

Finances in Care Settings



This leaflet has been produced by The Advonet Group to assist care staff and other professionals to support residents with their finances.

Advocates are not able to provide legal or financial advice. This leaflet is intended to be a suggestion for some of the options available and is not a comprehensive guide.

Legal authority to manage finances

There are three main types of authority which enable someone to manage someone else's finances where someone lacks capacity:

- **Appointee:** Someone who is designated to manage a person's Benefits ONLY, including keeping the DWP informed and managing the money - [Become an appointee for someone claiming benefits - GOV.UK](#)
- **Lasting Power of Attorney (LPA):** a trusted person nominated to manage someone's affairs in the event that they lose capacity. There are two types:
 - Property and Finances
 - Health and Welfare

[Make, register or end a lasting power of attorney: Overview - GOV.UK](#)

Some people may have an Enduring Power of Attorney if this was set up before October 2007; this only applies to financial affairs.

- **Deputyship:** An appointment by the Court of Protection for someone to make decisions for someone who does not have capacity to make an LPA. Sometimes, Leeds City Council's Deputy and Estates department is appointed to take on this role.

[Deputies: make decisions for someone who lacks capacity: Overview - GOV.UK](#)

What rights do people have if they lack capacity?

If someone lacks capacity, then any decisions made on their behalf must be made in their Best Interests. This is a requirement of the Mental Capacity Act 2005. There is a useful Code of Practice to assist people when making decisions - [Mental Capacity Act Code of Practice - GOV.UK](#). This says:

- It should be assumed that someone has capacity unless it can be established that they lack capacity. It lays out a test for assessing capacity (Chapter 4).
- Every effort should be given to someone to help them make their own decisions where they are able to do so (Chapter 3)
- How to make decisions in someone's Best Interests when they lack capacity (Chapter 5)
- What protections are in place for people providing care or treatment for someone who lacks capacity (Chapter 6)

What do I do if a resident does not have an Appointee, LPA or Deputy and they need help with their finances?

Contact Adult Social Care and ask for a review of the client's financial arrangements.

What do I do if suspect the appointee is not managing finances for the benefit of the resident?

Keep a record of concerns and document them carefully. Options to consider include:

- Raise a safeguarding concern
- Report the issue to the person's social worker or social work team
- Report the issue to the DWP
- If they want to change the appointee, support the person to contact the DWP to ask for a change. They need to contact the correct department (e.g. PIP, Attendance Allowance and Disability Allowance; State Pension; Universal Credit etc.)

What do I do if suspect the Deputy or LPA is not managing finances or other affairs for the benefit of the resident?

This might come to the attention of staff for reasons including non-payment of care home fees or lack of provision of money or items for the person.

Keep a record of concerns and document them carefully. Options to consider:

- Raise a safeguarding concern
- Report the issue to the person's social worker or social work team
- Report the concern directly to the Office of the Public Guardian ([Report a concern about an attorney, deputy or guardian - GOV.UK](#))

What do I do if Care Home fees are not being paid and I don't know who is responsible?

Contact Adult Social Care and ask for a review of the client's financial arrangements

What to do if I am not sure whether there is an LPA or Deputy, or I am not sure whether the person claiming to be LPA or Deputy has been authorised as such?

You can contact the Office of the Public Guardian to find out if someone has an attorney or deputy who is acting for them: [Find out if someone has an attorney, deputy or guardian acting for them - GOV.UK](#)

Useful Links

[Scope | Changing an Appointee](#) - advice on removing or changing an appointee

[Resources | Hourglass](#) - advice and support for people dealing with elder abuse including financial abuse

[Financial abuse: spotting the signs and leaving safely.](#)

[Financial abuse: what is it? | Age UK](#)

For information on Old Age Person Fraud, see [Old Age Person Fraud Victim - Action Fraud Claims Advice](#)

[Worried or concerned about an older person? | Age UK](#)

If any criminal activity is suspected, then you should contact the police.

Contact Us

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