Factsheet 22

Arranging for someone to make decisions on your behalf

August 2026

About this factsheet

This factsheet looks at how you can arrange for other people to make decisions about your finances and health and care if you think you may lose the mental capacity to do this in the future. This is usually family members or friends, but it can be a professional such as a solicitor.

It explains how you can create a Lasting Power of Attorney (LPA) whilst you still have mental capacity. A deputyship grants similar powers and can be applied for on your behalf if you lose mental capacity and cannot make an LPA. A person can become an Appointee to deal with your social security benefits.

There is information about how people must act in your *'best interests'* for decisions about care or treatment if you lack mental capacity and related duties to appoint you an advocate if you have no one to support and represent you.

The roles of the Court of Protection and Office of the Public Guardian are explained. These bodies oversee the system of attorneys and deputies under the *Mental Capacity Act 2005*.

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

The information in this factsheet is applicable in England and Wales. If you are in Scotland or Northern Ireland, please contact Age Scotland or Age NI. Contact details can be found at the back of this factsheet.

Contact details for any organisation mentioned in this factsheet can be found in the *Useful organisations* section.

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1 Information sources

This factsheet is based on the *Mental Capacity Act 2005* (*'the Act'*) and the *Mental Capacity Act 2005 Code of Practice* (*'the Code'*). The Act must be adhered to, and the Code taken into account as guidance, when decisions are made on behalf of someone who lacks mental capacity.

This factsheet is also based on information and guidance provided by the Office of the Public Guardian and the Court of Protection.

2 What is mental capacity?

Mental capacity is about your ability to make a decision. It relates to your ability to make a particular decision at the time the decision needs to be made, rather than your ability to make decisions in general. This is because you might have mental capacity for some decisions, but not others, or capacity to make a decision at one time, but not another.

In deciding whether you lack mental capacity for a particular decision at the time it needs to be made, the Act sets out a test.

The test of mental capacity

You must be unable, because of an impairment or disturbance in the functioning of your mind or brain, to do at least one of the following:

- understand the information relevant to the decision
- retain that information long enough to make a decision
- weigh up or evaluate information to make a decision, or
- communicate the decision – via all possible means.

You must not be treated as lacking mental capacity for a decision unless this can be proven, using the test above.

Under the Act, anyone who claims you lack mental capacity must be able to show, on the balance of probabilities, that you lack mental capacity for the particular decision at the time it needs to be made. Balance of probabilities means being able to show that it is more likely than not that you lack mental capacity for the decision in question.

You must not be treated as lacking mental capacity for a decision based simply on your age, appearance, behaviour, or any condition you have. For example, you must not be treated as lacking capacity simply because you are an older person, or because you have a condition such as dementia.

You must be appropriately supported in any assessment of your mental capacity. People acting on your behalf should not assume that you lack mental capacity for any particular decision and should always try to support you to make any necessary decisions as far as is practicable.

2.1 Mental capacity principles

The Act contains five fundamental principles that must be followed when someone else intends to make a decision on your behalf.

- **Right to make your own decisions and presumption of capacity** – Having mental capacity means you have the right to make your own decisions. You are assumed to have mental capacity, unless there is proof you do not, using the test above.
- **Support to make your own decisions** – Every effort should be made to help you make the decision before it is concluded you cannot do so. There might be a way to explain information that is easier for you to understand, or a place where you feel more at ease. You might want someone who is known and trusted by you to be present when the decision needs to be made. You should be given as much information as you need to make the decision.
- **Unwise or eccentric decisions** – People who know you or professionals like your doctor or social worker might express a view about a particular decision, but you have the right to decide what is best for you. You should not be treated as lacking mental capacity because people think your decision is unwise or eccentric.
- **Decisions must be made in your best interests** – See section 2.3 for more information on '*best interests*'.
- **Least restrictive option** – Anyone making a decision on your behalf should consider all options and choose the one least restrictive of your basic rights and freedoms.

2.2 Who decides whether I have mental capacity?

This depends on the sort of decision that needs to be made and the situation. The Code says it is usually the person who is directly involved with you at the time of the decision.

Common examples include:

- If you require social care and support, the local authority social services team may assess whether you have mental capacity to agree to care arrangements being made for you.
- If you are in hospital, the doctor or another health care professional must assess your mental capacity to consent to treatment.
- Your attorney or deputy must decide whether you have mental capacity to make a decision or whether they must make the decision for you.
- When making a will or setting up a Lasting Power of Attorney, your solicitor must assess whether you have mental capacity to instruct them.

Whoever decides must follow the Act's principles. No one can conclude you lack mental capacity, unless they can prove you are unable to make the particular decision, at the time the decision needs to be made.

2.3 Deciding in your best interests

If you lack mental capacity, any decision made, or action taken, on your behalf **must** be in your '*best interests*'.

There is no set meaning of best interests, because everyone is different. The person deciding for you must recognise that your best interests might not be the same as someone else's. Anyone deciding what is in your best interests must:

- **Consider all the relevant circumstances** – the relevant circumstances will depend on the particular decision. For example, a decision about medical treatment will need include consideration of the judgement of the health professionals responsible for the specific treatment in question.
- **Let you take part in the decision** - do whatever possible to permit and encourage you to take part, or to improve your ability to take part, in making the decision.
- **Find out your views** - try to find out your views, including past and present wishes and feelings, whether expressed verbally, in writing, or through behaviour or habits; any beliefs and values (e.g. religious, cultural, moral or political) likely to influence the decision; and other factors you would consider if making the decision or acting for yourself.
- **Consult family, friends or others with an interest in your welfare** - for their views about your best interests and what is important to you, unless there is a good reason not to. This includes someone appointed under a Lasting or Enduring Power of Attorney, or your deputy.
- **Respect confidentiality** - note also, when people are consulted about the decision, you have a right to keep your affairs private, so it is not right to share every piece of information with everyone.
- **Avoid restricting your rights** - see if there are other options that may be less restrictive of your rights.
- **Avoid discrimination** - not make assumptions about your best interests simply on the basis of your age, appearance, condition, or behaviour.
- **Assess whether you might regain capacity** - consider whether you are likely to regain capacity (e.g. after receiving medical treatment). If so, can the decision wait until then?
- **If the decision concerns life-sustaining treatment** - not be motivated in any way by a desire to bring about your death. They should not make assumptions about your quality of life.

For decisions about serious medical treatment or a long-term stay in a care home or hospital, an Independent Mental Capacity Advocate must be appointed to support and represent you if there is no one appropriate to consult other than those caring for you in a paid or professional capacity.

See section 7 for more information on advocates.

2.4 Who decides in my best interests?

The person making a decision in your best interests is usually someone directly involved with you at the time the decision needs to be made. The Code says many different people may be required to make a decision if you lack capacity. Whoever makes the decision for you must be able to show they are acting in your best interests. Common examples include:

- an attorney or deputy making a financial or care decision they have been appointed to make
- a carer making a day-to-day decision about your care and support
- your doctor or the local authority social services if a decision needs to be made about health treatment or care arrangements, unless you have an attorney or deputy appointed to make these decisions, or you have made an advance decision to refuse medical treatment.

3 Lasting Power of Attorney

If you want someone to act for you if you lose mental capacity in the future, you can create a '*Lasting Power of Attorney*' (LPA). This is a legal document appointing one or more people to act for you if you lose mental capacity. If you do this, you are called '*the donor*' and the person acting for you is called '*the attorney*'.

LPA's are a legal power introduced by the Act to replace the previous Enduring Powers of Attorney (EPA). You cannot set up a new EPA, but EPA's set up before 1 October 2007 are valid and can still be registered (see section 4).

An LPA cannot be created unless you have mental capacity to understand its nature and effect. There are two types of LPA:

- '***financial decisions LPA***' gives your attorney authority to make decisions about your financial affairs, including property.
- '***health and care decisions LPA***' gives your attorney authority to make decisions about your health, care and welfare (such as where you live).

When creating a financial decisions LPA, you can choose to allow your attorney to make decisions while you still have mental capacity. If you later lose capacity, they can continue to act for you. Alternatively, you can choose to only allow your attorney to act once you have lost capacity.

The health and care decisions LPA can only be used once you lose capacity to make the relevant decisions.

There are separate forms to apply. If you want your attorney to have the power to make both types of decision, you need two separate LPAs, even if the same person or people are appointed for both.

An LPA must be registered with the Office of the Public Guardian before it can be used. See section 3.5 for more information.

3.1 Choosing attorneys

An attorney must always act in your best interests and within the authority granted to them. You can pick more than one person to be your attorney. They must be aged 18 or over.

For a **financial decisions LPA**, an attorney:

- must not be bankrupt, or subject to a debt relief order at the time the LPA is made
- can be an individual or a trust corporation (e.g. part of a bank)
- should not be a paid care worker, unless there are unusual circumstances e.g. they are your only close relative
- must not be on the Disclosure and Barring Service list, unless they are a member of your family and will not be paid to be your attorney.

For a **health and care decisions LPA**, the requirements are the same except the bankruptcy and debt rule does not apply and the attorney must be an individual.

Things to think about

Choosing an attorney is a vital decision, and you need to think carefully about who to give the power to. Useful questions to think about include:

- Are the people you wish to appoint willing to be appointed?
- Can you trust them to act in your best interests?
- Might there be disagreements or problems between friends or family?
- Would it be a good idea to talk to family and tell them what you plan and why?
- Do you want to consider more than one attorney?
- Do you want to name a replacement attorney to take over from the original attorney if needed (for example, if the original attorney dies)?
- If you are making both kinds of LPA, do you want to appoint different attorneys for financial decisions and health and care decisions?
- Do you wish to limit the attorney's authority?

You can put limits on the attorney's authority by including instructions in your LPA. See section 3.4.2.

Points to consider for a **financial decisions LPA** include:

- Do you want to ask your attorney(s) to provide you with details of expenditure and income? If you lose capacity, the accounts can be sent to your solicitor or a member of your family.
- Do they handle their own money well?
- Do you think they understand your wishes and feelings about how you would spend your money?

Points to consider for a **health and care decisions LPA** include:

- Does your attorney know you well enough to take your views about health and care 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 about your health and care?

Separation from spouse or civil partner

If the attorney is your spouse or civil partner, the LPA automatically ends if your marriage or civil partnership is dissolved or annulled, unless you expressly state in the LPA it is to continue in these circumstances, or you have named a replacement attorney, or there is another attorney acting jointly and severally.

3.2 Appointing more than one attorney

Any number of attorneys may be appointed in the same LPA. You need to decide and say in the LPA whether attorneys are to act:

- **jointly** (together on all matters) or
- **jointly and severally** (can act together or separately, as they choose) or
- **jointly for specific decisions** (such as selling a house), and **jointly and severally for all other decisions.**

Think carefully about choosing for your attorneys to act jointly for some or all decisions. As all attorneys must be in agreement for joint decisions, they will not be able to act for you if they cannot agree.

Replacement attorneys

You can also appoint one or more replacement attorneys, who can act if an original attorney is permanently unable or no longer wants to make decisions on your behalf. This can be an important protection for your LPA, as having replacement attorneys means that your LPA will still work if an original attorney is unable or unwilling to act for you.

3.3 The certificate provider

An LPA must be signed by someone who confirms that, in their opinion, you understand what you are doing, no one is forcing you to make an LPA and there is no fraud involved or other reason for concern. They are called the '*certificate provider*'.

They must be someone you have known personally for at least two years, or a professional with relevant skills to provide the certificate. If the certificate provider is a professional, it does not matter how long they have known you. You may need to pay a professional certificate provider.

A professional certificate provider can be a GP or other healthcare professional, solicitor, social worker, Independent Mental Capacity Advocate, or anyone else with the necessary expertise.

Your partner and family members are excluded from being a certificate provider, including:

- children, grandchildren, parents and grandparents
- brothers and sisters
- aunts and uncles
- nieces and nephews
- in-laws and step relatives.

The following people also cannot be certificate providers:

- an attorney or replacement attorney named in this LPA or any other LPA or EPA for the donor
- a member of your attorney or replacement attorney's family
- a partner of your attorney or replacement attorney
- a business partner, paid employee of yours, or any of your attorneys or replacement 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 a financial decisions LPA.

The certificate provider should discuss relevant matters with you and make sure you are aware that:

- the attorney can 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 lose capacity and cannot supervise their actions
- if you lose mental capacity, the LPA cannot be revoked without an order of the Court of Protection.

The certificate should establish whether you understand:

- what an LPA is and why you want to make an LPA
- who you are appointing as your attorney(s) and why
- what powers you are giving your attorney(s).

As capacity is decision specific, it is possible that you have capacity to create an LPA, but lack capacity to make the decisions you want your attorney(s) to make on your behalf. If so, the validity of the LPA is not affected.

3.4 How to set up an LPA

3.4.1 Do I have to use a solicitor?

You do not have to use a solicitor to create an LPA. You can obtain application forms from the Office of the Public Guardian (OPG) and complete them yourself using the accompanying guidance. You can also fill them in online, but you need to print out the forms to sign them. Contact the OPG helpline if you have questions.

For a detailed guide, see OPG documents LP12, *Make and register your lasting power of attorney – a guide*, and *Avoiding errors when completing a lasting power of attorney form*. If an incorrect application is made, you may incur fees, see below.

Alternatively, you can pay a solicitor to complete the form for you. Solicitors' fees for creating an LPA vary and you may want to contact a few to compare their fees and the service they offer.

3.4.2 LPA application forms

There are specific forms that must be used to set up an LPA. For a **financial decisions LPA**, the form is LP1F. For a **health and care decisions LPA**, the form is LP1H. Each form has an application to register the LPA form within it. You can register an LPA at any time.

The forms, notes and guidance for registering an LPA are available from the OPG website. Paper copies can be requested via the OPG helpline.

The registration fee is £92 for each LPA. Make sure all required sections are completed.

If you make an error that makes the LPA invalid, it cannot be registered by the OPG and the form is returned. The LPA can be resubmitted for a fee of £46, as long as this is done within three months. If the error is minor, the fee may not apply.

Attorneys, restrictions, and people to be notified

The forms have sections in which you set out how you are going to appoint people to make decisions for you. This is where you specify the people who you want to be your attorneys and how they are to act for you. You can include instructions which your attorneys must follow when acting for you, and preferences which are things you would like them to take into account.

You can choose specific people to be notified when an application for LPA registration is made. Once named, these people have the right to object to an LPA registration when notified, for example, if they think you have been put under undue pressure to create it.

You can choose up to five people. They should know you well enough to identify issues that might prevent the LPA registration, for example, friends or relatives, or a healthcare worker who knows you relatively well.

Preferences and instructions

The LPA application form has a section titled '*Preferences and instructions*'. '*Preferences*' are what you would like your attorney(s) to think about when making decisions for you, but do not need to be followed. '*Instructions*' must be followed exactly as you have written them.

LP12 *Make and register your lasting power of attorney a guide* has information and examples, including how to avoid instructions and preferences that make an LPA unworkable. Examples of preferences include '*I'd like my pets to live with me for as long as possible – if I go into a care home, I'd like to take them with me*'.

For a Health and Care LPA, an example instruction includes: '*My attorneys must not decide I am to move into residential care unless, in my doctor's opinion, I can no longer live independently.*'

An example instruction for financial decisions includes: '*My attorneys must not sell my home unless, in my doctor's opinion, I can no longer live independently'*.

An instruction may be necessary for a financial decisions LPA where you have investments in a discretionary investment management scheme, or you want your attorney(s) to use such a scheme. If this affects you, seek legal advice.

If you are paying your attorney fees to act for you, these should be specified in the instructions section of the LPA form. If you have made an advance decision, note this in the instructions.

You can leave this section blank. You can just talk to your attorney(s) and explain how you would like them to act for you.

3.4.3 Signing the LPA form in the correct order

Once the LPA form is complete, it must be signed in the correct order. As the donor, you must sign first, followed by the certificate provider. Your attorney(s) must sign last.

The donor's signature

Section nine of the form is signed by you, as the donor. If you are making a health and care decisions LPA, you must sign section five of the form first. Also sign continuation sheets one and two, if used, before signing section nine. Once section nine is signed, you are forming a legal agreement with your attorney(s).

Your signature must be witnessed. The witness cannot be your attorney or replacement attorney and must be aged 18 or over. If you cannot sign or mark the form, you can choose someone else to sign for you. The person signing on your behalf must have their signature witnessed by two independent witnesses (not the attorney(s)).

The certificate provider

Section 10 is signed by the certificate provider. They confirm that, in their opinion, you understand the purpose and effect of the LPA, you have not been put under undue pressure to create it, and there is no fraud involved or other reason for concern.

The certificate provider must discuss the LPA with you. If possible, this should not in the presence of the prospective attorney(s) or other people, to make sure you fully understand the effects of signing it.

If the certificate provider has concerns, for example, they believe you are being pressured into making an LPA, they should not sign the LPA and should raise this with the local authority safeguarding team. If the validity of the LPA is later challenged, the certificate provider may need to explain to the Court of Protection why they believed there was no cause for concern when the LPA was made.

The attorney's statement

Section 11 is signed by your attorney(s), confirming they understand and accept their duties under the LPA. Their signature must be witnessed. The witness must be aged 18 or over and cannot be the donor.

3.5 Registration of the LPA

You can register the LPA while you still have mental capacity for decisions. You can do this immediately after making it, or later on. If you lose mental capacity before the LPA is registered, the attorney registers it for you. Waiting until you lose mental capacity can cause delays.

Attorneys cannot act until the registration is completed, which is likely to take several weeks. This can cause problems if immediate actions are needed, such as paying care home fees. It may be necessary to apply for a Court of Protection order so your affairs can be dealt with, until an LPA is registered. Another reason for registration while you have mental capacity is because if errors are discovered, you can correct them and create a valid LPA.

Use section six of the LPA form to name anyone you want to be notified of the LPA being registered, so they can raise concerns if needed. They may do this, for example, if they believe your LPA has been made as a result of undue pressure or fraud, or they believe the attorney will not act in your best interests. The Court of Protection and OPG can prevent an LPA being registered. The person registering the LPA must use form LP3 to notify anyone named in section six.

Section 13 of the application form allows you to choose who the LPA is sent to once it is registered. The person you choose is also the person the OPG contacts if there are any questions about your application.

A fee of £92 is payable to register each LPA. If you register both a health and care decisions LPA and a financial decisions LPA, you pay £184.

After registration

The LPA form is returned, having been registered by the OPG. Once received, it is a valid LPA.

A financial decisions LPA can be used immediately, with your permission, unless you have specified it can be used only if you lose mental capacity. A health and care decisions LPA can only be used if you lack the capacity to make decisions yourself.

See section 2.2 for information about how it is decided whether you have mental capacity for a particular decision.

3.6 Multiple LPA's

There may be circumstances where you wish to make more than one of the same type of LPA. For example, a financial decisions LPA for your personal affairs and another financial decisions LPA for your business affairs. However, it is important to consult OPG guidance and to seek independent advice to avoid unforeseen complications.

3.7 Help with LPA fees

You may be exempt from paying the registration fees, or you may be able to apply for a *'remission'* (reduction) of the fee.

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

- Pension Credit Guarantee Credit
- Council Tax Reduction/Support
- Housing Benefit

If you do not meet the requirements for an exemption, you may qualify for fee remission if you are on a low income. If your gross annual income is £12,000 or less, you may be eligible for a 50 per cent fee remission. If you receive Universal Credit, you only qualify for a fee remission if your gross annual income is £12,000 or less.

To apply for an exemption or remission, complete form LPA120 and submit this with your supporting evidence at the same time as you send your LPA for registration.

Hardship – OPG discretion

If you do not qualify for a fee exemption or remission, the OPG has discretion to waive the fee if payment would cause you hardship. You apply using form LPA120 and send this at the same time as registering your LPA.

3.8 The role and responsibilities of an attorney

Once you start using your powers as an attorney under a valid LPA, you may have to answer to the OPG or the Court of Protection if anyone expresses concerns that you might not be acting in the donor's best interests. 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 Act and have regard to the guidance in the Code
- make decisions in the best interests of the donor (see section 2.3)
- only make decisions you have authority to make under the LPA. You must comply with any instructions specified in the LPA, and take into account any preferences the donor has specified
- not take any advantage to gain benefit for yourself or allow personal interests to conflict with your duties as an attorney
- remember the donor appointed you to decide what is in their best interests and to make the decision on their behalf. You must not delegate your authority to make decisions for the donor to anyone else.

You **must** take all practicable steps to help the donor to make their own decision. You must not treat the donor as lacking mental capacity until all practicable steps to help them make the decision have been taken without success . Steps to help them make a decision include:

- make sure they have all the information needed to make a decision
- make sure information is communicated in the most appropriate way; for example, use simple language, an interpreter, non-verbal communication, or seek assistance from a family member, or someone else who can help with communication
- make them feel at ease by considering the best time of day and location to communicate and considering who they may want to be present.

When deciding what is in a donor's best interests, you should take into account their religious and moral beliefs, how they behaved in the past, and any views expressed about the issue. Consult family, friends and carers where practical and appropriate.

The criminal offence of ill treatment or wilful neglect

Under section 44 of the Act, it is an offence to ill-treat or wilfully neglect a person lacking capacity. This applies to attorneys, Court-appointed deputies and anyone who has the care of a person who lacks mental capacity.

The penalty for conviction for the offence is a fine or imprisonment of up to five years, or both.

Duties of an attorney under a financial decisions LPA

You do not have authority to act on health and care decisions unless you are also appointed under that LPA, although you may be consulted.

- **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 must 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 usually keep all the donor's assets in their name and keep their accounts separately. You need to keep all estimates, invoices, receipts, and vouchers. An attorney may be held liable if the donor's money is not handled responsibly.
- **Gifts** – you can make gifts on customary occasions to people related to or connected to the donor, for example, on the occasion of a birthday or wedding or civil partnership. You can 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, particularly taking into account the size of their estate. If you want to make larger gifts of money or property, for example for Inheritance Tax planning purposes, you must apply to the Court of Protection.
- **Expenses** – if you want to pay your attorney(s) fees, you must specify this as an instruction in the LPA. Professional attorneys (for example, solicitors or accountants) charge for time spent on their duties. You can choose to pay non-professional attorneys for their services, but you must specify the terms of an agreement as an instruction or they can only 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 must be sure they would not be likely ever to return to live there. Contact the OPG if the sale of the property or another valuable item is below market value, or you want to buy it yourself, or give it to someone else. The OPG can advise you whether you need to apply to the Court of Protection to do this.
- **Wills** – you cannot make a will on behalf of the donor. If the donor still has mental capacity, they can make their own will or make an amendment to the existing will (a codicil). Contact the OPG if you are in any doubt about the donor's capacity to do this.

  If a will is needed for someone lacking mental capacity, a '*statutory will*' can be made through the Court of Protection. This can be done if they made a will that needs amending due to a change in circumstances (e.g. the death of the main beneficiary). Contact the OPG if this is necessary.

  If the donor has a will already, it may be appropriate for you to see the will as part of carrying out your duties as attorney. This might apply, for example, if you need to know whether a property was intended to be left to someone else and you are considering selling it. Seek advice from the OPG about accessing the donor's will.

- **Making a grant of representation** – this is a court document confirming a person can deal with someone else's estate as an executor when the other person dies. HM Courts and Tribunals services have confirmed that, if you have capacity, your attorney can obtain this on your behalf if you do not wish to make the application. Your attorney can also do this if you have lost capacity.

  If you do not comply with your duties as an attorney, you may be ordered to pay compensation to the donor for any losses.

Duties of an attorney under a health and care decisions LPA

You do not have authority to act on financial decisions unless you are also appointed under that LPA.

- **Where the donor lives** – you can make decisions on where it is in the best interests of the donor to live, for example, in a care home. You cannot make decisions about selling the donor's house, unless authorised under a financial decisions LPA.

  If the donor is subject to the *Mental Health Act 1983* (MHA), restrictions may apply to decisions about where the donor lives. If the donor is treated for a mental disorder and is detained under the MHA, you cannot make decisions refusing, or consenting to, treatment. If the donor is subject to an MHA *guardianship*, you cannot make decisions about where they live, or any decision that conflicts with decisions the guardian has a legal right to make. For advice about the MHA, contact MIND.

- **Medical treatment** –you can consent to, or refuse, medical treatment on behalf of the donor, unless there are instructions that say you cannot.
- **Life-sustaining treatment** – you must not make decisions about life-sustaining treatment unless the donor has authorised you to do so. The donor must have signed section five of the LPA form (LP1H) giving their consent for you to make such decisions. If you are authorised to make a decision on such treatment, you must not be motivated by a desire to bring about the donor's death. The decision must always be made in their best interests.
- **Advance decisions** – if the donor made an advance decision to refuse treatment, you cannot make a decision relating to the provision of that treatment, unless the LPA was made by the donor after they made the advance decision and they have given you authority to refuse, or consent to, that treatment. This issue is very significant as it may relate to life sustaining treatment. For more information, see Age UK factsheet 72, *Advance decisions, advance statements and living wills*.
- **Wills** – You cannot make a will on behalf of the donor.
- **Marriage**, **civil partnerships and sexual consent** – 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.

3.9 Cancelling the power

You (the donor) can cancel (revoke) an LPA at any time provided you have mental capacity. However, once registered, an LPA cannot be cancelled without an order of the Court of Protection if you lose mental capacity to cancel it yourself. To cancel a registered LPA, you must:

- sign a witnessed *'deed of revocation'* and send it to the OPG. The OPG website and helpline provides information about how to do this
- write to the attorney(s) advising them the document has been revoked.

For financial decisions LPA, tell banks, building societies and institutions where you have money invested that the LPA has been revoked.

3.10 When an LPA ends

Circumstances where an LPA ends include:

- death of the donor
- death or loss of mental capacity of a sole attorney
- in a financial decisions LPA, bankruptcy of the donor or the sole attorney, or the donor or sole attorney becomes subject to a debt relief order
- a sole attorney is married or in a civil partnership with the donor and the relationship legally ends, unless the donor makes an instruction that the attorney can continue acting in these circumstances
- a sole attorney no longer wants to act (known as *'disclaiming')*
- revocation by the donor or the Court of Protection.

If you have appointed one or more replacement attorneys, the LPA may be able to continue if an original attorney is unable or no longer wants to act.

If the donor or an attorney dies, the OPG must be notified and sent the LPA documents. You do not need to send a copy of the death certificate unless the OPG request this or death occurred outside of the UK.

4 Existing Enduring Powers of Attorney

If you have an Enduring Power of Attorney (EPA) set up before 1 October 2007, it is still valid and can be registered. An unregistered EPA can be used with your permission, if you have mental capacity. The EPA must be registered with the OPG if you lose capacity to make decisions about your finances. The registration fee is £92. Forms and guidance can be obtained from the OPG.

If the attorney believes you may be distressed by receiving the notice to register the EPA, the Court of Protection may agree to dispense with the notice to you. Seek advice from the OPG as there may be fees involved in dispensing with the notice.

Revoking an EPA

A registered EPA can only be revoked by the Court of Protection. There is a fee of £421 to apply to the Court for revocation. A fee exemption or reduction may be available.

If you have registered an EPA, you cannot register an LPA of either type unless the EPA is revoked. If you want to register an LPA and you have already made an EPA, seek advice from the OPG about what to do.

If you want to revoke an unregistered EPA, notify the attorney(s) and anyone else aware of it that it is revoked. For example, write to your bank if the EPA was previously used there.

You should also create a legal document called a Deed of Revocation to state the EPA has been revoked. It can help avoid disputes or future uncertainty. You and a witness sign this document and a copy must be given to each attorney. For more on creating a Deed of Revocation, see www.gov.uk/use-or-cancel-an-enduring-power-of-attorney

5 Deputies

The Court of Protection can appoint a deputy to act for you if you lack mental capacity and have not made an LPA or EPA. There are two types of deputy:

- property and financial affairs, and
- personal welfare.

Personal welfare deputies are uncommon. Usually, a deputy of this kind is not needed as health and social care professionals working with you and your family make those decisions, or, if there is serious conflict, the Court of Protection decides. Seek advice from the OPG if you are thinking about making an application for a personal welfare deputy.

Two or more deputies can be appointed to work jointly (they act together on all decisions), or jointly and severally (they can act separately or jointly on any particular decision). The court order explains what decisions the deputy is legally allowed to make. It may require regular reports to the OPG to ensure the deputy is acting in your best interests.

To support this, the deputy should keep a record of any decisions they make, for example:

- how they are spending your money
- changing the care you receive or deciding where you should live.

A deputy must be trustworthy and have the necessary skills to carry out their duties. It is usually a family member or friend, if they are willing to take on the role. The Court can appoint an independent professional deputy such as a solicitor or an officer from the social services department if this is in your best interests.

A deputy must keep copies of documents about decisions they make, including:

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

A deputy must usually complete a report once a year, using a deputy report form.

Anyone thinking of applying to be your deputy should check whether an appointee for benefits could be used to manage your money instead. This applies if your income is solely made up of benefits including the State Pension. See section 6 for more information.

All deputies must comply with the Deputy Standards, published by the OPG at www.gov.uk/government/publications/office-of-the-public-guardian-deputy-standards

5.1 Security bonds for financial affairs deputies

Most deputies must pay a bond to a security bond provider to protect your finances to cover any loss due to their behaviour. If the deputy pays the bond from their own funds, they can reclaim the money from you once they have authority to act. They get a letter from the Court telling them how to do this. The Court determines the level of security required.

5.2 Role and responsibilities of a Court-appointed deputy

A deputy should consult the Code and must follow the principles of the Act and comply with the Deputy Standards. They have a legal duty to:

- always make decisions in your best interests
- take all practicable steps to help you make the decision yourself
- allow you to make the decision if you have the capacity to do so
- only make decisions they are authorised by the Court to make.

The powers granted to a deputy cease on the death of the person lacking mental capacity. A deputy does not have authority to deal with their estate.

5.3 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 application forms provided by the Court. The Court decides whether it is in the person's best interests to appoint a deputy to act for them. The Court also decide whether the applicant is a suitable person to act as deputy. As the application process is complex, it is advisable to seek advice from the OPG or use the guidance available at www.gov.uk/become-deputy

5.4 Fees and fee remission for deputies

Where a prospective deputy for property and financial affairs pays fees from their own funds, the fees can later be refunded from the finances of the person lacking mental capacity. This may also be possible when the deputy is for personal welfare. Seek advice from the OPG.

There is a fee of £421 payable to the Court of Protection when a deputyship application is made. If both types of deputy are applied for, the application fee must be paid twice. There is an additional fee of £259 if the Court of Protection decides your case needs a hearing. Contact the Court of Protection for information about help with the application fee.

A one-off deputy assessment fee of £100 must be paid to the OPG when it receives an order appointing a deputy. It is used to assess the level of supervision they need – General or Minimum. The fees are:

- £320 for the General Supervision fee or
- £35 for the Minimum Supervision fee.

Fees are due annually on 31 March. They are billed in arrears and are calculated on a pro-rata basis if there are part-year supervision changes.

Exemption or remission for assessment and supervision fees

Once a deputy has been appointed, the assessment fee must be paid. The supervision fee is paid at the end of the financial year. Entitlement to help with the fees is based on the circumstances of the person the deputy has been appointed for.

No remission is available for the minimal supervision fee. An application for fee remission or exemption should be made within six months of the fee being due, using form OPG120. The OPG has discretion to grant remissions/exemptions for a three-year period where it is unlikely there will be any changes in financial conditions. Any changes must be immediately reported by the deputy.

Exemption

The same rules for LPA fee exemption apply, with the exception that Universal Credit is included as a qualifying benefit. See section 3.7.

Remission

If your gross annual income is less than £12,000, you are eligible for a 50 per cent fee reduction.

Hardship

If there is no eligibility for remission or exemption but other circumstances are likely to result in financial hardship, an application can be made to have fees waived.

5.5 Interim order while waiting for deputy to be appointed

It may take some time before the application of a deputy is approved. In the meantime, financial decisions cannot be made for the person lacking mental capacity.

If an urgent, one-off decision needs to be made, such as paying outstanding care home fees, an urgent interim order can be applied for. There is no fee for this. Forms can be downloaded from www.gov.uk/emergency-court-of-protection

6 Appointees for benefits

If you lack mental capacity to manage income from social security benefits, the Department for Work and Pensions (DWP) can make someone your '*appointee*' to do this for you. Your benefits are paid to the appointee. There is no fee involved in becoming your appointee. The appointee is usually someone you know, like a close relative or friend. In some cases, the appointee is an organisation, like the local authority ('*corporate appointee*').

An appointee is not needed if you have a financial LPA, an EPA, or deputy, as the person acting for you is authorised to manage your benefits. If you live in a care home, the appointee can be the owner or manager, but only as a last resort.

If you have mental capacity but are physically disabled and cannot manage your benefits income, the DWP may allow you to have an appointee, but this is rare. Generally, if you are capable of managing your financial affairs but need someone to collect your benefit payments for you, see the options in section 9 instead.

Applying to become an appointee

An application to become an appointee needs to be made to the DWP via the helpline for a particular benefit. The person applying must be aged 18 years or over. Someone from the DWP visits you to assess if an appointee is needed. They interview the prospective appointee to make sure they are a suitable person. During the interview, an appointee application form BF56 is completed.

If the DWP agree with the application, the appointee is sent form BF57 confirming they have been formally appointed to act. Once an appointee is authorised, the DWP should monitor the situation to make sure it is still suitable for both of you.

The appointment can be stopped if the appointee does not act properly under the terms of the appointment, or you regain your ability to manage your own benefits, or the appointee becomes incapable of fulfilling the role – they must let the DWP know immediately.

For more information, see: www.gov.uk/become-appointee-for-someone-claiming-benefits

6.1 The role and responsibilities of an appointee

The appointee must:

- sign your benefit claim forms
- use income solely for your benefit, in your best interests
- manage your benefits appropriately, including telling the DWP of any change of circumstances and dealing with any overpayments
- tell the DWP if they need to stop being the appointee. For example, because you regain mental capacity.

Dealing with your income and capital

Your appointee only has the power to deal with your benefits income. An appointee cannot deal with any other assets, savings, or income from other sources.

Unspent pension and benefits can be treated as capital, for example for financially assessed local authority care services. The appointee may not have full legal authority to deal with such issues and other options may have to be considered, for example one-off court order application to the Court of Protection, which avoids the need for a deputyship application.

Complaints and concerns about appointees

If you are concerned an appointee is abusing their position or is not acting in the person's best interests, contact the relevant DWP agency.

7 Independent Mental Capacity Advocates

An Independent Mental Capacity Advocate (IMCA) supports and represents you if you lack capacity to make certain health and care decisions.

You must be appointed with an IMCA where a decision must be made about:

- serious medical treatment, or
- a long-term say in a hospital or a care home (long-term means more than 28 days in hospital or more than eight weeks in a care home), or
- a move to a different hospital or care home for a long-term stay, and
- there is no one appropriate to consult about the decision, other than those providing care or treatment to you in a professional or paid capacity.

An IMCA may be consulted in relation to decisions about care reviews or in safeguarding cases. If the decision relates to safeguarding, an IMCA may be appointed, even if people who know you are available to be consulted.

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

- support and represent you with decisions about your best interests
- find information to help assess what is in your best interests. This can be information about your feelings, values, and beliefs, or finding out if there is a way to help you make or communicate your own decision
- challenge decisions which may not be in your best interests.

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

The local authority or NHS organisation providing your care or treatment are responsible for instructing the IMCA.

They must take into account the representations and information provided by the IMCA when deciding what is in your best interests.

8 Arrangements while you have capacity

Nobody can make decisions on your behalf about your healthcare or personal welfare while you have capacity to make these decisions yourself. However, you can choose to let other people manage and access your finances, even if you have mental capacity for financial decisions.

You can setup an LPA for financial decisions to allow your attorney(s) to make decisions while you still have mental capacity, with your permission. Below are other options you might consider.

8.1 Ordinary power of attorney

An Ordinary Power of Attorney (OPA) is only valid while you still have mental capacity to make your own decisions. An OPA may be appropriate where you need someone to act for you for a temporary period, for example while you are on holiday, or if you want 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, you should consider creating an LPA instead.

An ordinary power of attorney provides the person appointed with a legal document that proves their powers. You can buy an OPA document from a law stationer (some high street stationers 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 OPA last?

Whether the OPA is a general one or is limited, it is only valid while you are capable of giving instructions. It ends if:

- you lose mental capacity to make your own financial decisions 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, or
- the attorney(s) themselves die or lose mental capacity.

8.2 Arrangements for access to your bank account

Direct debits and standing orders

Many banks and building societies offer an easy-to-use basic bank account. Your pension or benefits can be paid directly into these and most accounts let you set up direct debits and standing orders.

A standing order instructs your bank or building society to regularly transfer a fixed amount to another person's account. You control your finances and they cannot access any funds except the transfer amount. The person must have an account to transfer the money into.

A direct debit instructs your bank or building society to allow someone to collect money from your account. They can collect any amount, provided they tell you beforehand of the amount and date it will be collected.

Joint accounts

This gives you and the joint account holder the authority to withdraw all money in that account. This means you do not need to set up any specific instructions. You must be sure you 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 both have a card and a personal identification number (PIN) to allow easy access to the account. The MoneyHelper website has more information about joint accounts, see www.moneyhelper.org.uk/en/everyday-money/banking/joint-accounts

Third party mandate

This is an instruction to your bank or building society to provide access to your account by another person. Ask your bank or building society about their third party mandate policy, which should explain how this works in practice, for example, how the third party can access your account.

This option may suit as a long-term arrangement if you trust the person who has the mandate. The mandate ends if you lose mental capacity to make decisions about your account.

Payment of benefits

The Department for Work and Pensions (DWP) no longer makes payments by giro cheque. There is a *Payment Exception Service*, where DWP sends you a card, a voucher over email, or a text message with a reference number that you can use to collect money from PayPoint outlets. There are PayPoint outlets across the UK, including some newsagents, convenience stores and supermarkets.

You must also show an original document (not a copy) to prove your identity. Acceptable documents include a driving license, a passport, recent utility bill, or a recent letter from the DWP or local authority confirming you receive a benefit.

If you cannot get to a PayPoint and ask someone to do this for you, they must show your card, voucher or text to the person serving them and show an original document proving their and your identity.

If you experience any problems, contact the Payment Exception Service.

8.3 Access to a bank account if you lose mental capacity

A bank may freeze the account of a sole account holder if it becomes aware a customer has lost mental capacity. It may allow access on a one-off basis, while legal authority to act for the customer is sought, such as a Court of Protection order (deputyship/Court Order), or a registered financial decisions LPA, or a registered EPA.

If one holder of a joint bank account loses mental capacity, banks and building societies should use their discretion to decide whether to temporarily restrict the use of the account to essential transactions only (for example, living expenses and medical/residential care bills) until a deputy is appointed or an LPA or EPA is registered.

Once an attorney or deputy can act for the account holder lacking mental capacity, it is usually appropriate to close a joint account because the person's money should generally be kept separate from anyone else's.

There may be other reasons to keep a joint account open, for example where the donor and attorney are a couple and the joint account is long standing.

However, if one member of a couple enters permanent residential care and receives local authority financial support for the placement, it is probably advisable to open separate bank accounts. Seek advice from the OPG if you are unsure how to proceed.

The OPG and British banking bodies publish a leaflet *Guidance for people wanting to manage a bank account for someone else* that has guidance on how banks and building societies should act if one joint account holders loses mental capacity. For more information, see:

www.gov.uk/government/publications/deputy-and-attorney-guidance-dealing-with-banks

8.4 Your attorney or deputy accessing your account

The OPG and British banking bodies say your bank or building society should expect the following information from your attorney or deputy before they allow access to your account:

- evidence of your attorney or deputy's authority to act for you. For example, the original or copy of the LPA or EPA document, stamped on every page by the OPG. For a deputy, a copy or original court order document.
- proof of the name and address of your attorney or deputy and your name and address if the bank or building society do not already have it.

If you have made an LPA, your attorney may also be able to evidence their authority to act for you through the *'Use a Lasting Power of Attorney*' service.

For information, see: www.gov.uk/use-lasting-power-of-attorney

9 The Office of the Public Guardian (OPG)

The OPG is a government organisation for England and Wales. It provides help and support services to attorneys looking after the finances, health and care of people who lack mental capacity. It has a register of LPAs and EPAs. They supervise and keep a register of deputies. They investigate complaints about attorneys or deputies.

Call the OPG helpline on 0300 456 0300 if you need help with making or registering an LPA, making a deputy application, with carrying out your duties as an attorney or deputy, or to raise concerns about an attorney or deputy. In some cases, it may not be necessary to instruct solicitors to deal with the Court of Protection or the OPG as it adds to costs, except where complex legal work such as selling a house needs to be done.

The OPG publishes guidance for people making an LPA, applying to be appointed as deputy and for people acting as attorney or deputy, available at: www.justice.gov.uk/about/opg

Alternatively, phone the OPG to ask if copies can be provided.

9.1 Search the OPG register

You can apply to the OPG to find out if someone has an LPA or EPA registered, or a deputy to act for them. The OPG provides information including the name of the attorney or deputy, the decisions they have been appointed to make and any restrictions applying to their authority.

You can also request additional information, not held on the OPG register. The OPG decides this on a case-by-case basis, meaning your request may be refused.

See: www.gov.uk/find-someones-attorney-deputy-or-guardian

10 The Court of Protection

The Court of Protection protects the rights of people lacking mental capacity. In most kinds of situation, the Court does not need to be involved. The most common example is when the Court needs to appoint a deputy because a person lacking mental capacity has not made an EPA or LPA.

Other situations involving the Court include:

- where there is serious disagreement about mental capacity or best interests that cannot be resolved in any other way
- there is an issue over the use or validity of an LPA or EPA
- there is doubt or disagreement about an advance decision to refuse treatment
- a decision needs to be made about medical treatment in circumstances where, for example, the issues are finely balanced, there is a difference of medical opinion, or those with an interest in the person's welfare disagree about the way forward.

10.1 The powers of the Court

The Court has powers to:

- make declarations about your mental capacity to make a decision, if this cannot be resolved in another way
- make decisions about your financial affairs, medical treatment, care and support or personal welfare if you lack the mental capacity to make decisions yourself
- make decisions about an LPA or EPA, including whether they are valid, objections to registration, and scope of attorney powers
- end an attorney appointment and cancel an EPA or LPA if the attorney's duties are not being carried out in the best interests of the donor
- decide urgent or emergency applications where a decision must be made on your behalf due to risk, for example serious medical treatment
- appoint deputies to make ongoing decisions for you if you lack mental capacity
- give people permission to make one-off decisions on your behalf if you lack mental capacity
- consider applications to make statutory wills or gifts
- make decisions about when you can be deprived of your liberty under the Act.

10.2 Applying to the Court

If you want the Court to become involved, you must make an application. You may need permission from the Court before you apply and it is best to check this with the OPG before you start.

It may be advisable to seek the advice of a solicitor in certain cases involving the Court. Legal Aid under the Legal Help and Legal Representation scheme is available for limited types of proceedings in the Court of Protection, mainly serious health and welfare cases. Seek legal advice about whether you are entitled to Legal Aid funding for your case.

There is a fee of £421 payable when making an application to the Court. The form and a guide about help with the fee is available from www.gov.uk/government/publications/apply-for-help-with-court-of-protection-fees-form-cop44a

More information about applying to the Court is available at www.gov.uk/oneoff-decision-personal-welfare or by contacting the OPG.

11 Monitoring of attorneys and deputies

Court of Protection Visitors

Where an LPA or EPA is in place or a deputy has been appointed by the Court of Protection, the OPG 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.

12 Concerns about an attorney, deputy or appointee

If you think a deputy or attorney is misusing their powers, for example not acting in the person's best interests, or are acting outside their authority, contact the OPG, who are responsible for investigating concerns. For further information about raising concerns with the OPG, see: www.gov.uk/report-concern-about-attorney-deputy-guardian

Contact the DWP if you think an appointee for benefits is misusing their authority.

Abuse and neglect and safeguarding

If you are experiencing, or at risk of, abuse or neglect, or someone you know is, contact the local authority safeguarding team. The local authority has safeguarding duties towards adults experiencing, or at risk of, abuse or neglect who cannot protect themselves.

Contact the police if you think a crime has been committed.

The criminal offence of ill treatment or wilful neglect

Section 44 of the Act makes it a criminal offence to ill-treat or wilfully neglect a person who lacks mental capacity. For example, this could be in relation to their finances.

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

For more information, see Age UK factsheet 78, *Safeguarding older people from abuse and neglect*. In **Wales**, see Age Cymru factsheet 78w, *Safeguarding older people in Wales from abuse and neglect*.

Useful organisations

Alzheimer's Society
www.alzheimers.org.uk
Telephone helpline 0333 150 3456

Campaigns for and provides support to people affected by all types of dementia and their relatives and carers. The helpline provides information, advice and support.

Association of Lifetime Lawyers
www.sfe.legal
Telephone 020 8234 6186

An independent organisation of lawyers, with a particular specialism in advising older people.

Care Inspectorate Wales (CIW)
https://careinspectorate.wales/
Telephone 0300 7900 126

The CIW is responsible for the inspection and regulation of care and social services in Wales.

Care Quality Commission
www.cqc.org.uk
Telephone 03000 616 161

Independent regulator of adult health and social care services in England, covering NHS, local authorities, private companies or voluntary organisations and people detained under the *Mental Health Act*. They assess how local authorities meet their duties under the Care Act 2014.

Court of Protection, The
www.gov.uk/courts-tribunals/court-of-protection
Telephone 0300 456 4600

Makes decisions and appoints other people to make decisions for people lacking mental capacity.

Department for Work and Pensions
www.gov.uk/government/organisations/department-for-work-pensions

Information about appointee, money, tax and benefits. It also offers information about pensions and retirement planning.

Provides a Payment Exception Service, enabling you to collect benefit payments from PayPoint outlets. There is a helpline: 0800 015 2902.

Healthcare Inspectorate Wales (HIW)
http://hiw.org.uk
Telephone 0300 062 8163

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*.

Hourglass
www.wearehourglass.org
Telephone helpline 0808 808 8141 (free phone, open 24 hours a day, seven days a week)

Works to protect and prevent the abuse of vulnerable older adults. Hourglass offer a UK wide helpline. The helpline is confidential and provides information and emotional support. The helpline number will not appear on your phone bill.

Mind
www.mind.org.uk
Telephone 0300 123 3393

Provides information and advice for people with mental health problems.

MoneyHelper
www.moneyhelper.org.uk
Telephone 0800 011 3797 (free call) Mon-Fri 9am-5pm

Independent service offering money advice and guidance.

Office of the Public Guardian
www.gov.uk/government/organisations/office-of-the-public-guardian
Telephone 0300 456 0300

To raise concerns about an attorney or deputy, call 0300 456 0300 or email opg.safeguardingunit@publicguardian.gov.uk

Official Solicitor and Public Trustee
www.gov.uk/government/organisations/official-solicitor-and-public-trustee

Represents adults lacking mental capacity in court.

Age UK

Age UK provides advice and information for people in later life through our Age UK Advice line, publications and online. Call Age UK Advice to find out whether there is a local Age UK near you, and to order free copies of our information guides and factsheets.

Age UK Advice
www.ageuk.org.uk
0800 169 65 65
Lines are open seven days a week from 8.00am to 7.00pm

In Wales contact

Age Cymru Advice
www.agecymru.wales
0300 303 4498

In Northern Ireland contact

Age NI
www.ageni.org
0808 808 7575

In Scotland contact

Age Scotland
www.agescotland.org.uk
0800 124 4222

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Next update August 2027

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