

## Mental capacity:

# Making your own decisions (and help when you can't)

This is the content of the mental capacity information pages on the Sheffield Directory website. The pages start here: [www.sheffield.directory.org.uk/mental-capacity](http://www.sheffield.directory.org.uk/mental-capacity).

Being able to make your own decisions about your life is important. When you can't, there is help available to make decisions for you that are the same as what you would want, or would support you or protect you.

This is often called 'mental capacity', meaning the ability to understand or make decisions. You may not have mental capacity if you can't do 1 or more of these things.

- Understand information given to you to make a particular decision.
- Retain information given to you long enough to be able to make the decision.
- Use or weigh up information given to you to make the decision.
- Communicate your decision.

There are lots of rules about how to work out if someone has mental capacity, and who can help someone to make decisions, based on Government law called the Mental Capacity Act 2005.

The Government gives people advice about this.

Gov.UK: [Assessing mental capacity](#).

Gov.UK: [Make decisions for someone](#).

This video by the Social Care Institute for Excellence (SCIE) explains more about the Act and how it can protect the right to make choices.

Youtube:

[Using the Mental Capacity Act](#).



Talking about this can be a difficult conversation. Independent Age has advice on talking about mental capacity – when to talk, how to start a conversation, the responsibilities for a Power of Attorney or Deputy, and how to look at the options.

Independent Age: [Talking about... who will make decisions](#).

When others are making decisions for you, they should decide based on what they think you would want, or what is best for you. This is called deciding based on your 'best interests'.

Sometimes the decisions are everyday things like what to eat, or what to wear. Sometimes you may be able to make decisions for some things but not all things. So you may be able to decide what you would like for dinner, but not how to spend your money.

Sometimes the decisions are very important, about your health and welfare, or about your finances. You can give someone the power to make decisions for you. This is called a 'power of attorney'. A person can have the power to make decisions about your health and welfare, or about your finances and property, or both. There is more about this below.

The Council has information about how it assesses mental capacity and how it makes a decision for you.

Sheffield City Council: [Assessing mental capacity](#).

Sheffield City Council: [Best Interests meeting](#).

The Council also has information about Deprivation of Liberty Safeguards (sometimes called DoLS). These are rules the Council follows when a person who lacks mental capacity needs to be restricted in some way, so that they can receive care and support and be safe. This may include restricting a person's ability to move around freely, or when a person is being continuously supervised and controlled.

Sheffield City Council: [Deprivation of Liberty](#).

There is also Government information about this in easy read format.

Department of Health: [Deprivation of Liberty Safeguards and you](#) (PDF, 926 KB).

The next pages have more information.

**[Mental capacity: information for you](#).**

**[Mental capacity: information for family, friends or other carers](#).**

**[Mental capacity: legal information and support](#).**

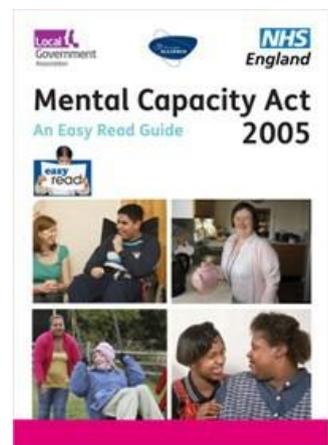
Alternatively this PDF file has all the information from these pages that you can print or email to someone.

There is also an easy read guide on mental capacity available from the Local Government Association.

Local Government Association:  
[Mental Capacity Act 2005 easy read guide](#) (PDF 2.8 MB).

There are more easy read guides in the specialist advice section on our information for you page.

**[Mental capacity: information for you](#).**



## Mental capacity: information for you

If you think you need help to make decisions now, or you want to plan for a time when you may no longer be able to make decisions, there is information below to help you.

There's more information about what mental capacity is, and the rules involved on the main information page.

[Mental capacity: making your own decisions \(and help when you can't\).](#)

There is also information about how to help someone, including becoming a Deputy so you are responsible for their personal welfare (such as medical treatment) or their finances and any property (called property and affairs), or both.

[Mental capacity: information for family, friends or other carers.](#)

The information on this page covers:

[How can I be sure I can make my own decisions?](#)

[Getting help to make a decision.](#)

[Advanced care planning.](#)

[Allowing other people to make your decisions.](#)

[Specialist advice and support.](#)

### How can I be sure I can make my own decisions?

You can ask your doctor or other medical professional to assess your mental capacity.

Anyone assessing your mental capacity must check that you have mental capacity to make a decision at the time it needs to be made. You can make a decision if you can:

- understand the information you need - for example, what the consequences will be.
- remember the information for long enough to make the decision.
- weigh up the options and make a choice.
- communicate your decision in any way - for example, by blinking or squeezing a hand.

If you cannot make a decision at a certain time, you may still be able to make it at another time, or you may be able to make decisions about other things.

You can get more advice about this from the Government website.

Gov.UK: [Checking mental capacity.](#)

Talking about this can be a difficult conversation. Independent Age has advice on talking about mental capacity – when to talk, how to start a conversation, the responsibilities for a Power of Attorney or Deputy, and how to look at the options.

Independent Age: [Talking about... who will make decisions.](#)

## Getting help to make a decision.

There are ways you can get help to make a decision.

You can ask for more time to make your decision, or for information in a format that helps you to understand it, consider the options and make a decision. You may find it useful to have information in an easy read format, using pictures to help you understand the words.

You can write down what you think and what you have decided you want to happen. This can help if your condition changes (if you have good and bad times) so you and other people know what you want to happen at the times when you find it difficult to decide. This can be your day to day likes such as the food you like to eat and the types of activities you like to do.

You can also make a note of people who know you well, who can say what you usually like and what you would decide. They do not have the power decide for you but can give information about what you like because they know you well.

This can help if you have different people who support you at different times (like home care workers) or if you are going into hospital. Sheffield Teaching Hospitals have a booklet called All About Me that can help you to write down what you like and what is important to you, and how you communicate.

Sheffield Teaching Hospitals: [All About Me](#) (PDF, 94 KB).

There is also an Alzheimer's Society leaflet that helps anyone with dementia or other communication difficulties easily share personal information with others.

Alzheimer's Society: [This is me](#) (PDF, 522 KB).

There is also information below about planning for the future, where you can write down what you would like to happen with your finances and your end-of-life care and support.

You can have an advocate who can help you to understand information and your options, and help you to tell people what you think and what you have decided. There is also self-advocacy, where you get support to build your skills and confidence so you can speak up for yourself, understand your rights and make decisions about your life. Sometimes a group of people will join together as a self-advocacy group so they can support each other to make decisions.

The Sheffield Advocacy Hub website has information about the different support you can get including an Independent Mental Capacity Advocate.

Sheffield Advocacy Hub: [Independent Mental Capacity Advocacy](#).

If you need help to manage your money, you can get help from a relative or friend, or help from an organisation that helps to pay your bills or claim benefits and talk to the Department for Work and Pensions (DWP). If you have no relatives or friends that can help with this the Council may support you if you have limited capital and only get benefits and state pension. You can get more information about these options on the directory.

[Support with managing your money.](#)

## Advanced care planning.

If you want to prepare for a time when you may not be able to make your own decisions, you can make an advanced care plan, sometimes called an advance statement. This tells people what you want to happen for your future care like where you would like to die, your spiritual beliefs and choice of ceremony. There's more information about this on the directory.

[Palliative and end of life care.](#)

## Allowing other people to make your decisions.

If you think you will need help making decisions in the future, you can choose someone to help you. This is called a 'power of attorney'. You give them this power in a legal document called a Lasting Power of Attorney. The person you choose can have legal power for your health and welfare, or your finances and property, or both. Doing this while you have mental capacity may be easier and cheaper, as the process to be allowed to make decisions for someone who lacks mental capacity (called being a Deputy) is more complex and costly.

The person you choose must be over 18 years of age and have mental capacity. The person cannot be your attorney for property and financial affairs if they have a Debt Relief Order (a way to write-off debts) or have declared bankruptcy.

You can choose one person or more than one person, and you can decide if they must agree each decision jointly or if one person can decide for some things alone. If later the people you choose disagree about a decision that must be made jointly they can meet together to decide what is in your best interests. If they still cannot agree one person may ask the Court of Protection to decide.

Sometimes this can be a difficult conversation. There are responsibilities for someone agreeing to be a Power of Attorney or a Deputy. It is a good idea to talk about this at the start. The Office of the Public Guardian has 5 top tips on starting a difficult conversation.

Office of the Public Guardian:

[Top tips on starting difficult conversations about Legal Power of Attorneys.](#)

The Government service in charge of this is called the Office of the Public Guardian. It helps people who need an attorney, and helps attorneys as well. It keeps a record of attorneys and deputies, and investigates any complaints about them.

To set up a Power of Attorney takes time (about 20 weeks in January 2024) to fill in the forms and register with the Office of the Public Guardian. There is also a cost. Most people pay but there is advice on the Government website on exemptions if you receive certain benefits, and discounts if you receive Universal Credit or have a low income.

Gov.UK: [Power of Attorney.](#)

They also have many guides and advice to support you.

Office of the Public Guardian:

Getting started – [property and financial affairs](#), [health and welfare](#).

How to be an attorney – [property and finances](#), [health and welfare](#).

If you can still make your own decisions but need someone to make decisions for you for a short time (for example because of illness or during a holiday) you can use an Ordinary Power of Attorney. This can also be used when you want someone to make decisions for you while you can supervise their actions. You must be able to make your decisions to use an Ordinary Power of Attorney, so if you want to plan for when you can no longer make decisions use a Lasting Power of Attorney.

There is a standard form of words you should use for the Ordinary Power of Attorney. There are websites that can create this by asking you a few questions, some for free and others that charge. You can also buy a pack with advice and a form to complete. Available from stationery shops like WH Smith, Ryman's or from online shops like Amazon.

You can get more advice on the Ordinary Power of Attorney from a solicitor, from Citizens Advice or from the Government.

The Law Society: [Power of attorney](#).

Citizens Advice: [Ordinary Power of Attorney](#).

Gov.UK: [Make decisions for someone](#).

### **If you have no family or friends to help you**

If you have no family or friends that can help you can pay an organisation to help you.

If you want them to make decisions for you now or later (for example if you become ill or have an accident), they must have your Power of Attorney. There are companies on the directory that provide Appointee and Deputy services.

[Appointee and Deputy services](#).

The Council can act as your Appointee or Deputy if:

- you can't make decisions and can't manage your finances, and
- you have limited capital and only get benefits and state pension, and
- you have no relatives or friends to help you to manage your finances.

On rare occasions the Council can act as the Appointee for someone who can make decisions, but is not able to manage their finances (for example because of illness or a physical disability).

This support would be part of your Care and Support Plan. As part of creating your plan with you the Council will help you to work out what you can afford to pay towards the cost of your care and support. There is more information about this on the Council website.

Sheffield City Council: [Cost of care and support](#).

If you need a Deputy you will pay the costs for this. The Court of Protection charges for each application, and a charge for each year. Some people who receive benefits don't pay. People on a low income can apply for a lower charge.

If you have an Appointee or Deputy as part of your care and support plan, you can choose the Council's Money Management Service or you can buy support from a company that provides this service.

[Sheffield City Council Money Management Service.](#)

[Appointee and Deputy services.](#)

If you have a lot of capital or income you may need a specialist service to act as your Deputy (such as a solicitor), or a Panel Deputy. There is one company in Sheffield that provides this service.

- [Wrigleys Trustees Limited.](#)  
Derwent House, 150 Arundel Gate, Sheffield S1 2FN.  
Call 0114 267 5588.  
Email. [ian.potter@wrigleys.co.uk](mailto:ian.potter@wrigleys.co.uk).

Get details of all the Panel Deputy services in England and Wales from the Government website.

Gov.UK: [Panel deputies: list of court-approved professionals.](#)

## **Specialist advice and support.**

The government has created information and advice about mental capacity and the processes involved, including the legislation and guidance on how the Act works in practice.

Legislation: [The Mental Capacity Act 2005.](#)

Gov.UK: [Mental Capacity Act 2005 Code of Practice](#) (PDF, 1.35 MB).

The Court of Protection is responsible for how the Mental Capacity Act operates. It deals with the financial and serious healthcare matters of people who lack mental capacity. This includes resolving disputes about what should happen to someone who lacks mental capacity such as their finances or their welfare.

Gov.UK: [Court of Protection.](#)

The Court of Protection Handbook website has guides and resources to help people understand how the Court works.

Court of Protection Handbook: [Resources.](#)

[A basic guide to the Court of Protection](#) (PDF, 200 KB).

[Taking part in the Court of Protection easy read](#) (PDF, 625 KB).

[What do all the legal words mean?](#) (PDF, 158 KB).

The Court is supported by the Office of the Public Guardian. They help people plan for someone to make decisions for them, should they become unable to do so because they do not have mental capacity. They also help people to make decisions for those that do not have the ability to decide for themselves.

Office of the Public Guardian: [About us](#).

The NHS has detailed information about mental capacity and helping someone to make decisions.

NHS Social care and support guide: [mental capacity](#).

NHS: [People making decisions for you easy read factsheet](#) (PDF, 2.7 MB).

The Money Helper website from the Money and Pensions Service provides free information and an advice service for people to better manage their money. This includes advice on the formal help available, and advice if the person you want to help has lost mental capacity.

Money Helper:

[If the person you want to help has lost mental capacity](#).

[When someone needs formal help managing their money](#).

Citizens Advice offers confidential advice online, over the phone, and in person, for free. Their debt and money advice includes managing someone's affairs and

Citizens Advice: [Managing affairs for someone else](#).

Citizens Advice Sheffield is part of the Advocacy Hub. The Hub provides advocacy support including the Independent Mental Capacity Advocate service.

Citizens Advice Sheffield: [Independent Mental Capacity Advocacy](#).

The Law Society is the independent professional body for solicitors in England and Wales. They have a database of legal professionals to help you find a solicitor, and advice on Power of Attorney. They also have page that explains common legal issues, advice on using a solicitor, and a page for legal words and names (called a glossary).

The Law Society: [Power of Attorney](#).

[Your guide to Financial matters for older people](#) (PDF, 407 KB).

[Find a solicitor](#). [Common legal issues](#). [Using a solicitor](#). [Legal glossary](#).

There are many other charities and voluntary organisations that give advice and support with mental capacity.

## Autism

Disability Sheffield, Centre for Independent Living.

Disability Sheffield: Understanding the Mental Capacity Act. Money Matters factsheet (PDF, 511 KB).

Call 0114 253 6750.

National Autistic Society.

National Autistic Society: Managing Money. Elearning module: Managing money.

Call: 0845 070 4004

Sheffield Adult Autism Support Hub.

Mental Health Matters: Bulletin.

Call: 07811 589 909.

Sheffield Autistic Society.

Call: 07923 473240.

Sheffield Voices self advocacy group.

Sheffield Voices: Sheffield Voices flyer (PDF, 542 KB).

Call: 0114 253 6750.

## Brain injury and cognitive impairments

Headway.

Supporting decision making brain injury (PDF, 2.4 MB).

Call: 0808 800 2244.

Parkinson's UK.

Parkinson's UK: Mental capacity. Losing the capacity to make decisions.

Call: 0808 800 0303.

## Cancer

MacMillan Cancer Support.

MacMillan: Mental capacity. Sorting out practical and financial affairs.

Call: 0808 808 0000.

Marie Curie.

Marie Curie: Mental capacity and making decisions.

Marie Curie: Planning ahead booklet (PDF, 585 KB).

Call: 0800 090 2309.

## Carers

### Carers UK.

Mental capacity explained. Managing someone's affairs.

Call: 020 7378 4999.

### Sheffield Carers Centre.

Call: 0114 272 8362.

## Dementia

### Alzheimer's Society.

Alzheimer's Society: Dementia and the Mental Capacity Act 2005. Making decisions for a person with dementia who lacks mental capacity.

Call: 0333 150 3456.

### Dementia Advice Sheffield.

Age UK Sheffield: Dementia Advice Service.

Call: 0114 250 2875.

### Dementia UK.

Dementia UK: Dementia and capacity (PDF, 4.2 MB).

Call: 0800 888 6678.

## Learning disability

### Disability Sheffield, Centre for Independent Living.

Disability Sheffield: Understanding the Mental Capacity Act.

Disability Sheffield: Money Matters factsheet (PDF, 511 KB).

Call: 0114 253 6750.

### DOSH Financial Advocacy.

DOSH: Appointeeship and Financial Advocacy. Deputyship/Guardianship.

DOSH: Appointeeship for benefits factsheet (PDF, 551 KB).

Call: 0300 303 1288.

### Mencap.

Mencap has created a resource pack for family carers of people with a learning disability, with sections on the Mental Capacity Act and making decisions.

Mencap:

[Mental Capacity Act resource pack](#) (PDF, 44 KB).



Mencap has also produced a range of easy read guides to help people with a learning disability or autism and their carers to apply for lasting power of attorney.

Mencap: [Guides for Lasting Power of Attorney](#).

[Sheffield Mencap](#). Call (0114) 276 7757.

[SeeAbility](#).

SeeAbility is a national charity supporting people with a learning disability or autism and sight loss. They help people with a learning disability find employment, learn new life skills and computer skills, and give advice on sight and finding an optician. They have a number of easy read guides including advice on consent and capacity.

SeeAbility: [Consent and Capacity](#) (PDF, 601 KB).

[Sheffield Voices self advocacy group](#).

Sheffield Voices: [Sheffield Voices flyer](#) (PDF, 542 KB).

Call: 0114 253 6750.

[Speak Up Self Advocacy Group](#).

Speak Up Self Advocacy Group created a film called “Decisions, Decisions”, which tells you about the principles of the Mental Capacity Act.

Speak Up: [Decisions, Decisions](#).

They also created an easy read hospital passport to help you tell hospital staff what you like and how to communicate with you.

Speak Up: [Hospital Passport](#).

Bromley NHS Clinical Commissioning Group worked with Advocacy for All and Bromley Sparks (a learning disability speak up group) to create an information pack on understanding mental capacity assessments. It includes factsheets, flowcharts, stories and films. You can download the information pack from the Procedures Online website.

Procedures Online:

[Understanding mental capacity assessments](#) (PDF, 5.4 MB).



## Mental health

[Mental Health and Money Advice](#).

Mental Health and Money Advice: [What does 'capacity' mean?](#) [What is Lasting Power of Attorney?](#) [What is a Court of Protection appointed Deputy?](#)

[Mental Health Foundation](#).

Mental Health Foundation: [Mental Capacity](#).

Mind UK.

Mental Capacity Act 2005.

Call: 0300 123 3393. Or Legal Line: 0300 466 6463.

Rethink Mental Illness.

Mental capacity and mental illness.

Mental capacity and mental illness factsheet (PDF, 555 KB).

Call: 0808 801 0525.

## Multiple Sclerosis

Multiple Sclerosis Trust.

Multiple Sclerosis Trust: Thinking and memory problems. Staying Smart.

Call: 0800 032 3839.

## Older people

Age UK.

Age UK: Power of Attorney Guide (PDF, 2 MB).

Call: 0800 169 65 65.

Age UK Sheffield. Call: 0114 250 2850.

Association of Lifetime Lawyers (was Solicitors for the Elderly).

Association of Lifetime Lawyers: Find a lawyer. Helping you plan for later life.

Call 0844 567 6173.

Independent Age.

Independent Age: Managing my affairs if I become ill (PDF, 405 KB).

Call 0800 319 6789.

## Physical disability

Disability Sheffield, Centre for Independent Living.

Disability Sheffield: Understanding the Mental Capacity Act.

Money Matters factsheet (PDF, 511 KB).

Call: 0114 253 6750.

Scope.

Scope: Managing money for someone else.

Call: 0808 800 3333.

Sheffield Voices self advocacy group.

Sheffield Voices: Sheffield Voices flyer (PDF, 542 KB).

Call: 0114 253 6750.

## Sensory impairment

Royal National Institute for the Blind (RNIB).

RNIB: [RNIB Power of Attorney Factsheet](#).

Call: 0303 123 9999.

Sheffield Royal Society for the Blind.

Call: 0114 272 2757.

Royal National Institute for the Deaf.

Call: 0808 808 0123. Text: 07360 268 988.

Online chat: [Contact RNID](#). Signlive: [BSL video call](#).

Citizens Advice Sheffield Deaf Team.

SMS/WhatsApp - message only: 0746 454 4214.

Email: [deafadvice@citizensadvicesheffield.org.uk](mailto:deafadvice@citizensadvicesheffield.org.uk).

Sense (deafblind and complex disabilities charity).

Sense: [making decisions about your life](#).

Call: 0300 330 9256.

### British Sign Language videos

Click on any of the videos below about mental capacity.

**Torbay and South Devon NHS:**



The Mental Capacity Act 2005 and you.

MCA 2005 The five key principles.

How to determine a person's ability to make their own decisions.

Lasting Power of Attorney.

How decisions are made for people unable to make the decision themselves.

Advanced decisions and advanced statements.

Deprivation of Liberty Safeguards.

The Independent Mental Capacity Advocate.



**Royal Association for the Deaf:**

Mental Capacity Advocacy.



**The Advocacy People:**

What is Independent Mental Capacity Advocacy?



**Older People's Commissioner for Wales:**

Lasting Power of Attorney An easy guide for older people.

## Stroke

Stroke Association.

Stroke Association: Looking after someone else's finances. Money matters.

Call: 0303 3033 100.

## Mental capacity: information for family, friends and carers

If you think someone you know needs help to make decisions now, or you want to plan for a time when they may no longer be able to make decisions, there is information below to help you.

There's more information about what mental capacity is, and the rules involved on the main information page.

[Mental capacity: making your own decisions \(and help when you can't\).](#)

There is also information about how you can support yourself if you are worried about your mental capacity.

[Mental capacity: information for you.](#)

The information on this page covers:

[How can I be sure someone can make their own decisions?](#)

[Helping someone to make a decision.](#)

[Advanced care planning.](#)

[Making decisions for someone.](#)

[Specialist advice and support.](#)

### **How can I be sure someone can make their own decisions?**

You can suggest that they ask their doctor or other medical professional to assess their mental capacity. If they won't do this and you have the same GP practice, talk to your doctor about your concerns and options. You can also approach someone else who knows the person well and may be willing to talk to them about getting help.

You must check that a person has mental capacity to make a decision at the time it needs to be made. They can make the decision if they can:

- understand the information they need - for example, what the consequences will be.
- remember the information for long enough to make the decision.
- weigh up the options and make a choice.
- communicate their decision in any way - for example, by blinking or squeezing a hand.

You cannot decide a person lacks mental capacity because you think they've made a bad or strange decision.

If the person cannot make a decision at a certain time, they may still be able to make it at another time, or they may be able to make decisions about other things.

Do not make a decision for them if it can wait until they can do it themselves.

You can get more advice about this from the Government website.

Gov.UK: [Checking mental capacity.](#)

Talking about this can be a difficult conversation. Independent Age has advice on talking about mental capacity – when to talk, how to start a conversation, the responsibilities for a Power of Attorney or Deputy, and how to look at the options.

Independent Age: [Talking about... who will make decisions.](#)

## **Helping someone to make a decision.**

There are ways you can help someone to make a decision.

You can give them more time to make a decision, or give them information in a different format that helps them to understand it, consider the options and make a decision. Sometimes the person may find it useful to read the information a number of times over a number of days. Or they could prefer to listen to the information as it read out. Or they may find it useful to have information in an easy read format, using pictures to help to understand the words.

The person may also find it useful to write down what they think and what they have decided they want to happen. This can help if their condition changes (if they have good and bad times) so later they can read what they thought before and wanted to happen. This can be their day to day likes such as the food they like to eat and the types of activities they like to do.

They can also choose people who know them well and can help them when they find it difficult to make a decision. The person they choose would not have the power decide for them, but can give information about what the person likes because they know them well.

This can help if the person has different people who support them at different times (like home care workers) or if the person is going into hospital. Sheffield Teaching Hospitals have a booklet called All About Me that can help the person to write down what they like and what is important to them, and how they communicate.

Sheffield Teaching Hospitals: [All About Me](#) (PDF, 94 KB).

There is also an Alzheimer's Society leaflet that helps anyone with dementia or other communication difficulties easily share personal information with others.

Alzheimer's Society: [This is me](#) (PDF, 522 KB).

There is also information below about planning for the future, where the person can write down what they would like to happen with their finances and end-of-life care and support.

The person can have an advocate who can help them to understand information and their options, and help them to tell people what the person thinks and what they have decided. There is also self-advocacy, where the person gets support to build their skills and confidence so they can speak up, understand their rights and make decisions about their life. Sometimes a group of people will join together as a self-advocacy group so they can support each other to make decisions.

The Sheffield Advocacy Hub website has information about the different support available including an Independent Mental Capacity Advocate.

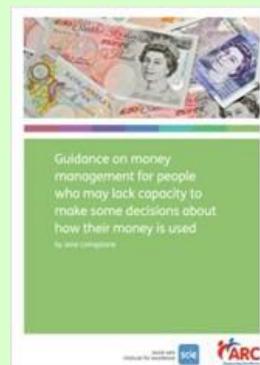
Sheffield Advocacy Hub: [Independent Mental Capacity Advocacy](#).

If the person needs help to manage their money, they can get help from a relative or friend, or help from an organisation that helps them to pay bills or claim benefits and talk to the Department for Work and Pensions (DWP). If the person has no relatives or friends that can help with this the Council may support them if they have limited capital and only get benefits and state pension. You can get more information about these options on the directory.

[Support with managing your money](#).

If you would like more detailed advice on supporting someone who lacks mental capacity to manage some aspect of their own money there is a guidance available from the Social Care Institute for Excellence (SCIE) and the Association for Real Change (ARC).

ARC works to improve health and social care for people with a learning disability or other support needs like autism, mental health problems, sensory and physical disabilities. The guide is written for professionals but has lots of useful advice on mental capacity when supporting someone to manage their money.



Association for Real Change:

[Guidance on money management for people who may lack capacity to make some decisions about how their money is used](#) (PDF, 564 KB).

## **Advanced care planning.**

If you want to help someone prepare for a time when they may not be able to make their own decisions, you can help them make an advanced care plan, sometimes called an advance statement. This tells people what the person wants to happen for their future care like where they would like to die, their spiritual beliefs and choice of ceremony. There's more information about this on the directory.

[Palliative and end of life care](#).

## **Making decisions for someone.**

If someone wants you to have the power to make decisions for them there is a legal process to create a document called a Lasting Power of Attorney. You can have legal power for their health and welfare, or their finances and property, or both. Doing this while the person has mental capacity may be easier and cheaper, as the process to be allowed to make decisions for someone who lacks mental capacity (called being a Deputy) is more complex and costly. There is more information about being a Deputy below.

To be an attorney you must be over 18 years of age and have mental capacity. You cannot be an attorney for property and financial affairs if you have a Debt Relief Order (a way to write-off debts) or have declared bankruptcy.

The person may want just one person to make decisions for them, or they can choose more than one person. If they want more than one person they can decide whether these people have to agree each decision jointly or if one person can decide for some things alone. If later the people chosen disagree about a decision that must be made jointly, they can meet to discuss and decide what is in the person's best interests. If they still cannot agree one person may ask the Court of Protection to decide.

Sometimes this can be a difficult conversation. There are responsibilities for someone agreeing to be a Power of Attorney or a Deputy. It is a good idea to talk about this at the start. The Office of the Public Guardian has 5 top tips on starting a difficult conversation.

Office of the Public Guardian:

[Top tips on starting difficult conversations about Legal Power of Attorneys.](#)

The Government service in charge of this is called the Office of the Public Guardian. It helps people who need an attorney, and helps attorneys as well. It keeps a record of attorneys and deputies, and investigates any complaints about them.

To set up a Power of Attorney takes time (about 20 weeks in January 2024) to fill in the forms and register with the Office of the Public Guardian. There is also a cost. Most people pay but there is advice on the Government website on exemptions if you receive certain benefits, and discounts if you receive Universal Credit or have a low income.

Gov.UK: [Power of Attorney.](#)

They also have many guides and advice to support you.

Office of the Public Guardian:

Getting started – [property and financial affairs](#), [health and welfare](#).

How to be an attorney – [property and finances](#), [health and welfare](#).

If the person can still make their own decisions but needs someone to make decisions for them for a short time (for example because of illness or during a holiday) they can use an Ordinary Power of Attorney. The person must be able to make their own decisions to use an Ordinary Power of Attorney, so to help plan for a time when they can no longer make decisions it is better to use a Lasting Power of Attorney.

There is a standard form of words you should use for the Ordinary Power of Attorney. There are websites that can create this by asking you a few questions, some for free and others that charge. You can also buy a pack with advice and a form to complete. Available from stationery shops like WH Smith, Rymans or from online shops like Amazon.

You can get more advice on the Ordinary Power of Attorney from a solicitor, from Citizens Advice or from the Government.

Law Society: [Power of attorney](#).

Citizen's Advice: [Ordinary Power of Attorney](#).

Gov.UK: [Make decisions for someone](#).

If the person lacks mental capacity you can apply for the power to make decisions for them. This is called a Deputy. This is a legal power to make decisions about their personal welfare (such as medical treatment), or for their property and finances (called property and affairs), or both.

A Deputy is appointed by the Government's Court of Protection, so they are sometimes called a Court Appointed Deputy.

A Property and Finances Deputy can be responsible for collecting benefits and paying bills, and any valuables or property.

The Government's Court of Protection must appoint the Deputy and decide what powers to give them. There is a charge for this, but some people who receive benefits don't pay. People on a low income can apply for a lower charge.

The Government service in charge of this is called the Office of the Public Guardian. It helps people who want to be a Deputy. It keeps a record of attorneys and deputies, and investigates any complaints about them.

You can download a form to complete from the Government website. The form includes advice on what to do, what you can and cannot do and your responsibilities. You must write a report each year with details of the decisions you have made, or more often if additional information is requested. There is detailed advice given as part of the guide to Become a Deputy.

Gov.UK: [Become a Deputy](#).

## **Specialist advice and support.**

The government has created information and advice about mental capacity and the processes involved, including the legislation and guidance on how the Act works in practice.

Legislation: [The Mental Capacity Act 2005](#).

Gov.UK: [Mental Capacity Act 2005 Code of Practice \(PDF, 1.35 MB\)](#).

The Court of Protection is responsible for how the Mental Capacity Act operates. It deals with the financial and serious healthcare matters of people who lack mental capacity. This includes resolving disputes about what should happen to someone who lacks mental capacity such as their finances or their welfare.

Gov.UK: [Court of Protection](#).

The Court of Protection Handbook website has guides and resources to help people understand how the Court works.

Court of Protection Handbook: [Resources](#).

[A basic guide to the Court of Protection](#) (PDF, 200 KB).

[Taking part in the Court of Protection easy read](#) (PDF, 625 KB).

[What do all the legal words mean?](#) (PDF, 158 KB).

The Court is supported by the Office of the Public Guardian. They help people plan for someone to make decisions for them, should they become unable to do so because they do not have mental capacity. They also help people to make decisions for those that do not have the ability to decide for themselves.

Office of the Public Guardian: [About us](#).

The NHS has detailed information about mental capacity and helping someone to make decisions.

NHS Social care and support guide: [mental capacity](#).

NHS: [People making decisions for you easy read factsheet](#) (PDF, 2.7 MB).

The Money Helper website from the Money and Pensions Service provides free information and an advice service for people to better manage their money. This includes advice on the formal help available, and advice if the person you want to help has lost mental capacity.

Money Helper:

[If the person you want to help has lost mental capacity](#).

[When someone needs formal help managing their money](#).

Citizens Advice offers confidential advice online, over the phone, and in person, for free. Their debt and money advice includes managing someone's affairs and

Citizens Advice: [Managing affairs for someone else](#).

Citizens Advice Sheffield is part of the Advocacy Hub. The Hub provides advocacy support including the Independent Mental Capacity Advocate service.

Citizens Advice Sheffield: [Independent Mental Capacity Advocacy](#).

The Law Society is the independent professional body for solicitors in England and Wales. They have a database of legal professionals to help you find a solicitor, and advice on Power of Attorney. They also have page that explains common legal issues, advice on using a solicitor, and a page for legal words and names (called a glossary).

The Law Society: [Power of Attorney](#).

[Your guide to Financial matters for older people](#) (PDF, 407 KB).

[Find a solicitor](#). [Common legal issues](#). [Using a solicitor](#). [Legal glossary](#).

There are many other charities and voluntary organisations that give advice and support with mental capacity.

## Autism

Disability Sheffield, Centre for Independent Living.

Disability Sheffield: Understanding the Mental Capacity Act. Money Matters factsheet (PDF, 511 KB).

Call 0114 253 6750.

National Autistic Society.

National Autistic Society: Managing Money. Elearning module: Managing money.

Call: 0845 070 4004

Sheffield Adult Autism Support Hub.

Mental Health Matters: Bulletin.

Call: 07811 589 909.

Sheffield Autistic Society.

Call: 07923 473240.

Sheffield Voices self advocacy group.

Sheffield Voices: Sheffield Voices flyer (PDF, 542 KB).

Call: 0114 253 6750.

## Brain injury and cognitive impairments

Headway.

Supporting decision making brain injury (PDF, 2.4 MB).

Call: 0808 800 2244.

Parkinson's UK.

Parkinson's UK: Mental capacity. Losing the capacity to make decisions.

Call: 0808 800 0303.

## Cancer

MacMillan Cancer Support.

MacMillan: Mental capacity. Sorting out practical and financial affairs.

Call: 0808 808 0000.

Marie Curie.

Marie Curie: Mental capacity and making decisions.

Marie Curie: Planning ahead booklet (PDF, 585 KB).

Call: 0800 090 2309.

## Carers

### Carers UK.

Mental capacity explained. Managing someone's affairs.

Call: 020 7378 4999.

### Sheffield Carers Centre.

Call: 0114 272 8362.

## Dementia

### Alzheimer's Society.

Alzheimer's Society: Dementia and the Mental Capacity Act 2005. Making decisions for a person with dementia who lacks mental capacity.

Call: 0333 150 3456.

### Dementia Advice Sheffield.

Age UK Sheffield: Dementia Advice Service.

Call: 0114 250 2875.

### Dementia UK.

Dementia UK: Dementia and capacity (PDF, 4.2 MB).

Call: 0800 888 6678.

## Learning disability

### Disability Sheffield, Centre for Independent Living.

Disability Sheffield: Understanding the Mental Capacity Act.

Disability Sheffield: Money Matters factsheet (PDF, 511 KB).

Call: 0114 253 6750.

### DOSH Financial Advocacy.

DOSH: Appointeeship and Financial Advocacy. Deputyship/Guardianship.

DOSH: Appointeeship for benefits factsheet (PDF, 551 KB).

Call: 0300 303 1288.

### Mencap.

Mencap has created a resource pack for family carers of people with a learning disability, with sections on the Mental Capacity Act and making decisions.

Mencap:

Mental Capacity Act resource pack (PDF, 44 KB).



Mencap has also produced a range of easy read guides to help people with a learning disability or autism and their carers to apply for lasting power of attorney.

Mencap: [Guides for Lasting Power of Attorney](#).

[Sheffield Mencap](#). Call (0114) 276 7757.

### SeeAbility.

SeeAbility is a national charity supporting people with a learning disability or autism and sight loss. They help people with a learning disability find employment, learn new life skills and computer skills, and give advice on sight and finding an optician. They have a number of easy read guides including advice on consent and capacity.

SeeAbility: [Consent and Capacity](#) (PDF, 601 KB).

### Sheffield Voices self advocacy group.

Sheffield Voices: [Sheffield Voices flyer](#) (PDF, 542 KB).

Call: 0114 253 6750.

### Speak Up Self Advocacy Group.

Speak Up Self Advocacy Group created a film called “Decisions, Decisions”, which tells you about the principles of the Mental Capacity Act.

Speak Up: [Decisions, Decisions](#).

They also created an easy read hospital passport to help you tell hospital staff what you like and how to communicate with you.

Speak Up: [Hospital Passport](#).

Bromley NHS Clinical Commissioning Group worked with Advocacy for All and Bromley Sparks (a learning disability speak up group) to create an information pack on understanding mental capacity assessments. It includes factsheets, flowcharts, stories and films. You can download the information pack from the Procedures Online website.

Procedures Online:

[Understanding mental capacity assessments](#) (PDF, 5.4 MB).



## **Mental health**

### Mental Health and Money Advice.

Mental Health and Money Advice: [What does 'capacity' mean?](#) [What is Lasting Power of Attorney?](#) [What is a Court of Protection appointed Deputy?](#)

### Mental Health Foundation.

Mental Health Foundation: [Mental Capacity](#).

Mind UK.

Mental Capacity Act 2005.

Call: 0300 123 3393. Or Legal Line: 0300 466 6463.

Rethink Mental Illness.

Mental capacity and mental illness.

Mental capacity and mental illness factsheet (PDF, 555 KB).

Call: 0808 801 0525.

## Multiple Sclerosis

Multiple Sclerosis Trust.

Multiple Sclerosis Trust: Thinking and memory problems. Staying Smart.

Call: 0800 032 3839.

## Older people

Age UK.

Age UK: Power of Attorney Guide (PDF, 2 MB).

Call: 0800 169 65 65.

Age UK Sheffield. Call: 0114 250 2850.

Association of Lifetime Lawyers (was Solicitors for the Elderly).

Association of Lifetime Lawyers: Find a lawyer. Helping you plan for later life.

Call 0844 567 6173.

Independent Age.

Independent Age: Managing my affairs if I become ill (PDF, 405 KB).

Call 0800 319 6789.

## Physical disability

Disability Sheffield, Centre for Independent Living.

Disability Sheffield: Understanding the Mental Capacity Act.

Money Matters factsheet (PDF, 511 KB).

Call: 0114 253 6750.

Scope.

Scope: Managing money for someone else.

Call: 0808 800 3333.

Sheffield Voices self advocacy group.

Sheffield Voices: Sheffield Voices flyer (PDF, 542 KB).

Call: 0114 253 6750.

## Sensory impairment

Royal National Institute for the Blind (RNIB).

RNIB: [RNIB Power of Attorney Factsheet](#).

Call: 0303 123 9999.

Sheffield Royal Society for the Blind.

Call: 0114 272 2757.

Royal National Institute for the Deaf.

Call: 0808 808 0123. Text: 07360 268 988.

Online chat: [Contact RNID](#). Signlive: [BSL video call](#).

Citizens Advice Sheffield Deaf Team.

SMS/WhatsApp - message only: 0746 454 4214.

Email: [deafadvice@citizensadvicesheffield.org.uk](mailto:deafadvice@citizensadvicesheffield.org.uk).

Sense (deafblind and complex disabilities charity).

Sense: [making decisions about your life](#).

Call: 0300 330 9256.

## British Sign Language videos

Click on any of the videos below about mental capacity.

**Torbay and South Devon NHS:**



The Mental Capacity Act 2005 and you.

MCA 2005 The five key principles.

How to determine a person's ability to make their own decisions.

Lasting Power of Attorney.

How decisions are made for people unable to make the decision themselves.

Advanced decisions and advanced statements.

Deprivation of Liberty Safeguards.

The Independent Mental Capacity Advocate.



**Royal Association for the Deaf:**

Mental Capacity Advocacy.



**The Advocacy People:**

What is Independent Mental Capacity Advocacy?



**Older People's Commissioner for Wales:**

Lasting Power of Attorney An easy guide for older people.

## Stroke

Stroke Association.

Stroke Association: Looking after someone else's finances. Money matters.

Call: 0303 3033 100.

## Mental capacity: legal information and support

This page has details of organisations that give mental capacity and financial management information and/or support.

There's more information about what mental capacity is, and the rules involved on the main information page.

[Mental capacity: making your own decisions \(and help when you can't\).](#)

There are also specialist charities and organisations that may also be able to help you. Get more details from our information for you page.

[Mental capacity: information for you.](#)

### [The Law Society.](#)

The Law Society is the independent professional body for solicitors in England and Wales. They have a database of legal professionals to help you find a solicitor, and advice on Power of Attorney. They also have page that explains common legal issues, advice on using a solicitor, and a page for legal words and names (called a glossary).

The Law Society: [Power of Attorney.](#) [Find a solicitor.](#) [Common legal issues.](#) [Using a solicitor.](#) [Legal glossary.](#)

[Your guide to financial matters for older people \(PDF, 407 KB\).](#)

### [Mental Health Law Online.](#)

Mental Health Law Online:

[Mental Capacity Act 2005 Code of Practice.](#) [Best interests.](#)

### [Disability Law Service.](#)

Disability Law Service: [Mental capacity \(PDF 80 KB\).](#)

Disability Law Service: [Lasting Powers of Attorney \(PDF, 115 KB\).](#)

### [Court of Protection Handbook.](#)

The Court of Protection Handbook website has guides and resources to help people understand how the Court works.

Court of Protection Handbook: [Resources.](#)

[A basic guide to the Court of Protection \(PDF, 200 KB\).](#)

[Taking part in the Court of Protection easy read \(PDF, 625 KB\).](#)

[What do all the legal words mean? \(PDF, 15 KB\).](#)