

# CFU Carers' Support Group



**For carers and relatives of people with fronto-temporal dementia and semantic dementia**

## **Newsletter**

**DECEMBER 2004**

## Welcome

Welcome to the December issue of the carers' support group newsletter.

As many of you will know, this follows our second group meeting, which was held on the 25<sup>th</sup> November. Thanks again to all those who could make it – we were very glad that so many of you were able to come. Your questions and participation in the discussion made the meeting a huge success, and we were glad that once again you felt able to talk so freely and honestly. For those who were unable to attend, the meeting was designed to address the

legal issues of caring for someone with dementia. This is obviously a very important issue for all carers.

As we found out from our guest speaker, solicitor Margaret Seed, a basic understanding of the issues involved is extremely valuable. Taking action early on, when the initial diagnosis is made, can save an awful lot of money and hassle later on.

We'd like to take the opportunity to pass on some of this information in the newsletter. We hope you'll find it helpful, and look forward to your feedback.

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## Minutes from 25<sup>th</sup> November meeting

### *People present*

The meeting was lead by Brenda with the help of Cheryl and Camille. Our guest speaker was Margaret Seed, a trained solicitor working for Potter-Rees solicitors' firm in Manchester. A total of 10 carers attended the meeting.

### *Announcements*

1. Future meeting times

Many carers have written in informing us that they are unable to attend meetings at the current time of 5pm. It was therefore decided that meeting times should be alternated, with some taking place in the afternoon and others in the evening, in order to enable anyone interested to become involved. Meeting times will now alternate between 5pm and 3pm. Carers will be notified of meeting dates and times through the newsletter as usual.

2. Newsletter contributions

Carers were asked to give feedback on October's meeting as well as the newsletter. Feedback was generally positive, however many carers asked whether they could send contributions to the newsletter via email rather than by post. Any carer wishing to send contributions to the newsletter (i.e. questions or more personal contributions), please use the following email address:

**Camille.julien@manchester.ac.uk**

### *Guest speaker's talk*

Our first guest speaker, Margaret Seed gave an excellent talk on legal advice and Power of Attorney. A summary of her talk is provided in the section '*Legal advice*'.

### *Open discussion*

Margaret's talk was followed by an open discussion where carers had the opportunity to ask her about specific legal issues relating to their personal situation. Questions were also read out on behalf of carers who had sent in their questions by post.

### *Future talks*

Carers were asked to suggest ideas for future talks. It was agreed that relevant professionals will be contacted to come and speak on issues such as benefits and available care facilities.

## Legal Advice

As many of you will already have found out, the legal aspects of caring for someone with dementia can be very complicated. Unfamiliar terms, like 'enduring power of attorney' and 'receivership' can appear daunting, and it is tempting to put off the paperwork.

However, our guest speaker in November, Margaret Seed, managed to provide a brief, easy to understand overview of the topic. We have summarised some of the main points in the newsletter, and hope that you will find them useful.

### **Your options**

There are several levels at which one can become involved in someone else's legal and financial affairs:

### ***Appointee for Benefits Purposes***

This is a quick, cheap, and easy way to get access to benefits. As you will know, benefits are paid to the individual client, rather than their carer. This procedure allows the benefit to be paid to the carer (the '**appointee**') and can be useful when caring for someone who has difficulty managing their financial affairs.

### *What do I need to do?*

The procedure simply involves filling in a form and sending it to the relevant benefits office. You (as 'appointee') and the client will then be interviewed by someone from the Benefits office.

### ***Enduring Power of Attorney***

An enduring Power of Attorney is a document that enables a person to

become responsible for someone else's financial affairs.

In this case, you as the carer would act as the '**attorney**', and the person for whom you are caring is termed the '**donor**'.

One of the most important points to stress is that the donor **MUST** have mental capacity at the time the Enduring Power of Attorney is made (i.e. the donor must understand the legal contract they are entering into). The judgement of mental capacity can be a tricky issue in dementia, so it can be useful to obtain the advice and support of the consultant doctor in this situation.

If the donor does not have mental capacity, there is unfortunately no alternative to the Court of Protection, which will be discussed later.

### *Who should act as attorney?*

It is important that the donor has complete trust in the attorney. In many cases, this is straightforward, and you, the carer, may be the natural choice. However, if there is co-ownership of a house between you and the person you are caring for, it is important not to appoint yourself as Attorney, as the co-owner cannot sign property documents on behalf of two people. A way around this is to put the house in your name only *before* the Enduring Power of Attorney is made.

### *Can several people be appointed?*

Yes. It is possible to appoint more than one person as Attorney. The attorneys can then act **jointly** (i.e. both signatures required on a cheque), or **severally** (i.e. either signature as valid). In such cases, it is important that people get on well, and easier if they live close by.

*Is it possible to appoint an objective Attorney?*

Yes. If there are problems in appointing a family member or close friend as attorney, the donor can choose to appoint a solicitor to be responsible for their financial affairs. This is obviously more expensive, but can be useful in avoiding family conflict.

*Limitations*

Although the Enduring Power of Attorney is made when the donor has mental capacity, it continues to have effect even once this capacity is lost. Since the judgement of mental capacity can sometimes be complicated, the donor might want to place limitations on it. For example, it could be stated that the Enduring Power of Attorney could only be used following written confirmation from a doctor, thereby giving the donor control over their affairs for as long as possible.

*What do I have to do?*

There are two procedures for obtaining Enduring Power of Attorney. Registration is used when the Donor still retains their mental capacity. Once The Donor has lost mental capacity, carers must go through the Receivership procedure.

*Registration*

If a Donor *starts* to have difficulty managing their financial affairs, then the Donor is personally required to register the Enduring Power of Attorney. This can be easily done by filling in a short form, available from the Public Guardianship Office. There is a fee of £220.

The form can be obtained online ([www.guardianship.gov.uk](http://www.guardianship.gov.uk)) or by post:

Public Guardianship Office  
Archway Tower  
2 Junction Road  
London N19 5SZ

The Enduring Power of Attorney can then be used once it has been registered.

### *Receivership*

If a person has lost mental capacity and is therefore unable to register the Enduring Power of Attorney themselves, then the only way for their carer / family to take charge of their financial affairs is to be appointed as **Receiver** by the Court of Protection. Unfortunately, this is a lengthy and expensive procedure.

The Receiver must obtain a medical certificate from the sufferer's GP or consultant and must complete a detailed form, giving information about the sufferer's and their own financial backgrounds. This is so that the Court can establish that there is no conflict of interest between the Receiver and the sufferer. For information about Receivership, carers can contact the Public Guardianship Office at the above address.