The National Council on Ageing

‘Doing the Right Thing’ The information and support needs of receivers and attorneys

Report to the Public Guardianship Office by

Sujata Ray
Pauline Thompson
Ellen Sharp

Policy Unit, Age Concern England
Astral House, 1268 London Road, Norbury, SW16 4ER
Registered charity no. 261794

Contents

Executive Summary

On behalf of the Public Guardianship Office (PGO), Age Concern England Policy Unit carried out confidential qualitative research on 29 lay receivers and attorneys who had been in their role for between 6 and 18 months. Four focus group discussions were conducted in the north and south of England. The aims of the research were to:

- gain more insight into the experience of attorneys and receivers, throughout the process of application and once appointed;
- inform development of information sheets / other materials to inform and support them in the task of managing another person's finances;
- explore the non financial issues that new attorneys and receivers face, particularly around health and welfare matters in light of the implementation of the Mental Capacity Act in 2007.
- gain insight into what happens to a person's finances once they start to lose capacity.

Key findings and recommendations are:

1. Structure and format of information

Although information provided by PGO is clear and accessible, there is a large volume which needs to be assimilated. Attorneys and receivers are often faced with this task at a time of emotional distress, and also while somewhat daunted at the prospect of dealing with the Court of Protection. Improvements could be made to the structure and format of how the information is presented with the aim of aiding decision-making and providing memory aids for the attorney or receiver. Recommended tools for development are flow charts and checklists.

It is strongly recommended that attorneys and receivers (including those who have special needs such as those with poor literacy skills, those who do not speak English as a first language, or those who have communication difficulties) are involved in the development of any tools to ensure that they are well-designed and easy to use for all.

Although it appears many people would have preferred this approach it must be borne in mind that others might favour the reference format currently used and both would need to be made available.

2. Guidance on how to keep information

It would seem that some guidelines on how to manage information, including financial information would be helpful, for example

- basic book keeping advice
- how to set up a spreadsheet on a computer
- case-related information to have available when contacting the PGO.

3. Guidance for specific situations

Specific checklists providing guidance on the following subjects would be helpful:

- finding suitable care homes and entitlements to financial help
- selling properties
- dealing with empty properties.

Checklists should include signposting on where to obtain further information.

4. Use of official documents

Fear of sending out official documents and the need for extra copies of registered Enduring Powers of Attorney (EPA) and Court Orders was raised frequently within groups. Equally, needs to inform PGO about changes to circumstances, eg address, were queried. Attorneys in particular were left not knowing when or if they should notify the PGO. There should be clear guidance on what changes should be notified to keep information up to date. Some guidance for how to obtain extra copies and the costs is also required.

5. Improvements to website

One third of our sample did not have access to the internet and so had never accessed the PGO website, and in addition even among those who did have access it was apparent it was not used extensively by many. This suggests that information in hard copy is still very much required, in addition to the website.

Some awareness-raising of the website with examples of how it would be useful to attorneys and receivers is recommended.

Findings suggested the following improvements to the website:

- add a search facility to allow easy keyword searching of guidance materials (eg documents on banking)
- add links to other organisations which may of be of use to attorneys / receivers eg Inland Revenue
- improve the structure to make navigation easier – use information from any future work done to develop checklists and flowcharts to suggest better structuring of pages, hyperlinks etc.
- produce a section specifically for attorneys.

6. Single point of contact

For many, personal contact is a preferred method of receiving information, offering the opportunity to discuss the detail of a particular case, gain advice which is specific to the problem, and also in many cases, reassurance that they were 'doing the right thing' which appeared to be a key theme running through the research.

There was a clear expressed wish from most attorneys and receivers for one single point of contact who would know their case, be able to build up a rapport, who would have the knowledge they required and who would be available when they needed them. The groups also acknowledged that this was unrealistic as an expectation, given the demands and the resources of the PGO.

Rather than fully achieving this model the issue would be to move as far towards it as possible. One way of doing so might be to consider allocating enquirers to teams of PGO staff as early in the application process as is practicable.

7. Support groups and forums
Research participants found the discussion groups helpful, in particular hearing and learning from others' experiences and gaining some support rather than working in isolation. None of the receivers had heard of the Receivers Support Forum and this could be better publicised. Consideration could be given to setting up a similar group for attorneys and / or providing a dedicated advice line for lay receivers/deputies and attorneys.

8. Reaching Out magazine
Consideration could be given as a priority to providing a magazine similar to Reaching Out for attorneys. Information about such a magazine could be offered at registration and a request for those who wish to have a copy to be added to a mailing list as well as it being available via the website.

9. Simplifying application forms and process
If PGO are planning to review and streamline the application process we would strongly recommend involving both experienced and newly-appointed attorneys and receivers (including those with 'special needs' as outlined above) in any reviews or testing of ease of use of forms.

10. Financial institutions
Apart from a few exceptions, experiences of attorneys and receivers in dealing with banks, building societies and other organisations (in particular, Post Offices) ranged from acceptable to extremely poor customer service. Key issues appear to be:

- lack of knowledge of attorney / receiver of what to expect
- lack of awareness and skills of bank staff
- lack of standardised processes within and across institutions.

We recommend that the guidance from the PGO is made much easier to find on the website and that new attorneys and receivers are particularly made aware of it.

The PGO should explore whether more could be done to represent the needs and interests of lay receivers and attorneys dealing with financial institutions, in particular given demographic changes which will mean larger numbers of people acting on behalf of others in future.

A number of voluntary and legal organisations would be keen to take such work further and to campaign more vigorously for better customer service. Exploring this issue with consumer organisations such as Which? and CAB would be appropriate at this time, when banks will have to develop new procedures for Lasting Powers of Attorney.

11. Solicitors

At their best, solicitors were instrumental in ensuring good outcomes for attorneys and receivers, in some cases proactively offering help and support which came from good knowledge and reliable expertise. At worst, solicitors delayed procedures, lacked required knowledge, made mistakes on application forms, misinformed clients and overcharged or attempted to do so.

Straightforward advice from PGO is needed on dealing with solicitors, including what the responsibilities should be for a solicitor handling an EPA or receiver's case, how to deal with problems that may arise, and how to complain if necessary. The PGO could also explore making links to other organisations (eg Law Society, Solicitors for the Elderly) who might be able to advise.

12. Encouraging take-up of EPA

When reviewing their experiences, all groups agreed that encouraging take-up of EPA in advance of loss of capacity was an important message to feed back. Different methods to explore would include whole population approaches such as public service advertising, and targeted approaches to particular sections of the population eg by age. This will need to be explored as part of the implementation and awareness raising of the Mental Capacity Act.

Further targeting of approaches would include the use of word of mouth by professionals such as solicitors or health and care staff. Findings showed this to have been an effective stimulus for taking out an EPA.

Introduction

Last year the Public Guardianship Office appointed approximately 6,000 receivers and registered about 14,000 Enduring Powers of Attorney (EPA). The vast majority of people who become attorneys and receivers are family members or close friends. They may not have had any training in managing the finances of another person and largely the experience may be one that is new to them.

Receivers take over the management of the financial affairs of a person who has lost capacity without having made out an EPA and who has more than £16,000 in funds or if a property sale is immediately required, or if the Court of Protection decides it is necessary for other financially related reasons. The financial assets of individuals who have chosen to appoint an attorney may be more varied, although it is likely that those who have some assets or other benefits would choose to take out an EPA. Therefore in some cases the financial management needs can be substantial. In both cases, the loss of mental capacity in the individual concerned (called the 'donor' in the case of EPAs and the 'client' in the case of receivership), often progresses slowly and so both receivers and attorneys may have been helping the donor or client with their financial affairs for some time prior to formally registering the role or being appointed.

There is concern that in some cases by the time an attorney or receiver takes over, the person's finances may be further complicated by recent decisions made by the donor or client – for instance debt arising from forgetting to pay bills, or finances being in a muddle. This means that the attorney/receiver's first task is to sort out financial problems. There has been research into financial abuse and it is generally accepted that people who are losing mental capacity are likely to be more prone to abuse than others. Attorneys or receivers may find that they are having to deal with discovering or investigating if money has disappeared prior to them taking on the role.

Aims of research

The aims of this project were:

- To gain more insight into the experience of attorneys and receivers, throughout the process of application and once appointed;
- To inform development of information sheets / other materials to inform and support them in the task of managing another person's finances;
- To explore the non financial issues that new attorneys and receivers face, particularly around health and welfare matters in light of the implementation of the Mental Capacity Act in 2007;
- To gain insight into what happens to a person's finances once they start to lose capacity.

Background

Although a formal literature review was not within the scope of this study, searches of the Centre for Policy on Ageing database AgeInfo suggested that there has been very little research into the issue of managing finances on behalf of a person who has lost capacity. However, a scoping study was being run concurrently to this project by the University of York's Social Policy Research Unit and it's findings have been recently published[1]. Results from the study showed:

- The most comprehensive and recent research on the issue has been done by researchers from the University of Queenland, Australia. By comparison, English research has been small-scale and has focused on paid care staff rather than informal carers;
- There is a wealth of information available via the internet, but no single, comprehensive guide on the day-to-day practicalities and good practice for carers managing older people's assets.
- New research is required to obtain information on informal carers' management of finances of a person who is losing or has lost capacity to do so.
- Informal financial management of an older person's finances by relatives and friends is a relatively common practice which evolves in line with decline in physical or mental capacity.
- Formal arrangements such as EPA's are poorly understood and awareness of them is low.
- Deliberate or intentional financial abuse is not thought to be widespread. Misuse of assets on a smaller scale may happen but is a grey area and reflects different perceptions of appropriate behaviour by both carers and older people.
- Older people and carers are often ill-equipped for the new tasks of managing finances in later life, including legal and institutional arrangements.
- The researchers suggest that large-scale public education programmes could usefully fill the information gaps.

1. Arksey, A, et al, Minding the Money: Carers and the Management of Financial Assets in Later Life: Report of a Scoping Study, University of York Social Policy Research Unit, May 2006

Methodology

A programme of qualitative research was devised to include lay receivers and attorneys acting on behalf of an individual who had lost capacity in later life. It was decided to recruit receivers and attorneys who had been appointed within a window of the last 6 to 18 months because those who had been more recently appointed may have still been in the midst of learning about their new role. Conversely, those appointed further back in time may have forgotten the experiences and problems they encountered during the process.

An initial discussion group of PGO staff was conducted in order to develop a comprehensive topic guide to use in focus groups with receivers and attorneys. The findings of the staff focus group are available in Appendix A and the finalised topic guide which was used in focus groups in Appendix B. The topic guide was used loosely within the groups to raise issues rather than to structure the discussion.

Participants were recruited using an opt-in method via a PGO mailshot using a standard letter (Appendix C) prepared by Age Concern England and printed on Age Concern England headed paper. Screening and recruitment of those opting in to the research, and all subsequent contact were carried out by Age Concern England. Participants were made aware that their personal data would remain confidential to Age Concern England.

Subsequently, four discussion groups were run in two different locations, Manchester and Croydon. In each location, one group of lay receivers and one group of attorneys was consulted.

A total of 29 attorneys and receivers took part, detailed profile of the group is provided below.

Attorney / Receiver	55% attorneys 45% receivers
Gender	38% male 62% female
Age range	3% x 35-44 17% x 45-54 45% x 55-64 28% x 65-74 7% x 75-84
Relationship to donor / client	52% x son/daughter 17% x spouse 7% x sibling 21% x other relative 3% x not related
Ethnicity	100% x White British

Disability	100% x none
Web access	69% x yes 31% x no
Social class	31% x AB 62% x C1/C2 7% x D/E

Although as diverse a sample as possible was aimed for, the opt-in method via mailshot failed to recruit people with disabilities or people from minority ethnic groups. Both of these issues warrant further study.

Findings

Group discussions varied considerably, reflecting the complexity of the issue being considered, in terms of:

- detailed, complicated procedures which were not generally well-understood by most participants,
- their resulting information needs,
- and the relationships the processes seek to support and protect.

1. Information and support from Public Guardianship Office

1.1 Volume of information

A primary, clear finding from the research groups was that, whereas the current information offered was mostly found to be clear and written in language that was easy to read, there was a need for some help in navigating through the large volumes of information and help in deciding what action to take. Suggestions of checklists and flowcharts were spontaneously raised by all the groups except one.

> *'… I think their documentation and the booklets are actually quite good, pretty clear, which they need to be (.?.) . I think they have tried to make it as clear as possible.' [Receivers Group, Croydon]*

> *'I think all the publications are nice and easy to read, you know, good explanations. It's actually knowing where to start.' [Receivers Group, Croydon]*

> *'It would be quite useful to have a list. Like when you move house and they say have you done this, that and the other; there's a long list of things and you tick it off. It would be very useful for attorneys.' [Attorneys Group, Croydon]*

> *'Flow charts, question and answer… do this, just stick this in the envelope, so then the guy knows what to tick off and what to do.' [Attorneys Group, Croydon]*

> *'Can you not create a flow chart to go if you are in this situation you go this way or what way' [Attorneys Group, Manchester]*

> *'…it occurred to me what would be very helpful if there was like a flow chart which actually took you through is this your situation, you know, mother still alive, you know, mother's died, you know, those sort of things, you need to settle different aspects.' [Receivers Group, Croydon]*

> *'Certainly you need to find out what you need to do. You have to study quite a bit, and it's not that easy. A flow chart will be quite useful.' [Receivers Group, Croydon]*

> *'…and flow chart which says I'm in this category here and need these documents and follow these steps.' [Receivers Group, Croydon]*

Another related aspect which was mentioned was a simplified 'do's and don'ts'.

> *'It (the information from the PGO) doesn't say much. It doesn't really give you any guidelines as to what you're allowed to do with the money, and what you're not allowed to do…' [Attorneys Group, Manchester]*

1.2 PGO website

Many participants had not accessed the Public Guardianship Office website, for some it was a case of never using the internet, others preferred alternative ways of obtaining information such as phone calls or hard copy information and a smaller number lacked awareness or had not thought of using the website, and following discussion within the group said they would try it.

Those who had accessed the website had mostly not done so recently, having used it mainly throughout the process of application for receivership or registration of an EPA. Comments were mixed in terms of positive and negative, analysis shows more positive comments from receivers than from attorneys. Positive comments included that the website was useful for downloading application forms, that it was clear and helpful and easy to use. Negative comments included that it was not user friendly, there was missing information that the participants could not find and that the information just repeated what was available in hard copy form.

A number of participants commented that many older people would not have access to the internet and would prefer to receive information in other ways. Therefore groups felt that the website should not replace other means of providing information such as phone contact and the post.

1.3 Topics of information

Throughout the discussions, many queries were raised by participants on different subjects. These point to areas where information is either lacking or is not easy to access.

Topics which were directly relevant to the PGO included:

- What would happen on death of the donor or client
- The need to keep PGO informed of changes, eg changes of address.
- Good practice regarding gifts and paying expenses to self.
- Confusion over how to deal with joint accounts and what should happen after appointment or registration.

In addition to the above, the issue of long term care is an important one and was raised many times by participants and will be discussed below. There was a lot of confusion over paying for care, Continuing Care and allowances in terms of income or assets. Finding suitable residential care was often linked to this issue although there were mixed experiences, with some having had excellent support from the local authority, whereas others had not.

1.4 Forms and paperwork

There were mixed comments on the issue of application among receivers, and application and registering among attorneys but a general consensus that the process felt slow and 'tiresome'.

> *'The only thing was getting the power of attorney registered took a very long time' [Attorneys Group, Croydon]*

> *'… you know, like everybody's views, the process is so slow. I think that's my main grievance is that it seems to take an eternity.' [Receivers Group, Croydon]*

> *'So our experience hasn't been very… I wouldn't call it traumatic, just very tiresome that it's had to be done.' [Receivers Group, Manchester]*

There was also, however, general understanding that the process needed to be detailed and exacting in order to protect the interests of the donor or client.

> *'… we filed for receivership which we'd never actually heard of before which has an extremely long-winded process with the forms you have to fill in and declarations are very lengthy and detailed, probably rightly so but, you know, take an awful lot of time and effort…' [Receivers Group, Croydon]*

Receivers particularly mentioned the slowness of the process and the need for detailed financial information which they did not have access to.

> *'The actual form filling was straightforward; it was collating the information for the financial side that there was a problem.' [Receivers Group, Manchester]*

The time taken to release funds which were needed to pay care home fees etc was mentioned as a problem for some receivers, although all were aware of interim orders.   One participant mentioned that the slow process meant that large amounts of money from the sale of a house were losing interest as they were kept in a deposit account by the solicitor rather than earning better interest rates elsewhere.

Some attorneys had been unaware of the need to register the EPA before being able to use it once the person had lost capacity. For two participants this had meant paying for care home fees out of their own pocket in the interim. Some were not aware that they had gone through the process called ‘registration’. Attorneys also found the process of registration slow, and some complained there was no updating information from PGO while it was on-going. One who was subject to a challenge heard nothing about the case until she received confirmation of registration.

As well as the process being slow and cumbersome, all groups mentioned delays in response from the PGO and the need to proactively contact and remind PGO staff about particular queries instead of relying on a response.

> *‘For the last twelve years of my working career I worked as a civil servant, though I’m a civil engineer, and knowing the mentality of government departments and organisations was a great help, because if you haven’t heard within two or three days it’s always best to phone, you know, and gee them up a bit.’ [Receivers Group, Croydon]*

1.5 People with special needs

Although the majority of participants felt that the PGO’s information was clear and easy to process, if a little lengthy, some participants thought it might be challenging for others. The research sample did not include attorneys or receivers who had special needs, eg not speaking English as a first language, sensory disabilities or problems with literacy.

> *‘I think if you’re used to filling in forms that’s fine. I used to fill in forms all the time at work, and I think most people here could do it. But if you were an older person who was trying to apply for power of attorney, you know, … say an elderly couple who perhaps had poor sight and aren’t very well theirself I think they’d have great difficulty. They would finish up paying a solicitor.’ [Attorneys Group, Manchester]*

1.6 Notification forms and letters

Notification was raised by both groups of attorneys and one group of receivers. The process of notification was found to be difficult for different reasons, including distress caused to the donor or client, or their lack of capacity to understand the notification which made it meaningless. Dispensing with notice was felt to be a long drawn out process.

Many attorneys felt the process did not make much sense as there was little follow up. Some had gone through the motions of notification of the donor but not followed through, keeping the letter on file.

'And they'll also say in their information you must try your hardest to contact these people but virtually if you don't it doesn't matter. So what's the point of bothering anyway?' [Attorneys Group, Croydon]

'I think they should have to acknowledge the fact that they've received notification.' [Attorneys Group, Croydon]

'They can't <object> *because they've no idea. We just felt as if we were talking to ourselves.' [Receivers Group, Manchester]*

'I wrote a letter and kept it in the file. I've written a letter to my dad and it's in the file.' [Attorneys Group, Manchester]

1.7 Contacting the PGO

For those who cannot or do not want to use the website, the main source for queries is personal contact with PGO, usually by phone but also by letter. None of the participants had ever dropped in to the offices as they were unaware that they could do so.

'... I'm sure most people would like a one to one face to face chat with somebody from the PGO at some stage… I don't think they accept visitors do they?' [Attorneys Group, Croydon]

Discussion about support from PGO resulted in a mixture of positive and negative comments. On the positive side, some mentioned quick, straightforward responses to telephone requests for help.

'We needed some more .. the sealed orders and I did phone through to the office and they were very helpful, they were really good. They said any more that you needed just phone them and they'll send them'. [Receivers Group, Manchester]

'I phoned them up and I said I just want you to realise what problems we're having, and they've said oh we're pleased that you've contacted us.' [Receivers Group, Manchester]

'When I got these forms and I would encounter a problem because they never asked me the questions I wanted to answer; but I phoned the Public Guardianship Office, and I got straight through to somebody who could give me a straightforward answer' [Attorneys Group, Manchester]

On the negative side, as well as slowness in responding, the main problem was not having a single point of contact, or case worker, to consult. This issue was mentioned by all groups as a problem, particularly during the process of application when there was no allocation of cases to teams. Problems such as being given contradictory information by different advisors, and lack of continuity were mentioned specifically as problems by both receivers and attorneys. One participant mentioned difficulties with advisors who did not speak English as their first language not understanding the enquirer's accent.

> *'But most of the problems I've had have been with … ringing up the Public Guardianship Office… You can never speak to the same person twice unless you ring them up within the hour.' [Attorneys Group, Croydon]*

> *'they're pretty slow at responding and you can't always get to talk to somebody who actually knows what they're talking about.' [Receivers Group, Croydon]*

> *'You get passed from one to another ..' [Attorneys Group, Croydon]*

> *'You know, it just becomes complicated because as you said, you speak to one one time and then the next time it's somebody completely different.' [Attorneys Group, Croydon]*

> *'No continuity.' [Attorneys Group, Croydon]*

> *'When you apply, and then it's the next stage, and then it's the next stage and … they're always pleasant but it's always somebody else that you're talking to.' [Receivers Group, Croydon]*

There was an expressed wish from Receivers and Attorneys for personal contact from someone would explain what they needed to do, at an early point in the role.

> *'I think they should… when an application goes in I think that is the time to allocate someone at the end of the phone that does know' [Receivers Group, Croydon]*

> *'.. a person that you can latch on to who will say you don't know a lot about this, here's the first five steps you need to do…' [Receivers Group, Croydon]*

> *'There should be somebody whose job it is to get in touch with people and say this, this and this, have you thought about, do you know about…' [Attorneys Group, Manchester]*

> *'Even if you ring up the PGO and make an appointment and go and see someone' [Attorneys Group, Croydon]*

There was understanding, however, of the difficulties in achieving the single case worker approach with a limited number of staff, and that individual staff would not always be available when required.

'But of course people leave don't they, that's the trouble with the dedicated person.'

'Or they go on holiday.'

[Attorneys Group, Croydon]

A small number of instances of being sent the wrong information to that requested (eg forms for EPA in response to a request about receivership forms; application forms for EPA in response to a request regarding registration) were raised within some groups, however this was not highlighted as a major problem in comparison to the above.

Mention was also made of conflicting information from phone contact with the PGO staff and information in 'Reaching Out'.

'I spoke to the PGO and said, if I want to pay a bill up to how much can I pay you without you okaying it, and somebody told me £500. And on this newsletter it said something about a thousand pounds.' [Receivers Group, Manchester]

1.8 Taking on and managing the role

The types of problems encountered when taking on finances included not being aware at the outset how much funds the donor/client actually had. Both receivers and attorneys mentioned finding large amounts of cash hidden in houses, together with important letters, bills, etc, and minor issues regarding finding cheaper utilities suppliers and some unpaid bills. Dealing with properties in disrepair was also mentioned. No problems were mentioned with debts.

The research was not designed to collect instances of financial abuse (the group discussion setting might have prevented discussion of this issue). Two mentions were, however, made of potential financial abuse concerning rogue traders.

Keeping accounts was generally seen as a manageable task for both receivers and attorneys groups, but for these participants often the financial needs were simple. Most of the receivers were fairly newly appointed and had not yet received their annual return form. Among those that had, no problems were raised other than the length of the process.

'It's another thick form to fill in.' [Receivers Group, Manchester]

Both groups of attorneys mentioned problems concerning sending the documents out to financial institutions etc. Some had assumed that photocopies could be used and were surprised when originals were requested, and most felt wary of sending the document through the post. Many paid for recorded delivery. There was some confusion over obtaining further sealed copies from PGO and whether there was a fee for this service.

> *'One bit of information which I didn't get when I got the Enduring Power of Attorney was what means I would have to use the documents.' [Attorneys group, Croydon]*

> *'In one case I sent off the original, then I had a problem getting it back because the Post Office didn't give me the proper recorded delivery... But the other trouble I've had is if you don't use the original power of attorney you can't use a photocopy.' {Attorneys Group, Croydon]*

> *'Some places will accept just a photocopy I had, others I've sent a photocopy and they've said we can't accept this, we need a certified copy. So, you know, it varies.' [Attorneys Group, Croydon]*

> *'It's frightening isn't it?' <sending off the original power of attorney>… I've spent the last six months getting this, now I'm going to stick it in the post and send it off.' [Attorneys Group, Manchester]*

A number of participants lived some distance from the donor or client, which was seen as problematic in terms of the time and expense in travelling and the specific issue of being able to attend the Lord Chancellor's Visitor meeting.

1.9 Practical issues regarding the role

When asked what tips they would give to newcomers to the role, how to manage the information was often mentioned and relates to this overall topic. Keeping a list of expenditure and maintaining a diary of events were seen as useful suggestions to pass on, together with keeping copies of documents when dealing with organisations and institutions.

> *'… I've got a computer so I can do it on there. You can do it with paper and pen just as easy. I just done two things; one was a list of the expenditure I was doing, spending out, prior to getting… just so I could recoup it…[Attorneys Group, Croydon]*

> *'… ever since I've had anything, any pound, I've had two books, and if I spend anything I just write it down.' [Attorneys Group, Manchester]*

> *'I've set up a spreadsheet on the computer and every time I spend something I fill it in.' [Receivers Group, Manchester]*

> *'And a calendar of events. Basically keeping a list of what letters I'd sent, who I'd contacted on the date. Because what happened three months down the line and they say when did you call us, and you'd say well I sent*

you a letter on that date and this was what it was about. And if I didn't have that it would have been a nightmare.' [Attorneys Group, Croydon]

1.10 Emotional Distress
Although on the whole it was felt that materials from PGO had been clear and easy to read, many felt that the fact that these challenges were often being faced at distressing times, ie just after a diagnosis, injury or stroke of a loved one, made this information processing task more difficult.

> *'I wasn't able to think straight … and this is the position that people are in, where they have a bereavement and have all this situation… I knew I could get the form from the Guardianship Office, so I did. But they came and it was a wadge of papers that frightened the living daylights out of me, because I wasn't in a capable position to think straight. I'm quite capable of filling in a form, but not then… time went on and by which time I became calmer. Well I looked at it, it wasn't as horrendous. In fact it was very easy in the end. But I wasn't in a mental state to do it at the time.' [Attorneys Group, Manchester]*

> *'You get all the little booklets and you've got to wade through it all trying to find the bits that you really want.' [Attorneys Group, Croydon]*

The image of the Court of Protection was seen as intimidating by some people, which also affected how they felt about processing the information from the PGO, responding and asking for help. Some participants felt daunted themselves, and others felt that other people, eg those with special needs, would feel daunted.

> *'I just found it really sort of daunting. There was so much of it. And I had to collate so much information and it seemed so official, and it has to be right'. [Receivers Group, Croydon]*

> *'I found it a very daunting prospect… I knew I had to register it … that's when I thought oh my god, you know, it's all legal and I'm afraid I might do something wrong…'*

> *'… I suspect it's because you've got the word 'court'*

> *'Court. Exactly, yes.'*
>
> *[Attorneys Group, Croydon]*

> *'So I can understand the fear factor with a lot of people, which is something the PGO might want to address.' [Attorneys Group, Croydon]*

Some mention was also made of the toll of dealing with loss of capacity in a loved one and the stress caused to the person taking responsibility. For most participants this had been something they had dealt with but one case was mentioned where it had been harder to cope.

> *'My husband had power of attorney for both his parents, and his father's health deteriorated very very rapidly; his mental health deteriorated very rapidly to complete dementia. And also affected him physically in various ways. And his mother deteriorated looking after his father. Social Services stepped in. And then unfortunately my husband himself, with the stress of it, became ill and he's .. for eighteen months he's been in and out of a psychiatric unit ever since because of the stress of it.' (Receivers Group, Manchester]*

1.11 Lord Chancellor's Visitors

The majority of Receivers were aware of Lord Chancellor's Visitors but not all knew what their role was. Many but not all had had a visit. There was a mix of responses from Receivers who had had a visit ranging from finding it helpful for those who had been able to attend the visit, to not having found it helpful or unhelpful. Two participants had complaints that the visit had been cancelled at short notice or that the visitor had not turned up to an arranged visit.

There was general consensus that the timing was important, and 2 to 3 months after taking on the role of Receiver was felt to be better than much later on.

> *'(The visit) Would have been helpful, a lot more helpful, two or three months after the order.' [Receivers Group, Manchester]*

> *'… in our case it was eight or nine months and then he didn't turn up.' [Receivers Group, Manchester]*

Gaining reassurance that they were 'doing the right thing' appeared to be important from visits.

> *'She made me feel as if I was doing the right thing, you know, because I was .. we're trying to buy .. you know, I want to buy <client> a television and I want to spend money on her, her money on her, but she just doesn't want anything…' [Receivers Group, Manchester]*

1.12 Reaching Out magazine

Most receivers remembered having seen Reaching Out and some had found it interesting and informative. When raised with attorneys there was general agreement that a similar publication might be useful.

1.13 Receivers Support Group

None of the receivers were aware of the support group, although one participant thought it had been mentioned in an edition of Reaching Out. The issue of working in isolation was raised by many participants, attorneys as well as receivers as problematic and most of the groups stated that the research discussion groups had been helpful as general support and information, or even if it was to realise that others also experienced similar problems.

In two groups participants likened the frustrations of the role to ‘banging your head against a wall’, and one participant summed up attending the focus group session by saying:

> *‘Now you know you’re not the only one with a wall at home with a dent in…’ [Attorneys Group, Croydon]*

1.14 Relationship with donor/client and PGO

A common theme among all the groups was the issue of the relationship between the attorney or receiver, the donor or client and the PGO in terms of what would be seen as appropriate action which acknowledged the personal relationship with the donor/client and safeguarding of their interests by the PGO. ‘Doing the right thing’ was a concern for all participants and many expressed frustration or indignation at having to ask permission for certain types of transaction. This was obviously a very complex area, some reported being tempted to shortcut procedures whereas all agreed that protection was required.

> *‘… but you know, it’s so frustrating that you want to help them and do the right thing. The defence system is, you know, so concerned that you’re going to rip them off and abuse the funds. And I suppose it does happen..’ [Receivers Group, Croydon]*

> *‘… although I’ve been married nearly .. well forty seven years come August, if I want any maintenance, I’ve got to fill in a form and apply for it to the court which …I mean when you’re dealing with the affairs of someone that’s very close to you, you want the best for them, regardless. So … I feel like a slapper that I was picked up two weeks before his stroke in a pub; not married for forty odd years.’ [Receivers Group, Croydon]*

> *‘It’s already been mentioned, this thing about, you know, it’s almost like over the top protection’ [Receivers Group, Croydon]*

> *‘In effect that’s going to be my property, why are they demanding that she should pay rent. So there’s always that feeling of animosity there as well…[Receivers Group, Manchester]*

It was also apparent, particularly in the case of attorneys, that donors were unaware at the time of taking out an EPA what would be required of the attorney. Assumptions could be made about inheritance of funds and properties by donors without specifying their wishes in advance and in the absence of information about what they would need to do to ensure their wishes were acted upon.

> *‘.. well a couple of years ago in fact mum said I don’t want any more to do with the house, you have it, it’s your house, there’s nobody else, it’s your*

house. I said well it's not quite as simple as that. No, it's your house, you can have it.' [Attorneys Group, Croydon]

'I would so much have liked to have been told what the ground rules were there. Even my solicitor didn't know.' [Attorneys Group, Croydon]

Relationship difficulties between attorneys or receivers and donors or clients were also raised. In one case a receiver had been appointed after an objection had been raise by the client, who was her mother in law. The receiver was struggling to cope with a situation where the client still refused to acknowledge the receivership.

'She won't let me see her bank account, her bank book. She's just got one account. She just keeps saying there's nothing wrong with me, there's nothing wrong with me, I'm alright. She's dealt with finances for her and her husband all her married life, and she's .. she's insisting that there's nothing wrong with her. And she's quite against me. She's gone around telling everybody that I'm stealing her money .. I was stealing her husband's money.' [Receivers Group, Manchester}

Other participants mentioned the difficulties of negotiating with donors or clients who felt their control was being taken away, including within the context of taking out an EPA.

2. Information and support from other sources

2.1 Financial institutions

Very few examples of good, helpful contact with banks, building societies, and other financial institutions were mentioned and the majority of participants had experienced problems.

Often mentioned was lack of awareness and hence refusal to acknowledge the power and status of attorney or receivership. Very often customer-facing staff were unaware that such arrangements existed and did not have any knowledge of who to refer to within their organisation. The following comments illustrate clearly how receivers often felt:

'You go in with a piece of paper that's got the court seal on it that says .. and they look at this piece of paper and then they look at you as if you're something, you know, dropped off the Christmas tree.' [Receivers Group, Manchester]

'And also with banks, when you go in to the banks, when you say you're a receiver, they look at you as if you've come from ..'

'…From a strange planet.' [Receivers Group, Croydon]

Attorneys also had examples of lack of awareness or understanding by banks or building societies, and a particular problem for them was when institutions would not accept that an EPA can be used without registration if the donor has not specified it should only be used if they have lost capacity. Joint registration vs joint and several registration was also raised as a problem.

There was confusion among all the focus groups about joint accounts and what the procedure should be when one account holder had lost capacity. There was also lack of awareness among participants of the correct procedure when opening an account on behalf of the donor/client and which name to use. Instances where banks refused to open accounts were raised.

A specific problem was in getting to talk to the personnel who had the knowledge to deal with the issues. Staff changes which meant expertise was lost, changes in procedures which re-routed them to head office, and the need to make appointments, attend specific meetings and have the correct documentation to hand were all problems. Only two participants mentioned internet banking, one had found it easy (although she may have opened the account in her own name), the other had not been able to open an internet account. Unsurprisingly, given the general lack of awareness in financial institutions, call centres were generally seen as unhelpful. Some mentioned particular organisations had provided helpful service whereas others had had problems with a different branch of the same company. Some had had quite distressing experiences, describing 'horrendous problems', staff being 'totally uncooperative'. One reported being cut off while on the phone to a senior manager and being too distressed to complain. In one case PGO staff had offered to speak to the bank if they rang to explain the situation but the bank refused to call them.

Dealing with the Post Office for accounts and pension payments was problematic in similar ways to the above, for all groups.

> *'I had such terrible problems with <the Post Office>. I sent them two letters, been on the phone three times, to different advisers, and I got different answers each time. It's taken from April 20 to last week to actually get things fixed up.' [Attorneys Group, Croydon]*

Another key problem was in getting correspondence to be sent to the address of the receiver or attorney and not to the client or donor.

> *'But the biggest thing was getting companies, be it private or public sector, to write to me instead of him.' [Attorneys Group, Croydon]*

> *'So I wrote another letter <to the Post Office> and said please do not send anything else to my mother because I retrieved the last one out of the*

dustbin. What did they do? They sent a PIN number... to my mother. And it was her carer who lives next door found it in the dustbin. They're absolutely hopeless.' [Attorneys Group, Croydon]

Many had resorted to having mail redirected however this was as a last resort.

'The bills kept coming through the letter box… it took absolutely months before we could get the post redirected, because the Post Office would not do that unless they've actually got authorisation.' [Attorneys Group, Croydon]

Receivers and attorneys therefore had to be diligent, patient and assertive when sorting out financial accounts and most participants had eventually managed to do so. The task was described as 'pushing water uphill'.

'Once I'd got the power of attorney registered I thought everything would be very straightforward. And it was like I was at the bottom of a very steep hill.' [Attorneys Group, Manchester]

There was general consensus that standardisation between and within institutions was needed, as learning how to deal with one organisation or branch was rarely of help when dealing with another. Suggestions were offered spontaneously, including training and seminars for financial staff.

2.2 Solicitors

Findings showed mixed experiences of support from solicitors, ranging from very helpful to extremely unhelpful and costly. Most participants had some ambivalence about involving solicitors, with some who had good experiences describing themselves as lucky.

Good solicitors had made clear explanations and been supportive throughout the process of applying and beyond. One participant mentioned that his solicitor had even come to the bank to ensure that the closing of the account was done smoothly. Mention was made of solicitors proactively suggesting taking out EPAs for which attorneys were grateful.   Another had explained to a receiver that they would be able to act in receivership themselves when the local authority was proposing to do so.

'Well I found my solicitor was really good filling in the forms, because I mean it's a very daunting thing.' [Receivers Group, Croydon]

'I've been very very lucky with my solicitor. He's quite helpful, he has looked after us. He couldn't do enough for me…He even came down the bank with me to make sure that the change over, closing the account, you know.' [Receivers Group, Croydon]

'Our solicitor said these are the forms, this is where you get them from and off you go …, which I did do. They suggested that I did it myself, my solicitor. So that was quite good.' [Receivers Group, Manchester]

'So when the solicitor came we'd already talked to him and said .. because at this stage my dad did have memory problems, and my mum was bed bound and she only lived three months after that, and it was becoming very obvious that we were going to probably need to do something. So we actually completed .. he did the power of attorney for my dad at the same time as we did the business with my sister's estate.' [Attorneys Group, Manchester]

'I mean what our solicitor said was he gets everybody to do it now, you know, anybody .. if he goes to see them for anything he tries .. you know, he says, you know, have you got this and shall we set one up sort of thing, just as a kind of a run of the mill thing.' [Attorneys Group, Manchester]

Negative experiences included solicitors being slow with processing application forms, some to the point where they had taken over themselves. Receivers mentioned that some solicitors were interested in the context of handling the receivership themselves and not interested in supporting a lay receiver through the process. Attorneys also mentioned that solicitors had failed to advise them of alternative sources of help such as the PGO and had offered to handle all arrangements for registration for a fee. Lack of knowledge or misinformation were raised by many of the receivers and attorneys who were dissatisfied, knowledge of issues regarding properties came up most often. There was also concern about the fees being overestimated for the administrative work done, in one instance the PGO had intervened to prevent overcharging.

'Seems to be a mistake to involve solicitors because I had quite a nasty experience with a solicitor when I tried getting receivership. He just sat on the forms and didn't do anything for a long time. And you assume something's going on but nothing's going on. In the end I did it myself. I took all the forms back and did it myself. And I wasted six months waiting for the solicitor.' [Receivers Group, Croydon]

'If you ask them to help you fill in the forms they're not interested. That was an admin job really. So in the end I did it … again like you, I did it myself.' [Receivers Group, Croydon]

'*What appals me is the fact that solicitors know even less about it than you do.' [Receivers Group, Croydon]*

'They could not give a price, they couldn't give any indication of how much it might cost. And quite frankly I think the only person that my mother

> *needs protecting from is her solicitors. Really.' [Receivers Group, Croydon]*

The last quote above concerns one case of what appeared to be particularly bad practice by a solicitor. This may have skewed responses from other members of this particular focus group, perhaps making the overall view from this group more negative.

Further support from PGO on dealing with solicitors was raised as potentially helpful. Some of the participants had felt a growing confidence in doing things themselves, and later regretted that they had got their solicitor to do it all.

> *'Actually I think that's something where it would be quite good to have something which says, you know, you're obliged to have a solicitor for this, it's optional for this, you know. Because you're not quite sure at the beginning.' [Receivers Group, Croydon]*

> *'That would be useful actually if … I don't know how possible it would be to compile a list of people, solicitors, in each area that specialises in that…' [Receivers Group, Croydon]*

2.3 Health and social care professionals

Support from health and local authority personnel was mentioned in most groups, with a mix of findings. Comments about social services related most often to finding care homes and nursing homes for donors or clients, and advice and assessment for paying for care and applying for benefits.

Well over half of the participants had had to deal with finding a care home and there was a great deal of confusion about entitlements. Two had been awarded section 117 funding (although one did not realise why the care was being fully paid) and two achieved fully-funded NHS care (continuing NHS care), although one was still in dispute about the length of time. Others, even where the person was in a nursing home had not heard of fully funded care and were vague about what level of NHS payment to nursing care was being paid. There was confusion about who is eligible for Attendance Allowance in a care home and a general lack of knowledge about benefits. Most had been dealing with finding a care home at the same time as starting the process of registering the EPA or applying for receivership. There was a general feeling that sale of the property would be required and little knowledge of the 12 week disregard or the deferred payment scheme. In one case although the receiver did not want to sell the property (he wanted to rent it out) this was on the Court order. It did not seem as if the deferred payments scheme had been suggested either by the local services or the Court as an alternative.

Most participants felt that better information and support in these areas could have been provided, although some felt they had received very good support.

For attorneys it appeared that health and care professionals had in some instances been important in advising that an EPA be taken out before it was too late. This role is discussed further below.

2.4 Other organisations
Local organisations such as the Citizens Advice Bureaux and local charities for older people, including Age Concern, were mentioned as helpful on a number of issues to do with finances, health and social care. Age Concern's information regarding EPA's, however, was criticised by one participant for being overly long.

One participant mentioned that the local tax office had been helpful.

One group mentioned commercially available information packs, in particular the one by WHSmith, as very useful.

3. Publicity on EPA

The second strongest message arising from the research participants was the need to increase public awareness of EPA's and to avoid being in the position of needing receivership. In fact, when Receivers were asked what advice they would have to others taking on the task of looking after someone else's finances, the overwhelming response from both groups was to take out EPA in the first place.

Equally many attorneys expressed their feelings of relief, good fortune and gratitude at having taken out an EPA in time. Many had been prompted to do so by financial or legal advisors (see section 2.2 Solicitors), and some by healthcare staff. There was some discussion of reluctance of prospective donors in taking out an EPA and the need for awareness raising among the public of its usefulness, necessity and the main purpose of protecting the finances of the donor.

A number of awareness raising methods were put forward by the groups, including publicity campaigns:

> *'There needs to be more publicity on the need for an EPA before the person you are exercising it for is unable to sign documents.' [Attorneys Group, Croydon]*
>
> *'I think there should be a big advertising campaign about power of attorneys.' [Receivers Group, Manchester]*
>
> *'A week or a day or something. Have to make a will day or something.' [Attorneys Group, Manchester]*

'I don't know, say with the pension, something like that came, people got more in to discussing these things, and they realise that it's not about somebody trying to pinch your money, it's trying to make sure that your… that my mother's money goes where she would want it to go really.' [Attorneys Group, Manchester]

Some mentioned the role of health and social care professionals in increasing awareness of EPA's.

'Well, one of the things that I think should happen… I know when we got this diagnosis of Alzheimer's what next, what happens. I didn't know about power of attorney, and it was by accident that I found out. I didn't know what to do.' [Attorneys Group, Manchester]

'At the GP surgery there ought to be a dementia register… to which the social services should be given access…the new designated social worker should arrive with all the necessary forms, and fill them in there and then… So it needs a one stop shop or an advocacy service immediately, as soon as you're told you've got Alzheimer's….' [Attorneys Group, Manchester]

Key Findings and Recommendations

1. Structure and format of information
Information needs are a complex matter and there is variety between people in their preferences for receiving information. Our findings from this research suggest that although information provided by the PGO is clear and accessible, there is a large volume which needs to be assimilated. Attorneys and receivers are often faced with this task at a time of emotional distress, and also while somewhat daunted at the prospect of dealing with the Court of Protection. It would appear that improvements could be made to the structure and format of how the information is presented. In particular, structuring of information could be most usefully done with the aim of aiding decision-making and providing memory aids for the attorney or receiver. Common tools are flowcharts and checklists, and attorneys and receivers themselves felt these would be of help.

Although it appears many people would like to try this approach it must be borne in mind that others might favour the reference format currently used and both would need to be made available.

It is strongly recommended that attorneys and receivers (including those who might have special needs such as those with poor literacy skills, those who do not speak English as a first language, or those who have communication difficulties) are involved in the development of any flowcharts, checklists, 'do's and don'ts' lists, or 'how to' lists etc, to ensure that they are well-designed and easy to use for all.

2. Guidance on how to keep information
It was apparent that many people had developed systems for dealing with and keeping important information required for their role. During the focus groups, one participant asked what the PGO would want from attorneys or receivers, ie how they could make the processes run more smoothly. It would seem that some guidelines in this area would be helpful, eg

- how to set up a spreadsheet on a computer
- basic book keeping advice
- case-related information to have available when contacting the PGO.

3. Guidance for specific situations
Many receivers and attorneys were dealing with issues to do with finding appropriate care homes and paying for care, selling properties or dealing with empty properties. Some checklist guidance on each of these subjects with signposting on where to obtain further information would be of considerable help. In relation to care homes although the topic is complex it would be possible to produce a short basic information sheet to ensure that new attorneys and receivers were aware of the donor's or client's basic rights as a minimum.

4. Use of official documents

Fear of sending out official documents and the need for extra copies of registered EPAs and Court Orders was raised frequently within groups. Equally, needs to inform PGO about changes to circumstances, eg address, were queried. Attorneys in particular were left not knowing when or if they should notify the PGO. There should be clear guidance on what changes should be notified to keep information up to date. Some guidance for how to obtain extra copies and the costs is also required.

5. Improvements to website

One third of our sample did not have access to the internet and so had never accessed the PGO website, and in addition even among those who did have access it was apparent it was not used extensively by many. This suggests that information in hard copy is still very much required, in addition to the website.

The majority of instances where the website had been used involved the downloading of application forms, which for most participants would have been over a year ago. More recently than this, an update has been made to the website, which most of our participants would not have seen.

Some awareness-raising of the website with examples of how it could be useful to attorneys and receivers is recommended.

Findings suggested the following improvements to the website:

- add a search facility to allow easy keyword searching of guidance materials (eg documents on banking)
- add links to other organisations which may of be of use to attorneys / receivers eg Inland Revenue
- improve the structure to make navigation easier – use information from any future work done to develop checklists and flowcharts to suggest better structuring of pages, hyperlinks etc.
- produce a section specifically for attorneys.

6. Personal contact

For many, personal contact is a preferred method of receiving information, offering the opportunity to discuss the detail of a particular case, gain advice which is specific to the problem, and also in many cases, emotional support. Receivers who had attended the meeting with the Lord Chancellor's Visitor found it useful to receive reassurance that they were 'doing the right thing'.

There was a clear expressed wish from most attorneys and receivers for one single point of contact who would know their case, be able to build up a rapport, who would have the knowledge they required and who would be available when they needed them. The groups also acknowledged that this was unrealistic as an expectation, given the demands and the resources of the PGO.

Rather than fully achieving this model the issue would be to move as far towards it as possible. One way of doing so might be to consider allocating enquirers to teams of PGO staff as early in the application process as is practicable.

Personal contact in the form of support groups also appeared to be an important issue, with participants mentioning how helpful they had found it to attend the focus group discussions, hearing and learning from others' experiences and gaining some support rather than working in isolation. None of the receivers had heard of the Receivers Support Group and this could be better publicised. Consideration could be given to setting up a similar group for attorneys. Consideration could be given to having a dedicated advice line for lay receivers/deputies and attorneys.

7. Reaching Out magazine

Consideration could be given as a priority to providing a magazine similar to Reaching Out for attorneys. Information about such a magazine could be offered at registration and a request for those who wish to have a copy to be added to a mailing list as well as it being available via the website.

8. Simplifying application forms and process

Although the initial brief concerned the information support materials, the staff focus group had identified an opportunity to streamline the application forms and make them more coherent. The lengthy and exacting application process was echoed by all the groups, although on the whole participants seemed resigned to the issue rather than raising it as an urgent one for attention.

However, if PGO are planning to review and streamline the application process we would strongly recommend involving both experienced and newly-appointed attorneys and receivers (including those with 'special needs' as outlined above) in any reviews or testing of ease of use of forms.

9. Financial institutions

Apart from a few exceptions, experiences of attorneys and receivers in dealing with banks, building societies and other organisations (in particular, Post Offices) ranged from acceptable to extremely poor customer service. Key issues appear to be:

- lack of knowledge of attorney / receiver of what to expect
- lack of awareness and skills of bank staff
- lack of standardised processes.

The PGO produces useful, brief guidance on this issue for both attorneys and receivers, however none of the participants were aware of it. We recommend that it is made much easier to find on the website and that new attorneys and receivers are particularly made aware of it.

The PGO should explore whether more could be done to represent the needs and interests of lay receivers and attorneys dealing with financial institutions, in particular given demographic changes which will mean larger numbers of people acting on behalf of others in future. A number of voluntary and legal organisations would be keen to take such work further and to campaign more vigorously for better customer service. Exploring this issue with consumer organisations such as Which? and CAB would be appropriate at this time, when banks will have to develop new procedures for Lasting Powers of Attorney.

10. Solicitors

At their best, solicitors were instrumental in ensuring good outcomes for attorneys and receivers, in some cases proactively offering help and support which came from good knowledge and reliable expertise. At worst, solicitors delayed procedures, lacked required knowledge, made mistakes on application forms, misinformed clients and overcharged or attempted to do so.

Straightforward advice from PGO is needed on dealing with solicitors, including what the responsibilities should be for a solicitor handling an EPA or receiver's case, how to deal with problems that may arise, and how to complain if necessary.

Many mentioned the wish for a list of recommended solicitors. This might be too complex an undertaking but the PGO could explore making links to other organisations (eg Law Society, Solicitors for the Elderly) who might be able to advise.

11. Encouraging take-up of EPA

When reviewing their experiences, all groups agreed that encouraging take-up of EPA in advance of loss of capacity was an important message to feed back. Different methods to explore would include whole population approaches such as public service advertising, and targeted approaches to particular sections of the population eg by age. This will need to be explored as part of the implementation and awareness raising of the Mental Capacity Act and in particular encouragement of Lasting Powers of Attorney.

Further targeting of approaches would include the use of word of mouth by professionals such as solicitors or health and care staff. Findings showed this to have been an effective stimulus for taking out an EPA.

12. Age Concern

Age Concern will be updating its own leaflets in light of the Mental Capacity Act and will use the comments from this research when developing new materials. We would be happy to provide advice and guidance to the PGO on the development of flowcharts and checklists, in conjunction with other voluntary organisations who also have an interest in the production of materials for the general public.

Further work required

The following are recommended as areas of follow-up study:

1. Internet questionnaire survey of website users for views on ease of access and improvements required

2. Follow up qualitative work involving attorneys and receivers who have ‘special needs’, ie:
    a. Not speaking English as their first language
    b. Having a disability
    c. Having literacy problems.

3. Questionnaire survey to quantify aspects of the findings from qualitative work.

Appendix A

PGO Staff focus group, 5th May 2006

1. Common problems experienced by receivers and attorneys

Maze of benefits – some means tested, some not, etc. Can be difficult deciding which to apply for on behalf of the other person. The rules are always changing.

Preparedness for change – getting used to new role, relationship with the Court, etc. Lots of new procedures make **tasks more complicated** and take **more time** eg selling property. People encouraged to put money into Court, but then have difficulty adjusting to new arrangements ie a third party having control over bank accounts.

Problems with banks – lack of understanding of what receivership is (confusion with bankruptcy). (Change to use of the term' deputy' under new Act will hopefully resolve some of these issues).

Application forms – a third of all applications for registration of EPA have some issues – ie missing information on forms, not giving dates. The design of the forms could be improved to make this easier.

Process – customer services receive lots of calls from receivers about process (ie how to fill in forms, what to do next, what their role will entail).

Some people ask for advice on **whether or not they should progress with an application**. Attorneys tend not to come to the PGO for this kind of advice over registering.

Daunting nature of task – suddenly taking over someone's financial affairs is a huge undertaking. The **initial information gathering** takes so much time, and there is so much **correspondence** involved.

Home visits do exist, there are approx 6000 visits per year and the PGO is trying to increase the availability of these – but not everyone can be covered because of the number of applications (especially for attorneys). NB could ask in groups who had a home visit.

Accounting – for receivers, this is a big issue. Having to produce annual receivership accounts can be complex – very specific information is required. It is done for the benefit of the client, but many people think it's meddling in their affairs. There is a lack of information and/or understanding about what information is required when.

Bonds – lack of understanding about what they are and when they should/can be used. Seen as a lack of trust.

Debt issues/ finances in a muddle – the PGO help where they can with problems to do with debt run up before receivership – ie signing up to multiple gas suppliers. But technically this is outside the remit of the PGO.

Financial abuse – a big problem, with cases reported on a daily basis. Particularly manifested in the manipulation of older people who have lost mental capacity. Sometimes receivers or attorneys are appointed because financial abuse has been taking place. The success of adult protection teams is patchy.

Disputes – EPAs are challenged a lot by family members, as EPAs are often made in secret and family members challenge when they find out. With the EPA3, there is no requirement to **notify** if there is medical evidence that this will be damaging to the person's health. This can also happen with receivership in some circumstances. This process is one of the few safeguards in the system. People can also challenge over the living arrangements of the person, and other welfare issues.   More likely to become a problem when social and welfare duties are required. Great majority of objections to EPAs don't succeed.

Registration of EPAs - many people don't understand the point of registration, as they've already been using their EPA unregistered (even when a person has already lost capacity). In these situations, the PGO ask a third party to intervene (ie an LA or a bank) as people often listen to them.

Problems with solicitors – many give out the wrong information. People ring the PGO to check up on what they have been told. Errors in EPA forms are just as common for those completed by solicitors.

Gifts and wills

<u>2. How easy is it for attorneys and receivers to get information and support?</u>

Access to information – there are many different ways of accessing the information – website, phone, fax, letter, etc. It's an issue of getting these contact details out there for people to see. Customers services receive around 80 calls a day, per person, for a 6 person team. More and more people are becoming aware of the PGO and Court of Protection – who they are and what they do. Initiatives such as that through doctor's surgeries help to improve people's understanding and knowledge. There has been a corresponding rise in applications.

Format of information – the information is also provided in many different languages, and staff are sometimes called upon to speak to clients in other languages if necessary. Information is provided on CD-Rom, and on audio tape. Receiver open days are sometimes held, but these are irregular because of resources. There is also an open invitation for people to visit the PGO's office.

Website – gets a lot of use and gets positive feedback. Lots of materials are available via the site – but maybe there is too much and it's not that easy to find?

First contact – receivers are sent a pack of information on first enquiry to the PGO – this includes a contact guide, a handbook, application information and forms, fees and charges, and a supporters letter. Attorneys get lots of similar information, but don't get a handbook.

Casework teams – the use of team rather than individuals working on each case means people don't always speak to one person regarding their case. It's easy to contact someone to speak to, but it's not always necessarily the person you wanted. Lack of continuity, which they do have complaints about. People want to build up a relationship with one person.

Amount of information on application – this is daunting. There are so many forms to fill in, etc.

Information from other sources – information gleaned through other sources such as TV can be very wrong – ie soap operas, TV ads. Information from charities is usually quite good – but it is the professionals who get it most wrong, ie solicitors, social workers. They need more training in this area. Other organisations are now signposting to the PGO a lot better than in the past – ie via website links.

Volunteer supporters – there is a group of receiver supporters which covers most of the country.

3. Which are the best sources of info/which are not so good?

Application forms – design could be revised to make them simpler. There are lots of forms, and this could be streamlined.

Website – the most important and basic information needs to be out right up front.

Layout/presentation – this in a way more important than content – ie making sure you give contact numbers, making it clear and easy, etc.

Getting information 'out there' – a big communications plan is going to take place around the new Act. There is also some work being done with banks.

Checklist – could provide a checklist for people at the start of their role, to act as a trigger for what to do next.

Benefit factsheets – these have just been produced in conjunction with Pension Service, to signpost people to the right places for information.

New Act – issues around transition (ie ‘receiver’ to ‘deputy’). Decisions needed on what support and information will be provided.

Input from receivers and attorneys – how can the PGO get this, in an ongoing way?

Appendix B

Age Concern England Policy Research:

Information and Support needs of Attorneys and Receivers acting on behalf of people who have lost capacity in later life

Pre-session:
Get signed consent forms as people come in. Hand out / talk thru data protection principles if necessary.
Name stickers – 1st name only

Session Starts
Background to research – Age Concern working with Public Guardianship Office to provide them with help and advice on the support materials for Attorneys / Receivers.

- want to gain more insight into the experience of becoming an attorney or receiver, and taking on someone else's finances when they've lost capacity.
- Gain more insight into the non financial issues faced, partic around health and welfare matters and how best to provide support.

- The discussion will be **taped**, and the group's discussion will be analysed and reported on.
- No individuals will be identified and the session is viewed as **confidential**. Realise that people here will be talking about experiences involving another person (who isn't here). Ask that **everyone respects confidentiality** and **doesn't mention names and specific circumstances outside of the room**.
- Ask for people to respect each others' opinions even if they disagree.

Ice breaker
Each person talks to their neighbour for 2 mins (each), give first name, how long been a receiver / attorney, relationship to the person they are acting on behalf of, (*and maybe 1 thing that went very well and 1 thing they really had problems with*). (Put these up on flipchart as reminders)

People to feed back by introducing their neighbour to the group and giving brief details about them.

Experiences:
Recognising the need

- When did you recognise there was a need to do something? What was that like – emotionally / practically / etc. Get an idea of the range of problems, commonalities and differences? Any 'early warning' signs identified by hindsight?
- PROBE: finances getting into a muddle, financial abuse
- Did you have any problems surrounding issues other than finances e.g. looking after the client's health and welfare. Decisions over where a client may live, choosing a nursing home, decisions over dental or other medical treatment.
- Who (professional or other) did you first turn to for help?
- Looking back, what information or support would have helped? What info / advice would you give to someone in this position?
- How best could this info / support have been given?

Making the application / registering

- What was this process like?
- PROBE – making out an EPA, registering, application for receivership, etc.
- How easy was the form-filling part?
- Were any parts particularly difficult?
- How much support and information was available? From PGO? From other sources?
- What further support or information would have been helpful <u>when making the application</u>?

Taking on the role

- What was it like to take on the role?
- Emotionally?
- Practically?
- Financially?
- What were the worst aspects, what were the best aspects?
    - PROBE: Family disputes
    - Sorting out muddles / debts
    - Sorting out financial abuse
    - Too much information / not enough info
    - Finding the right information
    - Keeping accounts (Attorneys)
    - Accounting (Receivers)
    - Bonds
    - Gifts / Wills
    - Dealing with banks / building socs etc
    - Dealing with utilities / other providers
    - Solicitors as sources of help?
- What kinds of information and support would have helped the most here?
- Have you developed any ways of doing things that you think others might benefit from?

Help and support received

- We've been asking about help and support throughout but are there any more points to be made about what has been helpful and what could have been done better?
    - PROBE – from the PGO? From other sources eg social services / banks & building societies / other organisations / solicitors
    - What sorts of help / support are more relevant to **new** attorneys/receivers and what are more relevant to **existing** ones?
- Have they had any information that has turned out to be **wrong** or **unhelpful**? Where did this come from?
- How easy to access, read and understand is the current information available?
    - Written materials they get sent
    - The website (as and when they last used it) – straw poll of how many used the website. When did they last use the website?
    - Access to PGO by phone – how easy to get through / speak to the right person or team / how good are they are sorting out the problem?

Suggestions for improvements

- How could information best be presented? What are your most favoured ways of obtaining information? (Could list on flipchart)
    - Information sheets / leaflets
    - Handbooks
    - Personal visits
    - Phone calls / question-by-question
    - Open days
    - Video / dvd?
    - Website?
    - Tapes / audio?
    - Checklist of first 10 things to do? See if this mentioned spontaneously.

- What timing is best for different types / pieces of info? Are some materials needed before others? Do people prefer to have it all in one go or sent in smaller packages?

Closing the session

- Is there anything else that people want to add?
- PT chance to answer any specific questions that have come up!
- Thank and close.
- ES give out envelopes with thank yous and expense claim forms.

Appendix C – Recruitment Letter (Manchester version)

Click here to enter Name & Address

01 April 2008 **Ref: ES/SR**

Dear

Information and support needs of receivers and attorneys

At Age Concern we are working with the Public Guardianship Office (PGO) to conduct some research into what information and support is needed by receivers and attorneys. We want to explore the issues they face when first taking on responsibility for dealing with another person's finances, because the person can no longer manage their own finances due to lack of mental capacity. This research will be used by the PGO to inform renewal of their information guidance and support materials, which help attorneys and receivers fulfil their roles. Age Concern also wants to improve on its information to people who are managing other people's money.

We would like to hear from lay receivers or attorneys (ie not solicitors, accountants or local authorities), who are managing the affairs of a person who has lost mental capacity in later life.

If this describes you, we would like to hear your views and I am writing to find out if you would be willing and able to take part in a discussion group on this subject, for a maximum of 2 hours, to help us better understand the issues involved. We will be holding groups in central Manchester on 1st June (both an afternoon and an evening session). We will cover your travel expenses, and will also be offering a thank you gift of £25 in vouchers to those who take part. Refreshments will be provided. Unfortunately we are unable to cover any costs of overnight accommodation.

Our venue is fully accessible to those with disabilities, and we are particularly interested in hearing from people in this group. Please let us know of any special needs you have and we will do all we can to accommodate you.

If you are interested in taking part, please call me on 020 8765 7448 or email me at ellen.sharp@ace.org.uk, no later than Monday 22nd May 2006. I will need to ask you a few questions in order to find out a little more about you, but this should only take a few minutes. We will then get back in touch with people at a later date with further details about the groups.

I understand that the venue chosen may be too far to travel for many people, and equally if we have a lot of interest we may not be able to involve everyone who responds. However, we are planning a questionnaire survey following the discussion groups, and we will be able to include a much larger number of people in this part of the research.

Yours sincerely

Ellen Sharp
Research Assistant