

## **What is a Lasting Power of Attorney**

Lasting Powers of Attorney (LPA) came into existence in October 2007. There are two types: Health and Welfare and Property and Financial Affairs. The Health and Welfare LPA deals with decisions relating to life-sustaining treatment, decisions about care and your personal welfare. The Property and Financial Affairs LPA deals with all financial decisions, including decisions relating to your property, investments and bank accounts.

The Attorneys will only be able to act when the LPA's have been signed by you, the Donor, the certificate provider and the Attorneys and have been duly registered with the Office of the Public Guardian.

If you do not have LPA's in place in the future and you become incapacitated for any reason, then it may be necessary for an application to be made to the Court of Protection, to appoint a Deputy to make decisions on your behalf. This is both costly and time-consuming.

### **Lasting Power of Attorney - Health & Welfare**

A Health and Welfare LPA allows your Attorney(s) to make welfare and health care decisions on your behalf **only** when you lack the mental capacity to do so yourself. The lack of capacity can also include incidents where you are taken ill, are unconscious, or a medical condition renders you incapable of making such decisions. This could also extend if you wish, to giving or refusing consent to the continuation of life-sustaining treatment, such as life support.

Health and Welfare Attorneys can make decisions about the following aspects of your life. (This list is not exhaustive):

- Where you live, who you should live with and who you should have contact with;
- Your day to day care including your diet, dress and wellbeing;
- Consent to give or refuse medical examinations and treatment on your behalf;
- Assessment of provision for any community service provided to you;
- Whether you should take part in any social activities, education activities or leisure activities;
- Your personal paperwork and any correspondence received by you;
- Any rights of access to your personal details on data; and any complaints about your general or specific care and treatment

In the absence of a H & W LPA, social services may overrule your families wishes on a 'best interests' basis, and they would have no choice but to confirm any decisions made with the Court of Protection.

## **Lasting Power of Attorney - Property & Financial Affairs**

A property and Affairs LPA allows your Attorney(s) to make decisions relating to your property and finances as you specify.

Once registered, an Attorney under a Property and Affairs LPA will be able to make the same decisions that you can make about the property and financial aspects of your life. Your LPA must contain the scope of powers that you wish to give to the Attorneys. Decisions relating to Property and Affairs made by your Attorney(s) may include the following:

- buying and selling your house or property;
- opening, closing and dealing with the operation of any bank or building society accounts that you have;
- dealing with your taxation issues and making any tax returns on your behalf;
- paying bills and expenses;
- claiming and using for your benefit, any pension payments, benefit payments or allowances

It is important to note that this is not an exhaustive list of decisions that can be made by your Attorney(s), it merely highlights some of the aspects that you should think about about the scope of the power given to your Attorney(s) before entering into an LPA.

The Lasting Power of Attorney allows for your Attorney(s) to make small gifts from your finances, however, in doing so, your Attorney(s) must adhere to any restrictions that you have placed on such gifts in the LPA document. The provision of such gifts is very limited. Care should be taken if you offer financial help to any Attorney – if you lose capacity, the Attorney would not be able to gift money to themselves even if they simply follow your behaviour patterns.

### **Your Lasting Power/s of Attorney**

1. What type/s of LPA/s would you like to make?: Both types of LPA \_\_\_\_\_

Property and Financial Affairs LPA?: \_\_\_\_\_ Health and Welfare LPA?: \_\_\_\_\_

### **Your details**

2.(a) Your title \_\_\_\_\_ Your full name: \_\_\_\_\_

(b) Your address: \_\_\_\_\_

\_\_\_\_\_

Post code: \_\_\_\_\_ Telephone number: \_\_\_\_\_

(c) Your date of birth: \_\_\_\_\_

Please list the people you **MAY** wish to appoint as your Attorneys:

*You can appoint different Attorneys in each LPA, and you can make an initial appointment and then appoint substitutes. If you are unsure please just provide details of all those who you may wish to include and a decision can be made at our meeting.*

Please enter their title, full name, address, telephone number or email address, date of birth and relationship to you here:

3.(a) Title: \_\_\_\_\_ Full name: \_\_\_\_\_

(b) Address: \_\_\_\_\_  
\_\_\_\_\_

Relationship: \_\_\_\_\_ Post code: \_\_\_\_\_ DOB: \_\_\_\_\_

4.(a) Title: \_\_\_\_\_ Full name: \_\_\_\_\_

(b) Address: \_\_\_\_\_  
\_\_\_\_\_

Relationship: \_\_\_\_\_ Post code: \_\_\_\_\_ DOB: \_\_\_\_\_

5.(a) Title: \_\_\_\_\_ Full name: \_\_\_\_\_

(b) Address: \_\_\_\_\_  
\_\_\_\_\_

Relationship: \_\_\_\_\_ Post code: \_\_\_\_\_ DOB: \_\_\_\_\_

6.(a) Title: \_\_\_\_\_ Full name: \_\_\_\_\_

(b) Address: \_\_\_\_\_  
\_\_\_\_\_

Relationship: \_\_\_\_\_ Post code: \_\_\_\_\_ DOB: \_\_\_\_\_

7. Please give some thought to how you wish for your Attorneys to act – it is essential that you trust your Attorneys but you can place certain restrictions or ask that they act in a certain way – this is a common inclusion in a Health & Welfare LPA:

*'In the event that I am unconscious and there is no realistic prospect of me regaining consciousness or I am suffering from an incurable or irreversible condition that will result in my death within a relatively short time I do not wish to be resuscitated and only wish to receive treatment which will safeguard my dignity make me more comfortable and relieve pain even if such treatment may un-intentionally precipitate my death.'*

\_\_\_\_\_  
\_\_\_\_\_

8. Certificate Provider - You have to choose a 'Certificate Provider' who is responsible to ensure that you understand the meaning and effect of the Power of Attorney you are making, and is satisfied that you are of full mental capacity and are doing so voluntarily and not under any pressure. You can EITHER choose someone who has known you personally for at least the last 2 years. OR certain professional people can act, such as Lawyers or Doctors.

We are happy to undertake this role at no extra cost if you wish us to.

*If you have issues with memory that have been diagnosed and/or there is any possibility of an LPA being challenged it is usually safest to ask a Doctor to sign as Certificate Provider.*

9. A further safeguard is to let someone who may have an interest in your welfare know that you are drawing up a Lasting Power of Attorney. Then if there were ever any issues in the future they would be well placed to raise concerns. This is not compulsory or a requirement and is a personal choice. Please list name/s and address/es here:

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11. Brief description and value of assets:

Property: \_\_\_\_\_

Savings: \_\_\_\_\_

Investments: \_\_\_\_\_

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