details of exactly what authority you are giving the person, so you can specify how much access you give them. They will not usually be given a card and PIN so will not have access to cash machines. This option may suit you if it is a long-term arrangement and you can trust the person who will have the mandate. Mental incapacity terminates the mandate.

Emergencies (letters of authority)

If you are temporarily unable to withdraw money from your account, for example if you are temporarily housebound after an operation, banks and building societies may accept a letter of authority, which requests a third party to withdraw money on your behalf on a one-off basis.

[4] http://www.bba.org.uk/publications/entry/you-and-your-joint-account/leaflets

There is a high risk of fraud, so many banks and building societies do not offer this option.

Post Office card account for benefit payments

If you have a Post Office card account you can apply for another person to have permanent access to your account – they are then called the Permanent Agent. They will be issued with their own card and PIN number. You must be able to trust the person in this role, as they could withdraw up to £600 a day.

Payment of benefits

The Department for Work and Pensions (DWP) no longer makes payments by cheque in circumstances where you cannot get out to the post office to access your account by your payment card. There is now a Simple Payment scheme. Under the scheme, you receive a Simple Payment card that you can use to collect your payment from any PayPoint outlet displaying the Simple Payment sign. There are many PayPoint outlets across the UK and they include some local newsagents, convenience stores and supermarkets.

If you cannot get to the PayPoint and you ask someone to do this for you, when they show your card to the person serving them, they will need to confirm a memorable date (this will be your date of birth to begin with, but you can change this to another memorable date) and show an original (not a copy) document that proves both their and your identity. Acceptable documents include your passport or a utility bill that is less than three months old. If you don't have one of these then you can contact the office that pays your benefit or pension and they will give you a letter which you can use instead.

Access to a bank account and mental capacity

A bank will freeze the account of a sole account holder when it becomes aware that a customer has lost mental capacity. It will only restore access with a Court of Protection order (Deputyship/Court Order) or a registered Lasting Power of Attorney.

The bank should not take this type of action without the appropriate level of proof, for example a medical report, and discussion with all those concerned. It may be illegal to act in this way without appropriate evidence as it could amount to unjustifiable discrimination in the provision of goods and services. The best interest standards of the *Mental Capacity Act 2005* should also come into play in this kind of situation.

The Mental Capacity Act Code of Practice provides guidance on accessing bank accounts. The following are some examples of this guidance:

> **6.64 Access to a person's assets**
>
> Anyone wanting access to money in a person's bank or building society will need formal legal authority…Such authority could be given in a Lasting Power of Attorney (LPA) appointing an attorney to deal with property and affairs, or in an order of the Court of Protection (either a single decision of the court or an order appointing a deputy to make financial decisions for the person who lacks capacity to make such decisions).
>
> **Scenario: Being granted access to a person's assets**
>
> *A storm blew some tiles off the roof of a house owned by Gordon, a man with Alzheimer's disease. He lacks capacity to arrange for repairs and claim on his insurance. The repairs are likely to be costly.*
>
> *Gordon's son decides to organise the repairs, and he agrees to pay because his father doesn't have enough cash available. The son could then apply to the Court of Protection for authority to claim insurance on his father's behalf and for him to be reimbursed from his father's bank account to cover the cost of the repairs once the insurance payment had been received.*
>
> **5.27 Scenario: Taking a short-term decision for someone who may regain capacity**
>
> *Mr Fowler has suffered a stroke leaving him severely disabled and unable to speak. Within days, he has shown signs of improvement, so with intensive treatment there is hope he will recover over time. But at present both his wife and the hospital staff find it difficult to communicate with him and have been unable to find out his wishes.*

He has always looked after the family finances, so Mrs Fowler suddenly discovers she has no access to his personal bank account to provide the family with money to live on or pay the bills. Because the decision can't be put off while efforts are made to find effective means of communicating with Mr Fowler, an application is made to the Court of Protection for an order that allows Mrs Fowler to access Mr Fowler's money.

The decision about longer-term arrangements, on the other hand, can be delayed until alternative methods of communication have been tried and the extent of Mr Fowler's recovery is known.

7.36 What decisions can an LPA attorney make?

If a donor does not restrict decisions the attorney can make, the attorney will be able to decide on any or all of the person's property and financial affairs. This might include:

- buying or selling property
- opening, closing or operating any bank, building society or other account.

4.2 Ordinary power of attorney

A power of attorney is a legal document. It authorises one or more people to handle your financial affairs (including property, shares, money, etc). There are different types of powers of attorney – Ordinary, Lasting and Enduring. See sections 5 and 6 below for details of Lasting and Enduring Powers of Attorney. An Ordinary Power of Attorney is only valid while you still have mental capacity to make your own decisions and is likely to be the most appropriate in the following circumstances:

- if you need someone to act for you for a temporary period, for example while you are on holiday
- if you wish someone to act for you only while you are able to supervise their actions.

If you want someone to be able to act for you when you lose capacity to make your own decisions and when you can no longer supervise their actions, you should consider a Lasting Power of Attorney (LPA) rather than an Ordinary Power of Attorney.

A power of attorney provides the attorney – the person appointed – with a legal document that proves their powers. You can buy an Ordinary Power of Attorney document from a law stationer (some high street stationers also stock them), or arrange for a solicitor to prepare one.

It is for you as the donor to decide what the power of attorney covers, and whether it is a general power, without restrictions, or whether it gives limited powers only to do a specific act, for example to sell a house. In either case, you can still also act for yourself.

How long does an Ordinary Power of Attorney last?

Whether the Ordinary Power of Attorney is a general one or is limited, it is only valid while you are capable of giving instructions. It will end if:

- you lose mental capacity to make your own decisions about your finances and are no longer able personally to supervise or direct the attorney
- you revoke the power
- the power is limited to a specific task which has been completed
- the attorney(s) themselves die or lose mental capacity.

4.3 Lasting Power of Attorney for use while you still have capacity

Lasting Powers of Attorney can be used to give authority to someone to make decisions on your financial affairs, even when you have the mental capacity to do so yourself. It can only be used if it has been registered with the Office of the Public Guardian. The difference between an Ordinary Power of Attorney and an LPA is that an LPA continues to be valid if you lose mental capacity to make your own decisions about your finances. See section 5 for more on LPAs.

5 Arrangements for the future – Lasting Powers of Attorney

If you wish someone to act for you if you should become mentally incapable sometime in the future, then you should consider a Lasting Power of Attorney.

LPAs are a legal power introduced by the *Mental Capacity Act* to replace the existing Enduring Powers of Attorney (EPA) system. No new Enduring Powers of Attorney can be set up, but pre-existing ones,set up before 1 October 2007, are still valid and can still be registered (see section 6 below).

An LPA is a legal document that appoints one or more people to act for you, if in the future you become incapable of making your own decisions. It must be created while you are capable of understanding the nature and effect of an LPA.

There are two types of LPA:

- a property and affairs LPA that gives the attorney authority to make decisions about your financial affairs
- a personal welfare LPA that gives the attorney authority to make decisions about your healthcare and personal welfare.

An important distinction between the two types is that a property and affairs LPA can be used by the attorney even when the donor still has mental capacity to make their own decisions but a personal welfare LPA can only be used once the donor has lost capacity to make the relevant decisions themselves.

You can set up a property and affairs LPA that includes a restriction which only allows someone to act for you if you lose mental capacity.

The LPA system is wider ranging than the previous system of EPAs as an EPA could only cover financial decisions, not decisions on your health care or personal welfare.

There are separate forms for the two types of LPA. If you want to give your attorney the power to make both types of decision, you will have to set up two separate LPAs, even where the same person is appointed as attorney for both types of decision.

Both types of LPA document must be registered at the Office of the Public Guardian (OPG) before they can be used. This can be done before or after the donor loses the mental capacity to make their own decisions. If you want, you can register the LPA while you still have capacity to do so, to avoid any delay when it needs to be used. If you lose capacity before the LPA is registered, your attorney will need to register it. There is a fee for registering the LPA (see section 5.5 for more information on registration).

See section 6 for information on existing Enduring Powers of Attorney, created before 1 October 2007.

5.1 Choosing an attorney/attorneys

For a property and affairs LPA, the attorney:

- must be over 18
- must not be bankrupt at the time the LPA is made
- can be an individual or a trust corporation (eg, part of a bank)
- should not be a paid care worker such as a care home manager unless there are exceptional circumstances such as they are the only close relative of the donor.

For a health and welfare LPA the requirements are the same except that the rule on bankruptcy does not apply and the attorney must be an individual.

Choosing an attorney is a vital decision, and you need to think carefully about who you give the power to. Here are some useful questions to ask:

- Are the people you wish to appoint willing to be appointed?
- Can you trust them to act in your best interests?
- Are there likely to be any disagreements or problems between friends and/or family?
- Would it be a good idea to talk it over with your family and tell them what you plan and why?
- Do you want to consider more than one attorney? See below for details of how attorneys can work together.

- Do you want to name a replacement attorney to take over from the original attorney (for example if the original attorney were to die)?
- Do you want different attorneys to be appointed for different things? This can be specified in the LPA.
- Do you wish to limit the attorney's authority? You can give the attorney a general authority to carry out transactions, or specific authority limiting the power to act as attorney only when you become mentally incapacitated (remember that this applies to property and affairs LPAs – a personal welfare LPA can only be used once you become mentally incapacitated). The document may also set limits on the type of financial transactions or welfare decisions for which authority is given.

Particular points to consider for a property and affairs LPA include the following:

- Do you wish to include in the LPA a request that the attorney(s) should regularly provide you with details of expenditure and income? If you lose mental capacity the accounts could be sent to your solicitor or another member of your family, which would provide an extra level of security.
- Do they handle their own money well?
- Do you think they understand your wishes and feelings about how you would spend your money.

Particular points to cover for a personal welfare LPA include the following:

- Do they know you well enough to take your views into account when deciding what is in your best interests? For example, if you have strong views on a particular type of treatment, are they aware of this?
- Do they understand your beliefs, views or feelings; and would you trust them to take these into account when making decisions?

If the attorney is your spouse or civil partner, the LPA will automatically be cancelled if your marriage or civil partnership is dissolved or annulled, unless you have expressly stated that it is to continue in these circumstances, you have named a replacement attorney or there is another attorney acting jointly and severally (see below).

5.2 Joint attorneys

Any number of attorneys may be appointed in the same LPA. You will need to decide and to say in the LPA whether the attorneys are to act jointly (this is together on all matters) or jointly and severally (where they may act together or separately, as they choose). If attorneys are appointed to act jointly, the LPA ends if one of them dies. If attorneys are appointed jointly and severally the survivor(s) can continue to operate the power.

You can specify in the LPA that the attorneys must act jointly for specific decisions (such as selling a house), and jointly and severally for all other decisions. The appointment of a sole attorney may offer less security for your assets than a joint attorneyship.

5.3 The test of capacity for executing the LPA

When setting up an LPA you will need to have the document signed by someone who can confirm that, in their opinion, you understand what it means and the effect of signing it. This person is called the certificate provider. The certificate provider should discuss relevant matters with you and make sure you are aware that:

- the attorney will, in general, be able to make decisions about anything you could have done personally, unless you place specific restrictions on their powers
- the attorney has authority to make decisions on your behalf when you have lost capacity and cannot supervise their actions
- if you are mentally incapable of making the decisions yourself, the LPA cannot be revoked, without an order of the Court of Protection.

You should be clear about, and be able to demonstrate to the certificate provider, that you understand the following:

- what an LPA is
- why you want to make an LPA
- who you are appointing as your attorney(s)
- why you have chosen to appoint this person as your attorney

- what powers you are giving your attorney(s).

Because tests of capacity vary it is possible that you may be able to execute an LPA because you understand what it means, but may, at the same time, be unable to make a decision for yourself in relation to a particular matter so that you are deemed not to have mental capacity (in relation to that particular matter). In these circumstances the validity of the LPA is not affected.

5.4 How to set up an LPA

Using a solicitor

You do not have to use a solicitor to create an LPA; you can obtain the forms from the Office of the Public Guardian and complete them yourself using the guidance that accompanies the forms. Alternatively, you can pay a solicitor to complete the form for you. Solicitors' fees for creating an LPA vary and so you may want to contact a few to compare their fees and the service they offer.

You may be eligible for Legal Aid under the Legal Help scheme for advice and assistance from a solicitor to set up an LPA if you are:

- aged 70 or over, or
- disabled within the meaning of the *Disability Discrimination Act 1995*.

You must also meet requirements about your income and capital. Solicitors have a duty to advise you whether you are entitled to Legal Aid.

Note: Not all solicitors can carry out work under Legal Aid funding and it can be difficult to find a Legal Aid solicitor who can advise on LPAs. You can call the Solicitors Regulation Authority on 0870 606 2555 to find solicitors specialising in LPAs and then contact them to find out if they can carry out the work under Legal Aid.

LPA forms

On 1 July 2015, new, simpler, LPA forms were published by the Office of the Public Guardian. Both the old and new versions will be accepted for six months from this date.

There are specific forms that must be used to set up an LPA. For a property and affairs LPA the form is LP1F. For a health and personal welfare LPA the form is LP1H. These forms now include the application to register form within one overall form, which has two parts. You can register at any time.

The forms, the notes and guidance accompanying them and all forms necessary for registering an LPA are available from the Office of the Public Guardian (OPG). They can be downloaded from the OPG website, which has recently been relocated to the GOV.UK website for the public and also to the Department of Justice website for practitioner or corporate information. You can access the forms and other information directly via the following link: https://www.gov.uk/government/publications/make-a-lasting-power-of-attorney

You can also request copies by phoning 0300 456 0300 (9am – 6pm, Monday to Friday).

There is also an on-line LPA tool.

The LPA and EPA application to register fee is £110. You must make sure that all required sections have been completed. If there are any errors, even something like not ticking a required box, the OPG will reject the form. In October 2011, the OPG introduced a repeat application fee of £55 for each time an LPA is re-submitted to the OPG within 3 months of the application being sent back to the applicant. This rejection may be due to mistakes in the application.

Note: The £110 fee is payable when you apply to register – at the start of the process not on completion. This process can take up to 10 weeks.

The OPG say these are the most common reasons for them rejecting forms:

- The certificate provider has not ticked the boxes to confirm that they are acting independently and that they are over 18.
- The certificate provider has not ticked the boxes in the 'I confirm and understand' section.
- Some boxes in the attorney's statement section have not been completed.
- The donor has not named people to be notified.

The donor's statement

Part A of the form is for the donor's statement. This is where you specify who is to be your attorney(s) and how they are to act for you. You can place specific restrictions on their powers and set out particular guidance that they should follow when deciding what is in your best interests.

Part A also includes a section for you to name specific people who you wish to be notified when an application for registration of the LPA is made. These people have the right to object to the registration of the LPA, for example if they think you have been put under undue pressure to create it.

You can choose up to five people and they should be people who know you well enough to identify any possible issues that should prevent the registration of the LPA; for example friends or relatives, or a healthcare worker who knows you relatively well.

See section 5.5 below for more information on how people can object to the registration of the LPA.

The certificate provider

Part B of the form is to be completed by a certificate provider. This is someone who can confirm that, in their opinion, you understand the purpose and effect of the LPA and that you have not been put under undue pressure to create it.

The certificate provider can either be someone who has known you personally for over the last two years, or a professional with the relevant skills to provide the certificate. This could be your GP or another healthcare professional; another professional such as a solicitor or social worker; an Independent Mental Capacity Advocate (see section 12 below) or anyone else who has the necessary expertise to provide the certificate.

Most family members are excluded from being your certificate provider, including:

- spouse, partner or civil partner (or people living together as such)
- children, grandchildren
- parents, grandparents

- brothers, sisters
- aunts, uncles
- nieces, nephews.

The following people also cannot be certificate providers:

- an attorney or replacement attorney named either in this lasting power of attorney or any other lasting power of attorney or enduring power of attorney for the donor
- a family member related to you or any of your attorneys or replacements
- a business partner or paid employee of yours or of any your attorneys or any listed replacement (back-up) attorneys
- the owner, director, manager or employee of a care home in which you live, or a member of their family
- a director or employee of a trust corporation appointed as an attorney or replacement attorney in your lasting power of attorney.

The certificate provider must discuss the LPA with you, not in the presence of the prospective attorney, to make sure that you fully understand the effects of signing it. The OPG provides guidance for the certificate provider to read before signing the form. The guidance includes suggested questions for the certificate provider to ask you, to make sure you understand the LPA and have not been put under any pressure to sign it.

If the certificate provider has concerns that you are being put under pressure or that you do not fully understand the effects of the LPA, they should not sign the LPA and should raise their concerns with the OPG.

If you do not name anyone you want to be notified when the LPA is registered, you will need two certificate providers.

If the LPA is later challenged by someone who believes you did not have mental capacity to make it the certificate provider may have to explain to the Court of Protection why they decided that you did have capacity.

Double-check that the certificate provider has completed all the required boxes; uncompleted boxes are a common reason for forms being rejected by the OPG.

The attorney's statement

Part C is for your attorney or attorneys to complete confirming that they understand and accept their duties under the LPA. Again, make sure that they have ticked all the required boxes.

Your signature and that of the attorney must be witnessed. The witness can be the same person as the certificate provider. The person named as attorney **must not** be the witness to your signature. The witness must be over 18 years old.

If you cannot sign or mark the form, for example because of illness or physical disability, you can choose someone else to sign for you. The person who signs on your behalf must be independent (not an attorney, certificate provider or witness) and the signing must be witnessed by two independent witnesses (not the attorney(s)).

5.5 Registration of the LPA

The forms for registration of the LPA are now joined together with the application forms LP1F and LP1H, which are discussed in section 5.4 above.Registration can be carried out at any time after the application has been processed.

Form LP3 'Notice to Named Persons' must also be completed and sent to all the people (if any) the donor has named as people to be notified on registration of the LPA. They have 3 weeks to raise any concerns with OPG.

If the LPA is being registered by the donor, the OPG will write to the attorney to inform them of the application; if it is being registered by the attorney, the OPG will write to the donor.

A fee of £110 is payable on registration of the LPA. If you are registering both a personal welfare LPA and a property and affairs LPA you will need to pay a registration fee for each (ie a total of £220).

If you have named anyone to be notified on registration of the LPA the person applying for registration must inform them when the application for registration is made and they have the right to object to the registration. Any objection must be made within three weeks of receiving notification of the registration.

They may wish to do this if they believe you have made the LPA as a result of undue pressure or fraud; or if they believe the attorney is planning to act in a way that is not in your best interests. The Court of Protection has the power to prevent an LPA being registered. This is a safeguard to help prevent abuse of the LPA system.

When to register the LPA

You can register the LPA immediately after creating it, or you can wait until it is needed at a time when you have lost, or are losing, the capacity to make decisions. In this case, it would be the attorney who registers the document.

If you do not register the LPA immediately, you may never need to register it, if you do not lose your mental capacity at any point. In this case you will not have to pay the registration fee. However, the difficulty is that it takes time for the registration procedure to be completed and during this delay the attorney has no power to act under the LPA. This can cause problems if immediate actions are needed, such as payment of care home fees. It may become necessary to apply for an order of the Court of Protection so that your affairs can be dealt with until the LPA is registered.

Another reason for immediate registration is that if any errors are discovered, you will still have mental capacity to rectify them and create a valid LPA.

5.6 After registration

The LPA form will be returned, having been stamped on each page as being registered by the OPG. Once this is received it is a valid LPA. A property and affairs LPA can be used immediately, a personal welfare LPA can only be used if you lack the capacity to make the decision yourself. The attorney must act within the principles of the Mental Capacity Act.

The British Bankers Association has produced guidance for bank staff called *Banking for mentally incapacitated customers*. There is also a short leaflet for customers available from their website: www.bba.org.uk.

The Mental Health Foundation has also produced a booklet *Banking on good decisions – how can the Mental Capacity Act help you with your bank, building society or post office account?* This can be downloaded from the website www.mentalhealth.org.uk or you can call 020 7803 1101 to order a copy.

5.7 Fees and the fee remission scheme

In some circumstances you may be exempt from paying the registration fee(s), or you may be able to apply for remission or postponement of the fee.

You will be exempt if you receive any of the following benefits and you have not received a damages award in excess of £16,000 which was disregarded for the purposes of eligibility for the benefit. The relevant benefits are:

- Income Support
- Income-based Jobseeker's Allowance
- the Guarantee Credit part of Pension Credit
- a combination of Working Tax Credit and either Child Tax Credit or Disability Element or Severe Disability Element
- Housing Benefit
- Council Tax Reduction
- Income-based Employment and Support Allowance
- Local housing allowance.

Even if you do not meet these requirements you may qualify for a fee remission if you are on a low income. In October 2012, the various fee remission bands were consolidated into one fee remission of 50% for those receiving under £12,000 income per year. This is unchanged in 2013.

If you do not meet this requirement, the Office of the Public Guardian has discretion to waive or postpone payment of all or part of the fee if payment would cause you hardship. To apply for exemption or remission, use form OPG506A. If you are applying for the fee to be waived or postponed on grounds that it would cause you hardship, you should write to the OPG explaining your circumstances.

5.8 Cancelling (revoking) the power

You may cancel or revoke an LPA at any time provided you have mental capacity. However, if it is registered, an LPA cannot be cancelled without an order of the Court of Protection once you have lost mental capacity to cancel it yourself. If you wish to cancel an LPA you should:

- write to the attorney(s) advising them that the document has been revoked
- if the LPA has been registered at the Office of the Public Guardian you must write to the Public Guardian asking that it be removed from the LPA register.

For a property and affairs LPA you should inform all banks, building societies and other institutions where you have invested money that the document has been revoked.

5.9 The role and responsibilities of an attorney

If you are the attorney under an LPA, this section deals with some of your main duties.

Once you (the attorney) start using your powers under the LPA you may have to answer to the Office of the Public Guardian or the Court of Protection if anyone expresses concerns to them that you might not be acting in the person's best interests. Remember that you have no authority to act under the LPA until it has been registered with the OPG.

If you are an attorney you must:

- follow the statutory principles of the *Mental Capacity Act* (see section 3)
- make decisions in the best interests of the donor
- have regard to the guidance in the Code of Practice (available from the Office of the Public Guardian, see section 16)
- only make those decisions that you have authority to make under the LPA. So if you are only a property and affairs attorney, you can't make decisions about the donor's welfare although you might be consulted about these decisions.

Note: The Code of Practice gives guidance on how to assess a person's capacity to make decisions and work out what is in their best interests. Remember that mental capacity to make a decision can change over time, and that people may have capacity to make certain decisions but not others. When assessing a person's capacity you must consider their ability to make the particular decision at the particular time it needs to be made.

You should take all practicable steps to help the person to make their own decisions. Steps to help someone make a decision could include:

- making sure they have all the information they need to make a decision
- making sure the information is communicated in the most appropriate way; for example, consider using simple language, an interpreter, non-verbal communication, or a family member who may be able to help with communication
- making the person feel at ease by considering the best time of day and location to communicate with them, and considering who they would want present.

When deciding what is in someone's best interests, you should take into account their religious and moral beliefs, how they have behaved in the past, and any views that they have expressed about the issue in question. You should also consult their family and carers where this is practical and appropriate. But remember that the donor has appointed you to assess what is in their best interests and to make the decision on their behalf. You cannot delegate that authority to anyone else.

You must not take any advantage to gain benefit for yourself, or put yourself in a position where your personal interests conflict with your duties as an attorney.

Attorneys under a property and affairs LPA

The following information applies to attorneys under a property and affairs LPA. Remember that you do not have authority to act on personal welfare decisions unless you are also appointed under a personal welfare LPA.

- **Accounts** – you should keep full, accurate and up-to-date accounts of all the donor's assets and income, including bank and building society accounts, investments and property. Tax returns will need to be completed. The OPG and Court of Protection may ask to see these at any time, including after the death of the donor. You should keep all the donor's assets in the donor's name, and keep their accounts separately. You will need to keep all estimates, invoices, receipts and vouchers. An attorney may be held liable if the donor's money is not handled in a responsible manner.
- **Gifts** – you may make gifts to people at times when the donor would usually have done so themselves, for example birthday presents to relatives of the donor, or a wedding or civil partnership present to a friend of the donor. You can also make charitable donations in accordance with the donor's expected wishes, for example if they regularly gave to charity in the past. Any gifts or donations must be reasonable in proportion to the donor's estate. If you want to make larger gifts of money or property, for example for Inheritance Tax planning purposes you will need to make an application to the Court of Protection (see section 8 below).
- **Expenses** – professional attorneys (for example, solicitors or accountants) may charge for time spent on their duties. The LPA form includes a section to record what fees have been agreed between the donor and the attorney. You can also choose to pay non-professional attorneys for their services, but you must specify the terms of any agreement made on the form or they will only be able to claim back reasonable out-of-pocket expenses.
- **Property** – if you are thinking of selling or letting the donor's property because it is in their best interests, you need to be sure that they would not be likely ever to return to live there. You should contact the OPG if the sale is below the market value, or you want to buy the property yourself, or give it to someone else. The OPG can advise you on whether you need to apply to the Court of Protection about this.

- **Wills** – you cannot make a will on behalf of the donor. If the donor still has mental capacity to do so they can make their own will or make an amendment to the existing will (a codicil). You should contact the OPG if you are in any doubt about the donor's capacity to do this. If it is necessary for a will to be made on behalf of someone who lacks capacity to do it themselves, a 'statutory will' can be made by the Court of Protection. This could be required if, for example, they previously made a will that needs to be amended due to a change in circumstances (eg the death of the main beneficiary). You should contact the OPG if this is necessary.

If the donor has a will already, you do not have an automatic right to see it. If the donor has not left specific permission for you to have access to the will, you can apply to the Court if you believe it would help you to carry out your duties and the person who holds the will is refusing to show it to you. This might be appropriate, for example, if you need to know whether the property was intended to be left to someone, and you are considering the sale of the property.

If you do not comply with your duties as an attorney, you may be ordered to pay compensation to the donor for any losses they suffer. There is also a new criminal offence of ill treatment or wilful neglect that applies to attorneys, court-appointed deputies and anyone who has the care of a person who lacks capacity. The penalty for the offence is a fine or imprisonment of up to five years.

The OPG publishes a booklet called *Lasting Powers of Attorney – a guide for people taking on the role of property and affairs Attorney under a Lasting Power of Attorney* (LPA105). This can be downloaded from their website or you can telephone 0300456 0300 for a copy. There is a separate guide available for personal welfare attorneys.

Attorneys under a personal welfare LPA

The following information applies to attorneys under a personal welfare LPA. Remember that you do not have authority to act on property and affairs decisions unless you are also appointed under a property and affairs LPA.

- **Where the donor lives** – you can make decisions on where it is in the best interests of the donor to live. You cannot make decisions about the sale of the donor's house unless you are authorised under a property and affairs LPA.
- **Medical treatment** – as long as there is no restriction on your powers under the LPA, you can consent to or refuse medical treatment on behalf of the donor.
- **Life-sustaining medical treatment** – you cannot refuse life-sustaining treatment on behalf of the donor unless they have specifically authorised you to do so. The donor must have signed section 6 of the LPA form giving their consent for you to make such decisions.

  If you are making a decision on life-sustaining treatment, you must not be motivated by a desire to bring about the donor's death. The decision must always be made in the best interests of the donor.
- **Advance decisions** – if the donor has made an advance decision to refuse treatment you cannot make a decision relating to the provision of that treatment, unless the LPA under which you are appointed was made by the donor after they made the advance decision and they have given you authority to refuse or consent to that treatment. For information on advance decisions see Age UK's Factsheet 72, *Advance decisions, advance statements and living wills.*
- ***Mental Health Act 1983*** – if the donor is being treated for a mental disorder and is detained under the Mental Health Act 1983, you cannot make decisions refusing or consenting to this treatment.
- **Marriage and civil partnerships** – you cannot consent to marriage or civil partnership on behalf of the donor, or to divorce or dissolution of a civil partnership. You cannot consent to sexual relations on their behalf.
- **Wills** – You cannot make a will on behalf of the donor (see above).

The OPG publishes a booklet called Guidance for people who want to make a Lasting Power of Attorney for Health and Welfare. Phone the OPG on 0300 456 0300 to request a copy of this publication. There is a separate guide available for property and affairs attorneys.

5.10 The criminal offence of ill treatment or wilful neglect

This criminal offence applies to attorneys, Court-appointed deputies and anyone who has the care of a person who they believe lacks mental capacity. The penalty for conviction for the offence is a fine or imprisonment of up to five years[5].

5.11 Duration of an LPA

The LPA remains valid until one of the following events occur:

- the death of either the donor or the sole attorney
- the bankruptcy of the donor or the sole attorney (this rule on bankruptcy only applies to property and affairs LPAs, not personal welfare LPAs)
- revocation (cancellation) by the donor (where they have mental capacity to do so) or by the OPG
- disclaimer by the attorney
- mental incapacity of the attorney.

If the donor dies the LPA comes to an end. You must notify the Office of the Public Guardian and send them the LPA document and a copy of the death certificate.

6 Existing Enduring Powers of Attorney

If you have an EPA that was set up before 1 October 2007, it is still valid. As under the pre-October 2007 system, the EPA must be registered at the Office of the Public Guardian once the donor loses capacity to make decisions. An EPA cannot be used if the donor does not have capacity to make their own decisions until it has been registered. There is a fee of £110 to register an EPA. An EPA can still be registered after 1 October 2007, as long as it was validly created before that date.

[5]Section 44 of the *Mental Capacity Act 2005*.

To register an EPA, the attorney must complete form EP1 'Notice of intention to apply for registration' and EP2 'Application for registration'. EP1 is sent to you (the donor) and your three nearest relatives to notify you of the attorney's intention to register the EPA. EP2 must be returned to the Office of the Public Guardian. The forms necessary for registration of an EPA can be downloaded from the OPG website, www.justice.gov.uk/about/opg, or requested by phoning 0300 456 0300.

If the attorney believes that you may be distressed by receiving the notice, the Court of Protection may agree to dispense with the notice to you. They will require evidence from your doctor that you will be caused harm or distress by learning of the application to register the EPA. The Court can also decide that notice to your relatives can be dispensed with. In either case, the attorney would have to apply to the Court for notice to be dispensed with. This will involve payment of the Court fee of £400.

Notifying your relatives

The three nearest relatives who must be notified are taken in order of priority, class by class, in the way set out in the Enduring Power of Attorney Act 1985.

The order of priority is:

1 your spouse

2 your children

3 your parents

4 your brothers and sisters whether of the whole or of half-blood (sharing one parent)

5 the widow or widower of a child of yours

6 your grandchildren

7 the children of your brothers and sisters of the whole blood

8 the children of your brothers and sisters of the half blood

9 your uncles and aunts of the whole blood

10 the children of your uncles and aunts of the whole blood.

If there is more than one person in a particular class of relatives entitled to receive notice then all persons in that class must be given notice, even if this means more than three people are notified.

Notice need not be given to people otherwise entitled to receive notice if their names and addresses are not known to the attorney(s) and cannot be reasonably ascertained by them, or the attorney(s) have reason to believe that they have not attained the age of 18 years or are mentally incapable.

If you do not have three living relatives who come within those listed, the attorney(s) should say so on the form when applying for registration.

Revoking an EPA

An existing EPA can now be revoked and a property and affairs LPA set up instead under the new system, as long as the donor still has mental capacity to do so at the point the LPA is created. Alternatively, you can keep your EPA for your financial affairs and create a personal welfare LPA to run alongside it.

If you want to revoke an unregistered EPA you should notify the attorney(s), and anyone else who was aware of it, that you have revoked it. For example, you should write to your bank if the EPA had previously been used there. Although it is not strictly required, you could sign a legal document called a Deed of Revocation to make clear that the EPA has been revoked. This could help to avoid any dispute or uncertainty in the future. You should see a solicitor about creating a Deed of Revocation.

If your EPA has already been registered, it will continue to be effective. To revoke it you would need to apply to the Court of Protection, which would need to be satisfied that you have the mental capacity.

7 The Office of the Public Guardian

This is an executive agency of the Ministry of Justice. As well as having a regulatory role, it provides help and support services to those who look after the finances of people who lack capacity. The OPG keeps a register of LPAs and EPAs, supervises deputies (see section 8.1 below), and keeps a register of deputies. It will also investigate any complaints about attorneys or deputies.

The OPG publishes a number of guidance booklets for people making an LPA, people taking on the role of attorney, certificate providers and witnesses. These are available to download from the OPG website: www.justice.gov.uk/about/opg or you can phone 0300 456 0300 to request copies.

In some cases it may not be necessary to instruct solicitors to deal with the Court of Protection or the OPG except where legal work such as selling a house needs to be done, as this will add to the cost. Legal Aid under the Legal Help and Legal Representation scheme is available for limited types of proceedings in the Court of Protection; these will mainly be serious health and welfare cases. You should seek legal advice as to whether you would be entitled to Legal Aid funding for your particular case.

7.1 Searching the register

Anyone can apply to the OPG for a search to be made of the register. The fee for this service was removed in October 2011. There are two levels of search. The first tier search can be used to find out limited information such as the names of the donor and attorney(s), the date it was registered, whether it is a property and affairs or personal welfare LPA, and whether the LPA has been cancelled. No information about the contents of the LPA is available through the first tier search. A second tier search can be used to request further information about the LPA. The applicant must satisfy the OPG that it is in the best interests of the donor for the information to be provided.

8 The Court of Protection

If you can no longer manage your own affairs and have not granted a Lasting Power of Attorney then an application to the Court of Protection may be necessary. The Court of Protection exists to protect the property and financial affairs of people who lack mental capacity, and to make decisions relating to their health and welfare. The Court's jurisdiction extends to England and Wales. Separate arrangements exist for Scotland and Northern Ireland.

It is not normally necessary to attend a court hearing as its business is usually conducted by post. If a hearing is necessary the Court keeps its procedures as informal as possible. The general rule is that proceedings in the Court are conducted in private to protect the privacy of the persons concerned, but the Court does have the power to order that a hearing is held in public or that information about the case is published.

8.1 When will the Court of Protection become involved?

The Court of Protection would become involved if something needed to be done either to protect someone's assets or to enable them to be used for their benefit. For example, if the client owns their home but is unlikely to return to it, then it may be necessary to sell the property so that the proceeds may be used for their benefit.

The Court should also be involved in decisions relating to serious medical treatment such as the proposed withholding or withdrawal of artificial nutrition and hydration from a patient in a permanent vegetative state, or cases involving organ donation by a person who lacks capacity to consent.

The Court of Protection can also be involved where there is an issue over the validity or use of an LPA.

8.2 The powers of the Court

The Court has the power to:

- make decisions about the personal welfare or property and affairs of people who lack the capacity to make such decisions themselves
- make declarations about a person's capacity to make a decision, if the matter of whether they can make a decision cannot be resolved informally
- make decisions in relation to serious medical treatment cases, which relate to providing, withdrawing or withholding treatment to a person who lacks capacity
- appoint a Deputy to make ongoing decisions on behalf of a person who lacks capacity, in relation to either the person's personal welfare or property and affairs and

- make decisions about an LPA or EPA, including whether the power is valid, objections to registration, scope of Attorney powers and removal of Attorney powers.

The Court can make declarations on the validity of an LPA and can end an attorney's appointment and/or cancel the LPA if the attorney's duties are not being carried out in the best interests of the donor.

8.3 Making an application to the Court

It is sometimes necessary to get permission from the Court of Protection before an application can be made. The Court will consider your connection to the person, your reasons for application, the benefits and alternatives when deciding whether to grant permission. Permission is not needed in most cases that relate to a person's property and affairs (the exceptions are some cases involving the appointment or removal of trustees and some cases relating to wills and gifts). Permission is needed in most cases relating to a person's personal welfare. In either case permission is not needed if the person making the application is:

- the person who is alleged to lack capacity to make a particular decision, for example if they wish to challenge a decision that they lack capacity
- the donor or attorney of an LPA where the application relates to that LPA
- a Court-appointed deputy
- a person named in an existing Court order in connection with the same matter.

If you are unsure about whether you need permission to apply to the Court you should contact the OPG.

To apply for permission submit form COP2, either before or at the same time as you submit your application form (COP1).

The Court should deal with your application for permission within 14 days of receiving it. They will consider your connection to the person, your reasons for making the application, the benefits of granting permission and whether there are any alternatives to involving the Court.

Court forms

Forms can be accessed on the website:

http://hmctsformfinder.justice.gov.uk/HMCTS/GetForms.do?court_forms_category=court%20of%20protection

Form COP42 provides a summary of how to make an application to the Court of Protection and lists all the other forms.

COP1 is the application form for the Court of Protection. You will also need to submit various other forms, depending on what you are applying for. You will always need to submit form COP1A or COP1B to provide supporting information to the application, and you will usually need to submit form COP3 'Assessment of capacity'.

Form COP3 includes a section to be completed by a medical practitioner who has assessed the person to whom the application relates. This is to confirm that, in their opinion, the person lacks mental capacity to make the relevant decisions.

The notes to COP1, the application form, explain which other forms you must submit to support your application. You can check with the OPG that you have completed the correct forms before submitting your application.

There is a fee of £400 payable when making an application to the Court. The same exemption and remission scheme applies for Court of Protection fees as for Office of the Public Guardian fees. See Section 5.7 for details of when you may be exempt from paying fees and when the fee could be remitted or waived.

Notifying the person to whom the application relates

When you make an application you must notify the person to whom the application relates (ie the person who is alleged to lack capacity). This notification can be carried out in whatever way is most appropriate to make sure the person understands it.

For example, it could be given verbally rather than in writing, using simple language. However, you must also provide the person with two specific forms; COP5 'Acknowledgement of service/notification' and COP14 'Proceedings about you in the Court of Protection'. These are available from the OPG.

If no one objects to your application, the Court may make a decision without holding a hearing.

If you or anyone else affected by the Court's decision is unhappy about it, the Court can be asked to reconsider its decision. This should be done using form COP9, within 21 days of the date you were served with the Court Order. If the order was made at a hearing you should use form COP35 to appeal against the decision, rather than asking for a re-consideration.

Urgent cases

In case of extreme urgency, the Court can make an interim order before the necessary medical evidence is available. It is advisable to telephone the OPG first for advice to check whether an emergency application is appropriate. An example of where this may be necessary is where access to a person's money is needed urgently, for example to pay care home fees.

The Court of Protection has a dedicated customer enquiry service. For queries relating to applications to the Court of Protection or to request Court of Protection forms call 0300 456 4600.

9 Deputies

The Court of Protection has the power to appoint a deputy if there is no LPA or EPA in place. The Court will make a court order giving the deputy authority to act and make decisions on behalf of the person without capacity. The powers given to the deputy should be as limited in scope and duration as possible.

The deputy must be someone who is trustworthy and who has the necessary skills to carry out their duties. It would usually be a family member or friend of the person, if they are willing to take on the role, but the Court can appoint an independent professional deputy (such as a solicitor, or an officer from the social services department of the local authority) if this is considered to be in the person's best interests. The OPG published new professional deputy standards in July 2015[6].

Two or more deputies can be appointed, either to work jointly (in which case they would have to act together on all decisions) or jointly and severally (when they could act separately or jointly on any particular decision).

The court order will explain what decisions the deputy is legally allowed to make. It may also require regular reports to the Office of the Public Guardian to ensure that the deputy is acting in the person's best interests. To support this, the deputy should:

Keep a record of any decisions they make, for example:

- making a major investment
- changing the care a person is getting
- deciding where someone should live.

Keep copies of any documents about decisions they have made, for example:

- receipts
- bank statements
- letters and reports from health agencies or social services.

A deputy usually has to complete a report once a year, using the deputy declaration form OPG102.

If a person is appointed as a Deputy responsible for property and affairs, the Court may require them to provide some form of security, for example a guarantee bond, to cover any loss as a result of their behaviour. The Court will determine the level of security required, which will be proportionate to the amount of funds they are handling.

[6]https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442272/ProDeputyStandardsFINALv3.pdf

Deputies can be appointed to deal with health and welfare matters, but this is uncommon. Usually a deputy is not needed as health and social care professionals working with the person and their family makes those decisions, or, if there is serious conflict, the Court of Protection decides.

9.1 The role and responsibilities of a Court-appointed deputy

A deputy has a duty to follow the principles of the *Mental Capacity Act 2005* (see section 3 above). They must:

- always make decisions in the person's best interests
- take all practicable steps to help the person make the decision themselves
- allow the person to make the decision themselves if they have the capacity to do so
- only make decisions that they are authorised by the Court to make.

Deputies should consult the Code of Practice to the *Mental Capacity Act 2005* for guidance on how to fulfil their duties (see section 16 for details of how to obtain this from the OPG).

The powers granted by the Court of Protection to a deputy cease on the death of the client. A deputy does not have authority to deal with the estate.

9.2 Applying to be appointed as a deputy

An application to be appointed as a deputy must be made to the Court of Protection using the main application form (COP1) and the deputy's Declaration form (COP4). The Court uses information provided on the declaration form to assess your suitability to be a deputy. This includes information about your personal circumstances and your financial circumstances. You will also have to submit the 'Assessment of capacity' (COP3) and 'Supporting information' (COP1A or COP1B) forms. See section 8.2 above for further information on applying to the Court of Protection.

9.3 Fees and fee remission for deputies

Fees will normally be paid from your funds but can be paid by the prospective deputy making the application and then refunded from your funds later.

There is a set-up fee of £400 payable to the Court of Protection when a deputyship application is made.

The Deputy Assessment fee must be paid to the Office of the Public Guardian when it has received the order appointing someone as deputy from the Court of Protection, and has carried out a case assessment to determine the appropriate supervision level.

The fees are:

- £100 for the Deputy Assessment fee
- £320 for the Annual Supervision fee or £35 for the Minimum Supervision fee.

The Annual Supervision fee can be: the highest level (1), intermediate level (2a) or lower level (2), each costing a flat rate fee of £320; or a Minimum Supervision fee costing £35 per year.

The Annual Supervision or Minimal Supervision fees are payable annually in March. The fees are paid in arrears and will be calculated on a pro-rata basis if there are any changes within the year. As a result, there should be no problems in paying them from the estate/funds of the person for whom the deputy is appointed.

Exemption or remission of deputyship fees

The person for whom the deputy is appointed may be entitled to a remission or an exemption of fees based on their financial circumstances. No remission is available for the minimal supervision fee. Any application for remission or exemption of fees should be made within six months of the fee being raised, using the form and must be supported by relevant documentary evidence.

Exemption

If the person for whom the deputy is appointed is in receipt of certain means-tested benefits and has not been awarded damages of more than £16,000, which were disregarded when determining eligibility for the benefit, they are eligible for a full exemption. The full list of benefits can be found in document OPG120.

In order to apply for an exemption of fees, there must be recent evidence of the receipt of these benefits.

Remission

If the person for whom the deputy is appointed has gross annual income of less than £12,000, they will be eligible for a 50% reduction of the fee. If this information is not immediately available at the time of application, it may be possible to obtain a retrospective remission.

Extended remission/exemption period

The OPG has discretion to grant remissions/exemptions for a 3 year period where there are unlikely to be any changes in financial conditions. Any future changes must be immediately reported by the deputy.

Hardship

If there is no eligibility for remission/exemption but other circumstances are likely to result in financial hardship, an application can be made to have the fees waived. This will require appropriate evidence such as documentation proving that there are high and unavoidable on-going household expenses.

Review

If there is an unsuccessful remission/exemption application, a review can be requested if this is made within 4 weeks.

See the following link to OPG120:
https://www.gov.uk/government/publications/deputy-fees-remission-or-exemption

10 Monitoring deputies and attorneys

Court of Protection Visitors

Where an LPA is in place, or a deputy has been appointed by the Court of Protection, the Office of the Public Guardian can appoint a person to report to them on the actions of the attorney or the deputy. The person appointed is called a Court of Protection Visitor. They can visit the donor, attorney or deputy to gather evidence for their report to the Court.

How to make a complaint about a deputy or an attorney

Responsibility for supervising deputies and monitoring attorneys lies with the Office of the Public Guardian. If you think a deputy or attorney is misusing their powers, for example if they are not acting in the person's best interests, or are acting outside their authority, you should contact the OPG. If it is a serious case of fraud or if someone is at risk of abuse, you should contact the police and/or the social services adult protection team.

11 Appointeeship for benefits

If your income is purely made up of benefit income (social security benefits or State Pension) and you have not created an LPA or EPA, then rather than needing a deputy to be appointed you can have an 'appointee' to deal with your benefit claims and the payments made. An appointee is responsible for making and maintaining any benefit claims. They must:

- sign your benefit claim form
- tell the benefit office about any changes which affect how much you should receive
- spend the benefit in your best interests
- tell the benefit office if they need to stop being the appointee, for example if you can now manage your own affairs.

If a benefit is overpaid, the appointee could be held responsible in certain circumstances.

This method of assistance should normally only be used if you are unable to act for yourself due to mental incapacity. Only in very rare circumstances is it appropriate if you are physically disabled, for example if you have suffered a severe stroke. Officials are told in guidance not to assume a person is incapable of managing their financial affairs just because they have lost the ability to communicate.

If you are still capable of managing your financial affairs but need someone to collect your benefit money for you, an appointee is unlikely to be suitable and you should consider the options in section 4 above.

If you are entitled to a benefit or allowance but are unable to act for yourself, for example because of dementia or because of a temporary mental incapacity following an illness or accident, a representative of the Department for Work and Pensions may, on receiving an application, appoint someone else to exercise your right to make claims for and to receive benefits, and to spend them on your behalf.

It is accepted policy that a close relative who lives with or frequently visits the claimant is the most suitable person to act. Sometimes an organisation or representative of an organisation can be a corporate appointee, for example the local authority or NHS trust. They will nominate a person to carry out the appointee duties on their behalf but the organisation remains responsible for the management of the person's affairs. The appointee must be over 18 years old.

If you wish to continue to collect your own benefits, and providing that you are able to understand the implications of claiming and receiving social security benefits, then the DWP should not give approval for an appointee, or for bulk payments to an organisation which acts as an appointee for a large number of people.

Applying to become an appointee

It is necessary to contact various organisations to apply to become an appointee, depending on the benefit in question; for example the Disability Benefits Helpline for Attendance Allowance and Disability Living Allowance, the Pension Centre for the State Pension, the new PIP Claims Line for the Personal Independence Payment and Jobcentre Plus for all other benefits.

Next steps

- the DWP will arrange to visit you to assess if an appointee is needed
- the DWP will interview the person to make sure they are a suitable appointee
- during the interview, the prospective appointee fills out an appointee application form (Form BF56)
- if the DWP agrees with the application, the appointee will be sent Form BF57 confirming they've been formally appointed to act for you.

Once the appointee is authorised, the DWP will monitor the situation to make sure it's still suitable for both of you.

The appointment can be stopped if:

- the appointee doesn't act properly under the terms of the appointment
- you regain your ability to manage your own benefits
- the appointee becomes incapable of fulfilling the role – they must let the DWP know immediately.

11.1 People in care homes

In most cases the appointee will be someone who you know, either family or friends. But in some cases as a 'last resort' the person appointed is the care home owner or manager.

If the home is part of an organisation it must first be established that the organisation is willing to act as appointee. Where the organisation becomes the appointee, the proprietor or managers may still collect the benefit provided they are authorised to do so by the organisation. The benefit can be put into a corporate account, but not into the care home's business account, unless all the benefit is being used to pay the home's fees. If the care home is collecting the benefit on behalf of a local authority funded resident, the resident's Personal Expenses Allowance should not be used to meet the cost of personal care.

Before an appointee is authorised to act, a visiting officer from the DWP must make sure that an appointee is required and that the prospective appointee is suitable and willing to act. The prospective appointee is interviewed. Guidance states that where someone lives in a care home, it should not be assumed that they are incapable of managing their affairs. Neither should a manager be appointed merely for the convenience of the home.

The appointee should not be a member of staff (unless they are a relative or friend of the customer), but only the owner or manager.

In England

There are Regulations under the *Health and Social Care Act 2008* which govern the standards that registered care home providers must adhere to, and a set of 'Essential Standards' to assist in their application.

The standards that should be followed in this context are:

- the registered manager may be appointed as an agent for a service user only where no other individual is available.

In this case, the manager ensures that:

- the registration authority is notified on inspection
- records are kept of all incoming and outgoing payments for each individual.

The Care Quality Commission (CQC) inspects homes and should make sure that these standards are being met.

In Wales

The Welsh Government has issued minimum standards for care homes under section 23 of the *Care Standards Act 2000*. These are set out in the document, 'National Minimum Standards for Care Homes for Older People'.

Standard 30 within the document contains equivalent information to that outlined above for England.

All registered care home providers must adhere to these standards. The Care and Social Services Inspectorate Wales (CSSIW) inspects homes and should make sure that the minimum standards are being met.

11.2 The role and responsibilities of an appointee

Appointees 'stand in the shoes' of the claimant under the benefit regulations and can sign forms, make appeals and generally deal with the benefits claim as if it was their own. Even though the claimant may not be able to deal with the claims process it is important that they are involved as much as possible with decisions about how to spend their money.

All money collected by the appointee must be used for the sole benefit of the claimant for whom they are acting. Unless instances of misuse are brought to its notice the Jobcentre Plus or Pension Service is unable to monitor that the arrangement is working to the claimant's benefit, or ensure that the claimant is receiving the full allowance.

The appointee is responsible for:

- finding out about your entitlements and benefits
- letting people know about any change in your circumstances
- arranging for any overpayments to be paid back.

Being an appointee lasts until the person is well enough to take back control of their finances. Any party (you, the appointee, or the office dealing with the payments) can end the arrangement.

Dealing with capital

An appointee does not have the authority to deal with the capital or other income belonging to the incapacitated person. Unspent pension and benefits may constitute capital, even if held in the name of the appointee. The appointee may not have full legal authority to deal with it and other options may have to be considered.

It is unlikely that an appointee would need to apply to the Court of Protection if they held a 'reasonable sum' of accrued savings. The Court has indicated that it would regard a reasonable sum as being equivalent to one month's accommodation costs, and around £500 cash float to meet unforeseen emergencies.

Complaints and concerns about appointees

If you are concerned that an appointee is abusing their position or is not acting in the person's best interests, you should contact the relevant DWP agency. This will either be Jobcentre Plus or the Pension Service, depending on the type of benefits received.

11.3 The application process

Only one person can act as an appointee. The prospective appointee will need to contact different agencies depending on the benefit to apply. There is a different process for tax credits. The DWP will then arrange to visit and interview the applicant to make sure they are a suitable person and to confirm that an appointee is needed. At the interview, the applicant also fills out an appointee application form (Form BF56). If the DWP agrees with the application, the appointee will be sent Form BF57 confirming that they have been formally appointed to act for the claimant. They are not an appointee until this happens. Once the appointee is authorised, the DWP will continue to monitor the situation to make sure it is still suitable for you and the appointee. Further information can be obtained from the following link: www.gov.uk/become-appointee-for-someone-claiming-benefits

Information about the DWP can also be accessed on the GOV.UK website.

12 Independent Mental Capacity Advocates

The *Mental Capacity Act 2005* created a new service called the Independent Mental Capacity Advocate (IMCA) service. This is a service to support and represent people who lack capacity to make important health and welfare decisions themselves and who have no family or friends who are willing and able to be consulted about the decision.

An IMCA is an independent person who must have the relevant experience and training for the role.

The role of the IMCA is to:

- support and represent the person who lacks capacity when it is being decided what is in their best interests

- find information to help assess what is in the person's best interests. This could be information about their feelings, values and beliefs; or it could mean finding out if there is any way of helping the person to make or communicate their own decision
- challenge decisions which may not be in the best interests of the person.

An IMCA must be instructed if a decision has to be made about:

- serious medical treatment or
- a long-term stay in hospital or a care home (long term means longer than 28 days in hospital or eight weeks in a care home) or
- a move to a different hospital or care home.

An IMCA may be consulted in relation to decisions concerning care reviews or in adult protection cases.

If a decision is needed urgently, it may not be possible or appropriate to instruct an IMCA. If the urgent decision relates to a move of accommodation, an IMCA must be instructed as soon as possible after the move.

It is the local authority or NHS organisation providing the person's care or treatment that is responsible for instructing the IMCA. They must take into account the representations and information provided by the IMCA when deciding what is in the person's best interests.

The IMCA service is only generally appropriate for people who have no one else to support or represent them (other than paid staff). If someone has family or friends who are willing to be consulted, has set up a health and welfare LPA or has a Court-appointed deputy, it would not be necessary for an IMCA to be instructed. However, an IMCA's could also possibly be involved in decisions concerning adult protection even where the person has friends or family to consult.

13 Some references to mental capacity within the *Care Act 2014*

Note: This section applies to England only.

The statutory guidance supporting the *Care Act 2014* links the new wellbeing principle set out within section 1 of the Act to the *Mental Capacity Act 2005* 'best interest' principles when, at 1.14 (a), it notes the:

> importance of beginning with the assumption that the individual is best-placed to judge the individual's wellbeing. Building on the principles of the Mental Capacity Act, the local authority should assume that the person themselves knows best their own outcomes, goals and wellbeing. Local authorities should not make assumptions as to what matters most to the person.

A new independent advocate right has similarities with the IMCA right discussed in section 12 of this factsheet.

14 Deprivation of Liberty Safeguards

New measures came into force in April 2009 relating to people who lack mental capacity to make decisions on, or give consent to, the arrangements for their care and treatment and who are deprived of their liberty in a care home or hospital.

The new legislation aims to provide safeguards to ensure people are only deprived of their liberty where this is necessary for their own safety, and to provide the care and treatment they need, and where a lawful procedure has been followed to authorise this. It also provides people with access to a court to challenge their detention.

In England, the Care Quality Commission has been given a duty to monitor professional practice standards relating to the Deprivation of Liberty Safeguards (DoLS).

In Wales, both the Care and Social Services Inspectorate Wales (CSSIW) and the Health Inspectorate Wales (HIW) are responsible for monitoring the use of the DoLS in the respective areas they cover. CSSIW and HIW publish an annual joint monitoring report on the DoLS. See section 16 for their contact details.

See Age UK's Factsheet 62, *Deprivation of Liberty Safeguards* for full details.

15 Local authority complaints, safeguarding and regulatory bodies

If you or the person that you are representing as an advocate is not satisfied with a local authority service, and the issues cannot be informally resolved, you can make a complaint to the local authority. The local authority must publish details of its complaints procedure, provide appropriate support and assistance to a complainant and respond to the complaint promptly.

Local authorities are also responsible for receiving and coordinating responses to safeguarding and abuse allegations. They must also uphold human rights and equalities law and guidance.

In England

A service user who is self-funding, for example if they are living in a care home, can complain to the Local Government Ombudsman (LGO).

As the sector standards regulator, the Care Quality Commission (CQC) can be contacted about any of its registered health and social care service providers. It has a wide range of powers and a duty to respond to new information in an appropriate and timely manner. However, it does not generally deal with individual complaints in the manner required by a local authority or NHS service provider.

See Age UK's Factsheet 59, *How to resolve problems and complain about social care* and Age UK's Factsheet 78, *Safeguarding older people form abuse.*

In Wales

A service user who is self-funding, for example if they are living in a care home, can complain to the Public Services Ombudsman for Wales. Also, the Ombudsman can be contacted in regard to complaints to the local authority, if the complainant has pursued the issue with the authority, but is not satisfied with the way it has been handled.

There are two standards regulators in Wales – the Care and Social Services Inspectorate Wales (CSSIW) and the Healthcare Inspectorate Wales (HIW).

CSSIW regulates social services and social care providers (for example, care homes or domiciliary care agencies), whilst HIW regulates healthcare services (both NHS healthcare and independent healthcare organisations). Both organisations can be contacted in regard to any of the registered social care or health service providers which they regulate. CSSIW and HIW have a wide range of powers and a duty to respond to new information in an appropriate and timely manner. However, they do not generally deal with individual complaints in the manner required by a local authority or NHS service provider.

For further information see Age Cymru's Factsheet 41w, *Local authority assessment for community care services in Wales*, which contains a section on making a complaint to a local authority about a social care service. If you wish to complain about an NHS service, see Age Cymru's, *Factsheet 66w Resolving problems and making a complaint about NHS care in Wales*. Finally, Age Cymru's Factsheet 78w, *Safeguarding older people in Wales from abuse*, has further information on the role of local authorities in coordinating responses to safeguarding and abuse allegations.

16 Human rights and equality

The *Equality Act* came into force on 1 October 2010, consolidating a wide range of equalities legislation into one statute. As part of the Act, a new Public Sector Equality Duty became law in April 2011 requiring public authorities, such as adult social services departments, to eliminate unlawful discrimination, promote equal opportunities and equality between protected groups. ‘Age’ is one of the protected groups listed within the 2010 Act. In October 2012, age discrimination against adults related to the provision of services and public functions, including health and social care, became illegal.

Under the 2010 Act, it is unlawful to discriminate unless a practice is covered by an exception from the ban or good reason can be shown for the differential treatment. This is known as 'objective justification'. However, there are no specific exceptions to the ban on age discrimination for health or social care services. This means that any age-based or related practices by the NHS and social care organisations must now be able to be objectively justified to ensure their legality.

The 2010 Act compliments service users’ rights and protections set out in the *Human Rights Act 1998,* the duties of service providers who are registered with the Care Quality Commission (or CSSIW or HIW in Wales) and of the local authority if it is involved. All local authorities must act to uphold the *Human Rights Act 1998.*Any interference with a right must be lawful, justifiable and proportionate. Proportionality means that all lesser alternative interferences must have been considered, discussed and tried, if possible. Certain human rights are absolute and cannot be interfered with. These principles also mirror the protections within the Deprivation of Liberty Safeguards, which are discussed in section 13.

17 Useful organisations

Action on Elder Abuse (AEA)

Works to protect and prevent the abuse of vulnerable older adults. AEA offer a UK wide helpline, open every weekday from 9am to 5pm. The helpline is confidential and provides information and emotional support in English and Welsh.

Action on Elder Abuse, PO Box 60001, Streatham, London SW16 6BY
Helpline: 080 8808 8141 (free phone)
Website: www.elderabuse.org.uk
Email: enquiries@elderabuse.org.uk

Alzheimer's Society

Campaigns for and provides support to people affected by all types of dementia and their relatives and carers. There are local branches across the UK.

Devon House, 58 St Katherine's Way, London E1W 1LB
Helpline: 0300 222 11 22
Tel: 020 7423 3500
Website: www.alzheimers.org.uk
Email: enquiries@alzheimers.org.uk

British Banking Association

Provides guidance for bank staff on banking for mentally incapacitated and learning disabled customers.

Tel: 020 7216 8800
Website: www.bba.org.uk

Care and Social Services Inspectorate Wales (CSSIW)

The CSSIW oversees the inspection and regulation of care and social services in Wales.

Tel: 0300 7900 126
Email: cssiw@wales.gsi.gov.uk
Website: www.cssiw.org.uk

The Care Quality Commission

The independent regulator of adult health and social care services in England, whether provided by the NHS, local authorities, private companies or voluntary organisations. Also protects the rights of people detained under the Mental Health Act.

CQC National Correspondence, Citygate, Gallowgate, Newcastle upon Tyne, NE1 4PA
Tel: 03000 616 161 (free call)
Website: www.cqc.org.uk

The Court of Protection

The Court of Protection (COP) was created under the Mental Capacity Act 2005. It makes decisions, and appoints other people to make decisions, for people who lack the capacity to do this for themselves. These decisions relate to the property and affairs, and healthcare and personal welfare of adults (and occasionally children) who lack capacity.

Court of Protection, PO Box 70185, First Avenue House, 42-49 High Holborn, London, WC1A 9JA
Tel: 0300 456 4600
Email: courtofprotectionenquiries@hmcts.gsi.gov.uk
Website: www.justice.gov.uk/courts/rcj-rolls-building/court-of-protection

Department of Health

Publishes guidance for healthcare and social care staff in England and is the government department with responsibility for the IMCA service (if you live in Wales, see the entry for 'Welsh Government' below).

Website: www.gov.uk/government/organisations/department-of-health

Healthcare Inspectorate Wales (HIW)

The HIW is the independent inspector and regulator of NHS healthcare and independent healthcare organisations in Wales. Also protects the rights of people detained under the Mental Health Act.

Tel: 0300 062 8163
Website: www.hiw.org.uk

Mental Health Foundation

Provides information for anyone affected by mental health problems, including guidance on the Mental Capacity Act.

Colechurch House, 1 London Bridge Walk, London, SE1 2SX
Tel: 020 7803 1100
Website: www.mentalhealth.org.uk

MIND (National Association for Mental Health)

The leading mental health charity for England and Wales.Their information unit offers support for people in mental distress and their families plus referral to local associations that provide services such as counselling projects, self-help support groups, drop-in centres and other services. Legal advice is also available.

15-19 Broadway, Stratford, London E15 4BQ
Advice line: 020 8519 2122
Mindinfo line: 0300 123 3393
Website: www.mind.org.uk

Ministry of Justice

This government department has responsibility for the *Mental Capacity Act 2005.*

Website: www.justice.gov.uk

Office of the Public Guardian

Office of the Public Guardian, PO Box 16185, Birmingham, B2 2WH
Tel: 0300 456 0300
Website: www.publicguardian.gov.uk

Official Solicitor and Public Trustee Office

Represents minors and adults under legal disability in County Court, High Court or Court of Protection in England and Wales.

Official Solicitor and Public Trustee, Victory House, 30-34 Kingsway, London, WC2B 6EX
Website: www.justice.gov.uk/about/ospt

Solicitors for the Elderly

Produces a booklet for solicitors that gives details about financial abuse and actions solicitors can take if they have concerns. Called *A strategy for recognising, preventing and dealing with the abuse of older and vulnerable people*, it is available on their website.

Solicitors for the Elderly, Suite 17, Conbar House, Mead Lane, Hertford, Herts, SG13 7AP
Tel: 0844 567 6173
Website: www.solicitorsfortheelderly.com

Welsh Government

The devolved government for Wales. Has overall responsibility for publishing guidance for healthcare and social care staff in Wales and for the IMCA service.

Tel: 0300 060 3300 (English) or 0300 060 4400 (Welsh)
E-mail: CustomerHelp@Wales.GSI.Gov.UK
Website: www.wales.gov.uk

18 Further information from Age UK

Age UK Information Materials

Age UK publishes a large number of free Information Guides and Factsheets on a range of subjects including money and benefits, health, social care, consumer issues, end of life, legal, employment and equality issues.

Whether you need information for yourself, a relative or a client our information guides will help you find the answers you are looking for and useful organisations who may be able to help. You can order as many copies of guides as you need and organisations can place bulk orders.

Our factsheets provide detailed information if you are an adviser or you have a specific problem.

Age UK Advice

Visit the Age UK website, www.ageuk.org.uk, or call Age UK Advice free on 0800 169 65 65 if you would like:

- further information about our full range of information products
- to order copies of any of our information materials
- to request information in large print and audio
- expert advice if you cannot find the information you need in this factsheet
- contact details for your nearest local Age UK

Age UK

Age UK is the new force combining Age Concern and Help the Aged. We provide advice and information for people in later life through our, publications, online or by calling Age UK Advice.

Age UK Advice: 0800 169 65 65
Website: www.ageuk.org.uk

In Wales, contact:
Age Cymru: 0800 022 3444
Website: www.agecymru.org.uk

In Scotland, contact Age Scotland
by calling Silver Line Scotland: 0800 470 8090
(This line is provided jointly by Silver Line Scotland and Age Scotland.)
Website: www.agescotland.org.uk

In Northern Ireland, contact:
Age NI: 0808 808 7575
Website: www.ageni.org.uk

Support our work

Age UK is the largest provider of services to older people in the UK after the NHS. We make a difference to the lives of thousands of older people through local resources such as our befriending schemes, day centres and lunch clubs; by distributing free information materials; and taking calls at Age UK Advice on 0800 169 65 65.

If you would like to support our work by making a donation please call Supporter Services on 0800 169 87 87 (8.30 am–5.30 pm) or visit www.ageuk.org.uk/donate

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