

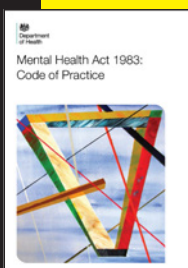


Department
of Health

An easy read fact sheet

People making decisions for you

What you need to know
about people making
decisions for you.



Know your rights

The Mental Health Act
Code of Practice

People making decisions for you

Keys facts

- * A **Lasting Power of Attorney** is someone you say can make some decisions for you in the future.
- * The law tells you how to create a Lasting Power of Attorney. You must do what the law says.
- * The Court of Protection can also decide on someone to make plans for you and that is called a Deputy
- * This can be hard to understand and you should ask for help from your Independent Mental Health Advocate or someone else you trust



Giving someone the power to make decisions for you

- You can give people the power to make some decisions for you in the future. **This is called a Lasting Power of Attorney.**
- You can make a Lasting Power of Attorney if you understand what it means and have the **capacity** to make this decision.
- You can give your Attorney the power to make decisions on your behalf.

Your Attorney can decide on some or all of these areas of your life:

- Property – anything you own
- Financial – your money
- Health – the treatment you get
- Welfare – how you live your life, the care and support you need



How a Lasting Power of Attorney works

- Your attorney might be a friend, relative or a professional person, like a solicitor.
- You have to fill out a form to set up a Lasting Power of Attorney.
- You then need to get someone to sign to say that you understand what you are doing, and that no-one has forced you into setting the Lasting Power of Attorney up.
- The form is then sent to the Office of the Public Guardian and they will check that this has been done in the right way, to keep you safe.



What is a Deputy

- A deputy is someone who the **Court of Protection** has said can make decisions for you.
- The Court of Protection makes decisions about what is best for people who are not able to make decisions for themselves. It also helps make sure they are protected.
- A Deputy can make some decisions that an Attorney can make and the court decides what they are.



A Deputy can make decisions about your:

- Property – anything you own
- Financial – your money
- Health – the treatment you get
- Welfare – how you live your life, the care and support you need.



How it works if you are detained under the Mental Health Act

If you are detained under the Mental Health Act your Attorney or Deputy can still make decisions on your behalf.

They cannot make some decisions. These decisions are about your treatment and can be taken by others under the Mental Health Act.

A deputy can only make decisions about things the Court of Protection has agreed to.





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Where in the code?

This easy read fact sheet comes from:

- DH Mental Health Act 1983: Code of Practice, Chapter 7 'attorneys and deputies' pages 61–63

Download the code:

www.gov.uk/government/uploads/system/uploads/attachment_data/file/396918/Code_of_Practice.pdf

Download the easy read fact sheets:

www.nhs.uk/easy-mentalhealthact

Download the easy read glossary:

www.nhs.uk/glossary

More information:

Mind

www.mind.org.uk/information-support/legal-rights/mental-capacity-act-2005/lasting-power-of-attorney-lpa/#.VPXDoNhyaUk