


GUIDE TO

MAKING DECISIONS FOR LOVED ONES



The vision of the Surrey Safeguarding Adults Board is that all adults in Surrey live a life free from fear, abuse and neglect.

When a friend or family member is unable to make decisions for themselves – perhaps because of a brain injury, learning disability, mental illness or dementia – you may need to make decisions for them.

GAINING LEGAL AUTHORITY TO MAKE DECISIONS

Being someone's 'next of kin' doesn't grant you the legal right to make decisions for them. This is a common misconception. Under the Mental Capacity Act, you only have the legal right to make decisions for another person if you have what's known as a Lasting Power of Attorney (LPA).

There are two types of LPA:

- » One for property and affairs, which includes financial decisions
- » One for health and personal welfare, which covers medical issues, accommodation and day-to-day care
- » In both cases, the LPA must be registered with the Office of the Public Guardian to be valid

To register an LPA, the person subject to it must have the capacity to understand what it means and be able to make an informed decision on who should have power of attorney. If this isn't possible, you can apply to become their Deputy (see below).

PLANNING FOR FUTURE MEDICAL DECISIONS

When it comes to medical treatment, a person can make what's called an 'advance decision to refuse treatment' (also known as a 'living will'). This means, if they lose the capacity to make a decision for themselves, there is a clear and documented understanding of their views on certain treatments (such as life support). A valid and applicable advance decision has legal status, and takes precedence over your or other people's views.

An advance decision only covers the refusal of medical treatment. When it comes to care and treatment preferences, wherever possible, this should be discussed and documented in advance. This isn't legally binding, like an advance decision, but it can be a big help for future decisions.

WHAT IF THERE ISN'T AN LPA OR ADVANCE DECISION?

If your friend or family member is not able to make decisions for themselves, and there is no LPA or advance decision in place, you can apply to the Court of Protection to make a decision on their behalf. If you'll need to make a number of decisions on an ongoing basis, you can apply to become a Deputy, which means you have legal authority to act on their behalf.

MAKING THE RIGHT DECISIONS

Making decisions for someone else means acting in their best interests.

This includes:

- » Involving them in the process wherever possible
- » Delaying decisions wherever possible, if they're expected to regain capacity
- » Acting in line with views or decisions that they've expressed in the past
- » Considering their religious beliefs and moral values

GETTING HELP

If you're worried that a person is no longer able to make their own decisions and they are at risk of abuse as a result, contact the Multi Agency Safeguarding Hub (MASH):

- » Call on **0300 470 9100**
- » Text on **07527 182861**

- » Email ascmash@surreycc.gov.uk
- » Out of hours, call **01483 517898**

In an emergency, or if you believe someone is in immediate danger, always dial 999 for the police.

Further information can be found at:

- » www.gov.uk/power-of-attorney
- » www.gov.uk/become-deputy