

Lasting Power of Attorney (LPA)

Information for patients, families and carers



Always there to care

What is a Lasting Power of Attorney (LPA)?

An LPA is a useful, legal document in which you can appoint somebody you trust to take care of or assist you in dealing with your (i) financial affairs, or (ii) to make decisions about your health and welfare if you lose mental capacity.

There are two different types of LPA:

- *property and financial affairs* - allows your attorney(s) to pay bills, sign cheques, make and sell investments and sell you property.
- *health and welfare* - this can only be used if you lose mental capacity - allows your attorney(s) to make decisions on your behalf about your care and treatment.

An LPA must be applied for and registered, with the type of LPA specified. An attorney for property and financial affairs cannot assume the role of attorney for health and welfare if this has not been registered. There is a fee to register your LPA.

Setting up a Lasting Power of Attorney

Step 1

Contact the Office of the Public Guardian to get the relevant forms and an information pack.

Step 2

Fill out the relevant forms - this can be done online or you can download or request a hard copy of the forms. You can fill out the forms yourself, or if you would prefer a solicitor or local advice agency can help you.

Step 3

Get your LPA signed by a certificate provider. This is someone who confirms that you understand it and haven't been put under any pressure to sign it. The certificate provider must be someone you know well or a professional person such as a doctor, social worker or solicitor.

Step 4

Register your LPA with the Office of the Public Guardian. This must be done before it can be used. There is a fee to register your LPA, which the Office of the Public Guardian can tell you about. You may be exempt from paying the fee if you're on a low income or you receive certain income related benefits.

You must register your LPA while you still have mental capacity and it can't be used during the registration process which takes about nine weeks. If you lose mental capacity but signed the LPA while you still had mental capacity, your attorney can register it for you.

You don't have to use a solicitor to create an LPA. The application forms from the Office of the Public Guardian (OPG) contain guidance to help you fill them out. Alternatively, you can fill them in online and phone the OPG helpline if you have any issues or concerns.

If you want to use a solicitor, you'll need to pay them to complete the form for you. Fees for creating an LPA vary, so you might want to contact a few to compare their fees and the service they offer.

Once the registration process is complete, your attorney(s) will receive a legal document from the Office of Public Guardian that they will be asked to produce in the event that they intend to carry out their attorney role. It is advisable that your doctor/health provider keep a witnessed copy (original seen) of any LPA for health and welfare.

For further information visit www.gov.uk/government/organisations/office-of-the-public-guardian

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