



Lasting Power of Attorney

Ensure your wishes and preferences are
honoured in the future

About this guide

Drawing up your Lasting Power of Attorneys are positive steps towards being in control of your future and giving you peace of mind that your wishes and preferences will be honoured.

It is important to note that this guide contains general advice only - it should not be used as a substitute for professional advice.

Setting up a Lasting Power of Attorney (LPA) allows you (the 'Donor') to choose individuals you trust (your 'Attorney/s') to make decisions on your behalf if you are unable to make them yourself.

This guide explains how to appoint an attorney if, for whatever reason, you are no longer able to make your own decisions or communicate what those decisions are. It takes you through the different types of Lasting Power of Attorney and explains when each may be helpful.

This guide also explains what happens if you lose the ability to make or communicate your own decisions and you have not got a Lasting Power of Attorney in place.

**For more information contact our LPA Service via:
lpa@ageukleics.org.uk
or
07715 961435.**

Before arranging your LPA, you need to understand about mental capacity.

What is mental capacity?

Having mental capacity means being able to make your own decisions and understand the consequences of those decisions.

If you are unable to do one or more of the following, you are deemed to lack mental capacity:

- Understand the information relating to the decision
- Weigh up that information
- Remember that information for long enough to make your decision
- Communicate your decision (whether verbally, using sign language or by other means)

If it can be shown that you no longer have mental capacity to make a decision for yourself when you have an LPA in place then someone, such as a chosen attorney, can make that decision on your behalf.

However, whether someone has mental capacity can change depending on the decision and timing - so someone might be able to make decisions about certain things at certain times but not others.

This is why anyone considering whether you have mental capacity needs to consider your ability to make and communicate a specific decision at the time it needs to be made.

Taking time to weigh up or communicate a decision should not be mistaken for a lack of mental capacity. Neither should having a certain condition, such as dementia. For example, someone may still have capacity to make certain decisions for some time following a diagnosis.

You should be given as much help as possible to make and communicate a decision before anyone assesses that you lack mental capacity.

Types of Lasting Power of Attorney

A Lasting Power of Attorney is a way of giving someone you trust the legal authority to make decisions for you if you cannot make them yourself - or if you do not want to.

There are two different types of Lasting Power of Attorney.

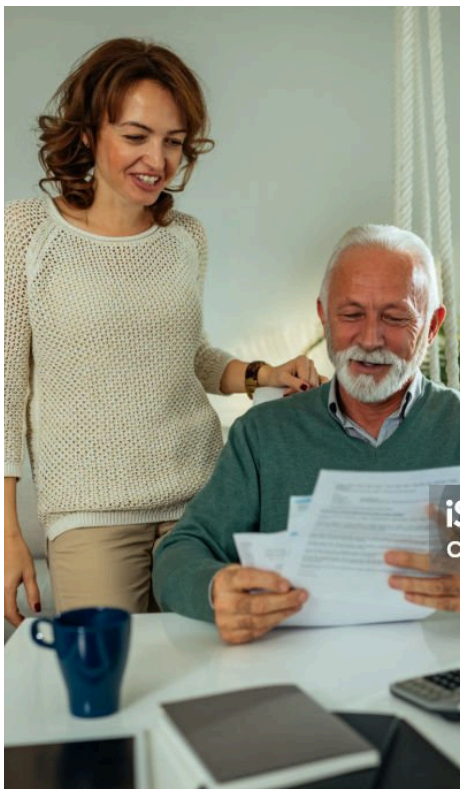
- Health and Welfare decisions
- Property and Financial affairs



You can only set up an LPA if you have mental capacity and you have not been put under any pressure to do so. An LPA is not necessarily permanent. You can cancel it at any time while you have mental capacity by writing to your attorney (or attorneys) and The Office of the Public Guardian, advising them of your decision.

No one has the right to take control of your finances or your care without your authority to do so - not even your spouse or partner.

Property and Financial affairs



This LPA enables your chosen attorney to manage your financial matters.

The LPA for property and financial affairs can also be used while you still have mental capacity if this is what you would prefer, but you need to choose this option when setting it up.

Your attorney can make decisions about things such as:

- Selling your home
- Paying your mortgage and bills
- Arranging repairs to your home

Health and Welfare decisions



This LPA allows your chosen attorney to make decisions about medical care, daily routines, and life-sustaining treatment when you're unable to.

The LPA for health and welfare decisions can only be used if you lose capacity.

Your attorney can make decisions about things such as:

- Where you live
- Your medical treatment
- The care and support you receive
- Who you have contact with
- What kind of social activities you take part in

How do I set up an LPA?

Firstly you can obtain LPA forms from The Office of the Public Guardian. Download the forms or fill them in online at:

www.gov.uk/lasting-power-of-attorney.

Or you can have them sent to you by calling **0300 4560300**.

If you are happy to, you can fill out the forms yourself. It is important to be careful because mistakes might mean your LPA is rejected and you need to pay a fee later to reapply.

The Office of the Public Guardian has a step-by-step guide to completing the forms on their website, or you can call for assistance using the number above. You may want to consider asking a trusted family member or friend to help you.

A key feature of this procedure is to have the 'certificate provider', to sign: that is, someone who can say that you understand what you are doing, and nobody is forcing you to do it.

It costs £92 to apply to register each LPA. This fee covers the cost of processing your application, not just registering the LPA. If the donor has a low income or gets certain means-tested benefits, you can apply to pay a lower fee or no fee.

You may prefer to have support filling out the LPA forms if you are unsure of the process

It is more costly than filling out the forms yourself, but you might find that the reassurance of an Age UK Leicester Shire & Rutland LPA writer is worth it.

Our fixed-fee prices include VAT and start from £342 for one LPA. Two LPAs cost £516, three cost £678 and four cost £828. If you are arranging two LPAs each as a couple, you will save almost 40% compared with arranging four individual LPAs.

**For information, contact lpa@ageukleics.org.uk
or call us on 07715 961435.**

Choosing your Attorney



Your attorney will have a lot of power over your affairs, so make sure you choose someone you trust completely.

Who should I choose?

You could choose someone you are close to, such as a family member or friend, or you could choose a professional, such as a solicitor. It is important to be sure that whoever you choose will make decisions in your best interests. Give the person you ask to be your attorney time to think properly about whether they are prepared to take on the responsibility.

Whoever you choose, they need to be 18 or over, and they cannot be a professional care worker apart from in exceptional circumstances - for example, if they are your only relative.

If you change your mind about who your attorneys are on your LPA, you can remove or add an attorney, cancel your LPA and create a new one. You will need to follow steps to do this properly. Our LPA worker can support you with this.

For more information contact lpa@ageukleics.org.uk or 07715 961435



We offer over 30 services to support older people, their families & carers across Leicester, Leicestershire & Rutland including:

- Day Clubs
- Dementia Support
- Carers Support
- Information & Advice
- Benefits Advice
- Lunch Clubs
- Activities & clubs
- Memory Advice

 0116 299 2233

 enquiries@ageukleics.org.uk

 www.ageukleics.org.uk