

PRESS RELEASE - NATIONAL

Over 65s not making provision for the future

More than half of people aged 65 and over (59 percent) have not made preparations for how they and their finances should be looked after if they became unable to look after themselves¹.

Although almost every family, at some point, is affected by someone who has lost mental capacity, research out today shows that seven out of ten people (69 percent) in England and Wales have not made preparations for the future². This research³, 'Empowering You' was commissioned by the Office of the Public Guardian (OPG) to examine people's understanding of mental capacity issues.

The research also showed public attitudes towards planning ahead in advance of the Mental Capacity Act, launched on 1st October 2007, a new law which safeguards the interests of people who may lack capacity to make decisions for themselves, now or in the future.

As many as two million people in England and Wales lack the mental capacity to make decisions for themselves and they are looked after by six million carers, including professionals, relatives and friends⁴.

Loss of mental capacity could potentially affect anyone at any time, and seven out of ten people (71 percent) said that they do have a view on who they would like to take care of their affairs should they lose the mental capacity to make decisions for themselves. However less than a quarter of people (23 percent) had made preparations for how their finances would be looked after should they become unable to do so because of an age related illness.

And yet, despite this apparent apathy, people feel it is important to have their wishes respected, even if they aren't able to make the decisions themselves. The research shows that almost nine in ten people (86 percent) felt it was important⁵ to have their wishes respected with regard to what medical treatment they would receive, and 38 percent wanted their religious beliefs respected. Also, for nearly a third (30 percent)

the gender of nursing staff that should look after them was an important consideration, and more than two thirds of people (68 percent) said that it was important to them to have their wishes respected with regard to the diet they would be given.

Richard Brook, Public Guardian said, "It is everyone's fundamental right to decide what happens to them if they aren't able to make decisions for themselves. The Act offers people more choice to plan ahead for peace of mind and more protection by law. Our findings show that people want the reassurance of knowing that they will be looked after appropriately if they become unable to make their own decisions."

In addition to the introduction of the Mental Capacity Act, the 1st October also saw the launch of the Office of the Public Guardian (OPG), which provides legal protection for people lacking the mental capacity to make decisions themselves. Under the final clauses of the Mental Capacity Act, there is a new Court of Protection with a wider jurisdiction than the old court and new Lasting Powers of Attorney (LPA) which replaced Enduring Powers of Attorneys (EPA).

Peter Ashley, 71 from Warrington, who has been diagnosed with Lewy Body Dementia, said:

"I've taken steps to safeguard my best interests for when I lose the capacity to make decisions. Do I feel empowered by having set in stone my decisions for the future? Yes, without a doubt."

LPAs cost £150 each to register and are very easy to use, following an extensive public consultation and usability study. In addition, LPAs have been designed so that people don't necessarily need to have legal assistance to complete them.

For people wanting more information on the Office of the Public Guardian, the Mental Capacity Act or mental capacity issues, they can go to www.publicguardian.gov.uk or call 0845 330 2900.

- Ends -

For further information, please contact Alice Lythgoe-Goldstein (alice@amazonpr.co.uk), Anna Mayall (anna@amazonpr.co.uk) or Sandeep Bhim (sandeep@amazonpr.co.uk) at Amazon PR on 020 7700 6952.

Notes to editors:

¹ This would be as a result of an age-related illness.

² This would be as a result of an accident or becoming ill and suddenly unable to make decisions for themselves.

³ Ipsos MORI surveyed 1,781 people age 18 and over in England and Wales between 27th July and 2nd August 2007 for the Office of the Public Guardian. The interviews were conducted across 157 sampling points in England and Wales. All interviews were conducted face-to-face, in-home. Data was weighted to the current England and Wales population profile.

⁴ The Department of Health

⁵ Where we quote proportions of people stating something is 'important' this incorporates the proportion of people who felt something was either 'very' or 'fairly' important.

- The Mental Capacity Act received Royal Assent on 7 April 2005. It applies in England and Wales. All of the Act came into force on 1st October 2007, including the new Court of Protection, the Office of the Public Guardian and Lasting Powers of Attornee.
- The Office of the Public Guardian (OPG) is an executive agency of the Ministry of Justice. Its role is to support the Public Guardian in his duties by:
 - Keeping registers of Deputies, LPAs and EPAs
 - Supervising Deputies appointed by the Court of Protection
 - Investigating complaints about Deputies and LPA and EPA Attorneys
- The OPG is also responsible for promoting awareness and information about the Mental Capacity Act and mental capacity issues.
- Please note that the changes to powers of attorney under the Mental Capacity Act 2005 will not affect the terms of the Adults with Incapacity (Scotland) Act 2000. This means that continuing or welfare powers or attorney registered or to be registered with the Public Guardian in Scotland will not be affected by the changes implemented in England and Wales on 1st October 2007.
 - If you would like further information on the power of attorney system in Scotland, please contact the Office of the Public Guardian (Scotland)
 - Tel: 01324 678300 E-mail: opg@scotcourts.gov.uk Website: www.publicguardian-scotland.gov.uk