



Care
Navigators

MAKING DECISIONS

2021/22



Making Decisions- Later Life Care (England)

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

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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 (Attorney(s)) 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. You should make the application to register the EPA if you have reason to believe the Donor is losing the mental capacity to manage their affairs.

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 decisions the Court of Protection can appoint Deputies to make decisions in the best interests of those who lack capacity.



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Care Navigators can act as a Certificate provider, assess Mental Capacity and help you apply for a Power of Attorney or apply to the Court of Protection