

Appendix 5

AIDE-MEMOIRE MENTAL CAPACITY ACT

Your obligations as an appointee

The Mental Capacity Act places legal obligations on you as an appointee when making decisions on behalf of the claimant.

- You must always act in the best interests of the customer. This includes managing and spending any benefits in a way that best serves the interests of the customer.
- Decisions on how benefit money is spent must reflect the customer's individuality. This means you should take account of the customer's feelings, beliefs and values. You cannot take account of your own feelings etc in making these decisions.
- If the customer becomes capable of managing their own affairs you must tell the Department.
- If a customer has lucid moments or periods where they are able to make decisions, you should use these to ask the customer about spending options.
- You must report any changes in the customer's circumstances.
- If you are responsible for paying care home fees and/or fees for social care services eg help at home, you must do so. Ideally a direct debit or standing order should be set up with the LA or care provider.
- You must not take a "fee" or "pay" for acting as an appointee.
- It is a criminal offence to ill-treat or wilfully neglect the customer.
- You are in a position of trust. The department will withdraw your appointee status if we think that you are not acting in the best interest of the customer.