



Do you look after someone who couldn't manage without your help?

Managing someone's affairs

You may want to help manage the affairs of the person you are caring for if they are currently unable to, or alternatively you may want to plan for the future. The information in this factsheet applies if the person you are looking after is aged 16 or over.

Depending on whether the person you are looking after can currently make decisions for themselves, which is called having mental capacity, or whether they are unable to make decisions for themselves, which is called lacking mental capacity, there are different ways of managing someone's affairs.

What is mental capacity?

Mental capacity means being able to make your own decisions, someone lacking capacity may not be able to make a decision at the time when the decision needs to be made.

What is the Mental Capacity Act?

The Mental Capacity Act 2005 provides the legal framework for making decisions on behalf of people who lack the mental capacity to make decisions themselves.

The Act is based on the idea that all adults have the right to make their own decisions about their lives, including decisions about their care and support. Wherever possible they should be helped and supported to make their own decisions.

The Principles of the Act

There are 5 key principles which underpin the Act.

1. Assume people have capacity.
2. Provide support for people to make decisions for themselves.

3. Remember people who make unwise decisions may still have capacity.
4. Actions taken must be in the best interests of the person who lacks capacity.
5. The less restrictive option must be considered first.

Further information and code of practice can be found here:

www.bit.ly/MentalCapacityActDocument.

How is mental capacity assessed?

There is a two-stage test to work out if someone lacks mental capacity.

Stage one: Does the person have an impairment of, or a disturbance in the functioning of, their mind or brain? This could include dementia, learning disabilities, mental illness, brain damage etc.

Stage two: Does the impairment or disturbance mean that the person is unable to make a specific decision when they need to? A person is unable to make a decision if they cannot:

- understand information about the decision to be made
- retain that information in their mind
- use or weigh that information as part of the decision-making process
- communicate their decision

Who assesses mental capacity?

Normally, the person who is involved with the particular decision which needs to be made is the one who would assess mental capacity.

If the decision is a complex one then a professional opinion might be necessary, for example the opinion of a psychiatrist, psychologist or social worker.

You can find out more information about mental capacity at:

www.carersuk.org/help-and-advice/practical-support/managing-someone-s-affairs.

Best Interests Meeting

If the person you care for is assessed as lacking capacity to make an important decision, a Best Interests Meeting may be called, to which you should be invited to contribute.

When a decision is made for a person who is not able to make that decision, it must always be made in the person's best interests. When a decision is made in someone's best interests, this makes sure that:

- the person's rights are respected
- the decision is the best one for them.

A decision should never be made in the best interests of anyone other than the person themselves. For example, a decision should never be made to make things easier for a carer or professionals who are caring for the person.

A best interests checklist at: www.alzheimers.org.uk/get-support/legal-financial/making-decisions-mental-capacity-dementia can help you decide what is in someone's best interests.

Power of attorney

A power of attorney is a legal document that allows you to make decisions on the behalf of the person you care for should they no longer be able to make their own decisions.

This could just be a temporary situation, for example when someone is in hospital and needs help with paying bills. Or it may be necessary to make longer-term plans if, for example, the person you care for is diagnosed with dementia and may lose the mental capacity to make their own decisions in the future.

If there is no power of attorney in place, you will need to apply to the court for a court decision which can be lengthy, stressful and expensive, so it is advisable to get a power of attorney in place if you can.

There are two types of power of attorney, one for health and welfare and one for property and finances.

A power of attorney for financial decisions can cover things such as:

- buying and selling property
- paying the mortgage
- investing money
- paying bills
- arranging repairs to property.

A power of attorney for health and welfare decisions can cover things such as:

- short or long term care
- where to live
- medical matters
- what to eat
- contacts
- social activities
- lifesaving treatment decisions.

It's worth having a conversation about what the person you care for wants in the future so you are aware of their wishes when the time comes.

You can apply for and register a lasting power of attorney directly through the www.gov.uk website without using a solicitor. Alternatively, a solicitor will be able to draw up a power of attorney legal document. If you wish to seek legal advice, details of solicitors which offer a discount through the Carers Card are available here: www.cftc.org.uk/east-sussex-carers-card.

Further details are on the Age UK website here: www.ageuk.org.uk/information-advice/money-legal/legal-issues/power-of-attorney.

Care for the Carers

Care for the Carers is an independent charity and the Carers Centre for East Sussex. We have been supporting and representing unpaid carers in East Sussex since 1989.

What do we do?

Our team of staff and volunteers can provide free practical and emotional advice and support – face-to-face, by telephone, or online. We can put you in touch with other carers, and help you navigate the range of services available locally. We also run support groups and events for carers in East Sussex and training for health and social care professionals and volunteers working with carers.

Care for the Carers represents carers and raises awareness of caring, working with a variety of local communities, organisations and service providers to build a carer friendly East Sussex.

All our work is developed with carers, and in response to their expressed needs reflecting local and national strategy, legislation, research and best practice. We work with carers so that they are empowered and can have a say in the policies and services that affect them.

During the Coronavirus pandemic, we are here to support all carers and offering our services by phone or online.

How to contact us

Call our Carers Hub on 01323 738390, Monday to Friday, 10am to 5pm to speak with one of our team of dedicated support workers.

Email us: info@cftc.org.uk

Text us: 07860 077300

Request a call back using the contact details above.

More information and carer resources at: www.cftc.org.uk.

No one left to care alone

Phone: 01323 738390 Email: info@cftc.org.uk Text: 07860 077300 Visit: www.cftc.org.uk



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Highlight House, 8 St. Leonards Road, Eastbourne, East Sussex. BN21 3UH