



Choosing someone to manage your decisions, should there be a time when you are not able to, can help give peace of mind. It can save money and make sure that those caring for you consider your wishes if they are having to make decisions in your best interests.

The ability to understand and decide when it needs to be made is called 'mental capacity'.

The Mental Capacity Act 2005 (MCA) is a law that protects and supports those who can't make some or all decisions for themselves. It has a 'Code of Practice' for those who are assessing someone's capacity and supporting them to make decisions.

While you can manage your own affairs, it is important to consider that in the future, accident or illness, can affect our ability to make decisions and may lead to someone else having to help or even make some decisions on your behalf in the future.

Who would manage your finances or health decisions if you are no longer able to?

Do you have an Enduring or Lasting Power of Attorney?

Have you made a will or set out your wishes for your care, property, or family?

**Please don't assume, as many do, that if anything happens to you your partner/spouse/children will be able to 'manage your affairs' for you, they may not be allowed to if there is no legal provision in place.**

## Lasting Power of Attorney

A Lasting Power of Attorney (LPA) enables a person who has capacity and is over 18 (Donor) to choose another person or people (Attorneys) to make decisions on their behalf.

There are 2 different types of Lasting Power of Attorney; Property and Financial affairs and/or Health and Welfare.

An LPA must be registered with the Office of the Public Guardian (OPG) before it can be used. An unregistered LPA will not give the Attorney any legal powers to make a decision for the Donor.

A fee is charged for registration of each Lasting Power of Attorney application, registered with and administered by The Office of the Public Guardian – 0300 456 0300.

## Enduring Power of Attorney

An Enduring Power of Attorney signed by both the Donor and Attorney before Oct 2007 when Lasting Power of Attorney came into force with the Mental Capacity Act 2005 can still be used and registered as a legal document. You should make the application to register the EPA as soon as you have reason to believe the Donor is losing the mental capacity to manage their affairs.

An Enduring Power of Attorney is a legal process in which a person (the Donor) gives to someone else (the Attorney) the power to make decisions about their financial affairs and property.

An Attorney can use the power straight away if that is the Donors wish or the Donor can make it clear that the EPA is only to be used if they become mentally unable to manage their affairs in the future.

## Court of Protection - Deputy

When no Enduring or Lasting Power of Attorney exists and someone lacks the capacity to make their own decision the Court of Protection - 0300 456 4600 can appoint Deputies to make decisions in the best interests of those who lack capacity.

## Independent consultancy for later life

Chris Moon-Willems has over 30 years' experience of working for the NHS and Social Services within senior management roles and is a registered Social Worker. Having specialised in the care of older people early on in her professional training, she is now recognised as an expert voice on elderly care.

Chris also holds the Society of Later Life Advisors (SOLLA) care advice standard, having been one of the first people in the UK to achieve the award.



The SOLLA Care Advice Standard aims to ensure that people are able to find quality assured information and advice on choosing and paying for adult care quickly and easily. All advisers have satisfied the required criteria, giving peace of mind that the advice you are given is from those who have proven their specialist knowledge. Check out their website SOLLA Care

Chris has been interviewed several times on both national TV and radio, including the BBC.

A published author and regular public speaker, Chris is a Fellow of the Centre for Welfare Reform and both owner and founder of Relative Matters.

Contact us today to see how we can help you

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