

Lasting power of attorney Factsheet



What is a lasting power of attorney?

It's a legal document, sometimes referred to as an LPA, that lets you, (the 'donor') appoint one or more people (the 'attorneys') to help you make decisions or to make decisions on your behalf. This gives you more control over what happens to you if you have an accident or an illness and cannot make your own decisions. You must be 18 or over and have mental capacity when you first make your LPA.



Types of LPA

There are 2 types of LPA:

- **Health and welfare:** A health and welfare lasting power of attorney gives an attorney the power to make decisions about things such as your daily routine. For example, washing, dressing and eating, medical care, moving into a care home and the right to make decisions over life-sustaining treatment. It can only be used when you're unable to make decisions for yourself.
- **Property and financial affairs:** Use this LPA to give an attorney the power to make decisions about money and property for you, for example: managing a bank or building society account, paying bills, collecting benefits or a pension or selling your home. It can be used as soon as it's registered, with your permission. You can choose to make one type or both types of LPA.



How to make a lasting power of attorney

1. Choose your attorney (you can have more than one).
2. You can also nominate other people to replace your attorney or attorneys if at some point they cannot act on your behalf anymore.
3. Fill in the forms to appoint them as an attorney.
4. Have all parties named within the document sign and be witnessed.
5. Register your LPA with the Office of the Public Guardian (this can take up to 10 weeks).

It costs £82 to register an LPA unless you qualify for a reduction or exemption. You can cancel your LPA if you no longer need it, or wish to make a new one.



Choosing your attorney

You can choose one or more people to be your attorney. If you appoint more than one, you must decide whether they'll make decisions separately or together. Your attorney needs to be 18 or over. They could be a relative, a friend, a professional, or your husband, wife or partner. You must appoint someone who has the mental capacity to make their own decisions.

When choosing an attorney, think about: how well they look after their own affairs, for example their finances, how well you know them, whether you trust them to make decisions in your best interests, and how happy they will be to make decisions for you. The duties and responsibilities of attorneys are set in statute and they are required by law to act only in the donor's best interests.



Having more than one attorney

In this case you must decide if they'll make decisions: (1) separately or together - sometimes called 'jointly and severally' - which means attorneys can make decisions on their own or with other attorneys or (2) to act together sometimes called 'jointly' - which means all the attorneys must agree on the decision.



Do I need professional advice?

It is possible to apply on-line yourself, but most people prefer to appoint a professional to undertake the task from start to finish.