

Powers of Attorney

A Lasting Power of Attorney (LPA) is a legal document that allows you (the Donor) to officially nominate someone (your Attorney) to speak and act on your behalf if you become physically or mentally unable to do so yourself. It has to be 'completed' while you still have capacity, and it cannot be used before it has been registered with the Office of the Public Guardian (OPG).

There are two types of LPA: Property and Financial affairs (allowing an Attorney to make decisions about paying bills, dealing with the bank, collecting benefits, selling your house, etc.), and Health and Welfare (allowing decisions on treatment, care, medication, where you live, etc.). In simple terms, an LPA allows you to plan in advance the decisions you want to be made on your behalf if or when you lose capacity to make them yourself, the people you want to make these decisions and how you want the people to make these decisions.

A Property and Financial LPA lets the people you choose make decisions about, for example:-

- buying and selling your property
- opening, closing, and operating bank/building society accounts
- claiming, receiving and using your benefits, pensions, and allowances

A Health and Welfare LPA lets the people you choose make decisions about, for example:-

- giving or refusing consent to particular types of health care, including medical treatment decisions
- you staying in your own home, perhaps with help and support from social services
- you moving into residential housing and choosing the right care home for you
- day-to-day issues, like your diet, dress, or daily routine

Having an LPA is a safe way of maintaining control over decisions made for you because:-

- it has to be registered with the OPG before it can be used (if someone else tries to register it you and your Attorney(s) will be able to make an objection)
- you choose someone to provide a 'certificate' confirming that you understand the significance and purpose of it
- you can choose 'people to be told' about your LPA when it is registered (so that they have an opportunity to raise concerns)
- from a legal perspective, your Attorney(s) must follow the Code of Practice of the Mental Capacity Act 2005 – if they don't always act in your best interests the OPG can step in, and your Attorney(s) may be held accountable

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