

Lasting Power Of Attorney Drawn Up By Singles

Question

Ms K Thanaletchimi

Nominated Member of Parliament

To ask the Minister for Social and Family Development in respect of a Lasting Power of Attorney drawn up by singles, whether the Ministry has plans to audit and check on their donees for financial exploitation.

Answer

1. We recognise that a fair number of our elderly are singles. They may be more vulnerable to financial exploitation should they lose capacity.
2. It is important for each of us to choose our donee carefully, and consider what powers we intend to give, when we make a Lasting Power of Attorney ("LPA"). We should appoint someone reliable and competent, someone we trust to act in our best interests should we lose the capacity to make decisions. This is probably the most important safeguard a single person can take.
3. However, it might not always be possible for singles to find a family member or someone they know and trust to be their donee. This is why the Mental Capacity Act ("MCA") was amended in March 2016 to introduce the concept of professional deputies and donees. As these persons provide doneeship and deputyship services for remuneration, they will be supervised by the Public Guardian. We will audit and check on them.
4. In addition, the MCA has existing safeguards to protect donors. Anyone who knows, suspects or believes that a person who lacks capacity is being mistreated can report this to the Office of the Public Guardian. The MCA has a 'whistle-blower' clause to protect

the identity of a whistle-blower. If there is evidence that the donee has acted in a way which compromises the donor's best interest, including exploiting the donor financially, the Public Guardian would investigate the matter. Where necessary, the Public Guardian would apply to Court for a suspension order to preserve the donor's assets and remove the rogue donee by revoking the LPA.