

Mental Capacity Act Update

Edition 17 - March 2008



Welcome to Edition 17 of the Mental Capacity Act Newsletter.



Latest news

The Office of the Public Guardian (OPG) has been working for over 4 months now. The OPG has had a lot more work than expected.



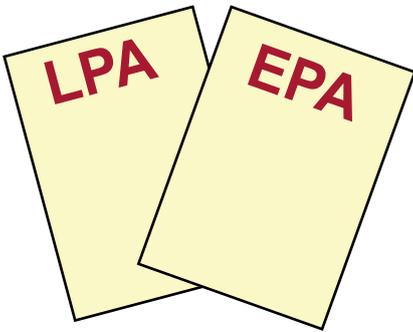
The OPG works on:

- checks and support for Deputies

Office of the
Public Guardian

DH Department
of Health


Uywodraeth Cynulliad Cymru
Welsh Assembly Government



- keeping a list of Enduring and Lasting Powers of Attorneys



- dealing with questions about the work of the OPG and the Court of Protection.



Nearly all Deputies have the checks and support they need now. More people are asking to register Enduring and Lasting Powers of Attorney.

Costs for solicitors and other workers

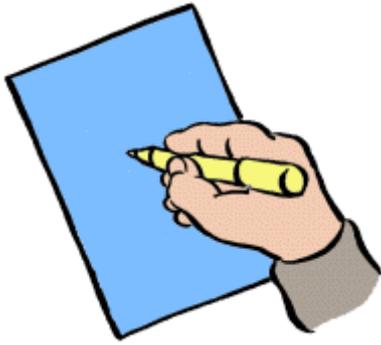


Solicitors and other workers can now see information about how much they can charge for work with the Court of Protection.



You can find this information at:

<http://www.publicguardian.gov.uk/about/sols-professionals-fixed-costs-news.htm>



Applications to court

If you were taken on as a Receiver and your order does not cover some decisions, you need to fill in a special form.



The court will then say what you can do.



This form can be used free of charge until the end of June. After that the forms will change and it will cost £400.

Other news

Visitors' service



Court of Protection Visitors work on behalf of the Office of the Public Guardian and the Court of Protection to check Deputies' work. They also write reports to help the Court to make decisions.



We have talked to Visitors, the Court and people who are interested in the service. We have used what they said to make changes and to make sure the new service works with the Mental Capacity Act.

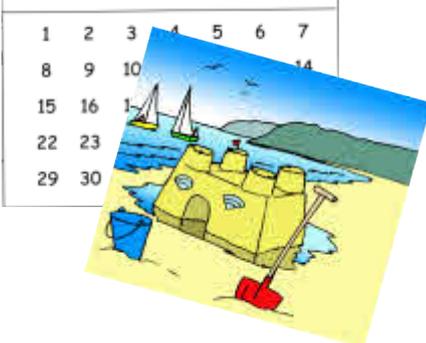


Visitors are now going to do fewer checks. They will work more with Deputies who need more checking and support.



Visitors will always talk to people about a good time to visit. There will now be Visitors in all parts of the country. Some Visitors will know a lot about one issue, like the law or money.

Summer 2008



The new Visitors service should be working by summer 2008.

Making a Lasting Power of Attorney



It is really important to fill in the forms in the right way when you make a Lasting Power of Attorney. If you do not, you may not be able to use it in the future.



If we find a mistake, we will send the forms back to you. You might need to pay us more money.



We have made a list of things to check, which you can find in our main newsletter at:



www.publicguardian.gov.uk/forms/additional-publicationsa-newsletters.htm



If you are not sure if a box should be filled in on the form, do not leave it blank. Please read all the information with the form or ask us.



We can only give you advice about what we do and not about the law.



Office of the Public Guardian DVD

We have made a video about 3 people who have been affected by the Mental Capacity Act. It is called '3 stories'.

You can see it at:

<http://www.publicguardian.gov.uk/mca/three-stories.htm>



Or you can ask us for a DVD by telephoning

0845 330 2900

We do not have many copies and so can only send 2 copies per organisation.

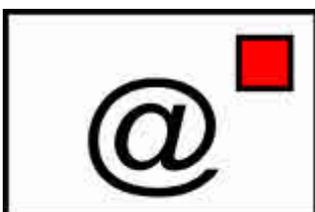


Please send this newsletter onto anyone:

- who is interested in the Mental Capacity Act
- who may be affected by the new law.



If you would like to be sent newsletters in the future by e-mail please e-mail:



mcaupdate@publicguardian.gsi.gov.uk

Getting in touch with us for more information

You can write to:



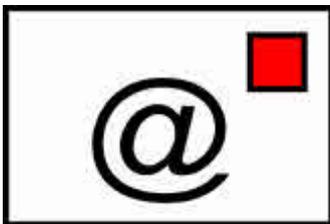
Or telephone at local rate:

0845 330 2900



Or fax:

0870 739 5780



Or e-mail:

mcaupdate@publicguardian.gsi.gov.uk



Website:

www.publicguardian.gov.uk

What the words mean

Court of Protection

the new court which deals with everything to do with the Mental Capacity Act. The court decides what is best for people who cannot decide for themselves. It can make decisions about money and property and care and treatment.

Deputy

a person chosen by the Court of Protection to make some decisions for a person who cannot make these decisions for themselves.

Enduring Power of Attorney is a power a person used to be able to give to another person to make decisions for them about money and what they own.

Lasting Power of Attorney is a power a person can give to another person (the Attorney) to make decisions for them about certain things in the future. A person can only do this if they understand what it means. They can also put limits on the power they give to their Attorney.

Mental Capacity Act

a law about how to support and protect people who cannot make their own decisions because of a problem with the way their mind or brain works. It lets people plan ahead for a time when they may be unable to make their own decisions about some things.

OPG - Office of the Public Guardian

This is a new office set up under the Mental Capacity Act. It:

- helps the Court by looking after the paperwork and applications for Lasting Powers of Attorney and deputies
- keeps an eye on deputies to make sure they are doing their job properly
- works with the police and social services when they think that somebody may have been abused.

Property and Affairs Deputy someone taken on by the Court of Protection to make decisions about money and what a person owns when the person cannot make those decisions themselves.

Receiver

taken on by the Court of Protection to make decisions about money and what a person owns when the person cannot make those decisions themselves. Property and Affairs Deputies have now taken on this job under the new Mental Capacity Act

Credits



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