

LPA consultants

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Lasting Powers of Attorney Guidance Complete in Block Capitals Black Ink	
Financial Decisions	Health and Care Decisions
Used for Paying Your Bills Bank and Savings Accounts Buying and Selling your home	Used for Medical and healthcare including life-sustaining treatment Where you live Day to Day like Diet and Routine
People needed (*Optional*)	
The Donor	Attorney(s)
Certificate Provider	Witnesses
People to notify	*Replacement Attorneys*
<p>1 Donor – (Same instructions for both financial decisions LPA and health and welfare LPA) LPA relates to this person Must be over 18 and have the mental capacity to understand and make decisions for themselves</p>	
<p>2 Attorney Financial Decisions People you know well and trust- Often a spouse, son, daughter, best friend or a Trust Corporation. Must be 18 years old. Not a bankrupt; nor barred by a debt relief order for finances</p>	<p>2 Attorney Health and Care Decisions People you know well and trust- . Often a spouse, son, daughter, best friend or a Trust Corporation. Must be 18 years old. May be bankrupt or subject to a debt relief order. See Govt advice: Attorney choice accompanying LPAs</p>
<p>3 Attorney's authority: (Same instructions for both financial decisions LPA and health and welfare LPA)</p> <p>The LPA may require Attorney (s) to make all decisions together (jointly) or make decisions individually without asking any of the others (jointly and severally) or make some decisions jointly and others severally. Joint decisions are the most restrictive. The LPA may fail and will do if attorneys do not agree or one attorney drops out and there is no one to replace the first preferred Attorney. All must work in the Donor's best interests</p>	
<p>4 Replacement Attorney; Optional (Same instructions for both financial decisions LPA and health and welfare LPA) To replace an original attorney in case your first choice proves unwilling or unable to act for you. If you don't appoint a reserve your LPA will fail when your first choice fails. A replacement attorney can only replace an original attorney.</p>	

5 How soon do LPA's start working.....	
<p>Financial decisions LPA s can start as soon as registered or be delayed for a specific event</p> <p>Option A as soon as registered Most people choose this option as it is the most practical</p> <p>While you have mental capacity your attorneys can only act with your consent</p> <p>If you lose capacity they can continue to act on your behalf for all decisions allowed by this LPA</p> <p>Useful if it is difficult to visit the bank talk on the phone or sign documents</p> <p>Option B Only when I don't have mental capacity. Difficult Attorneys may be required to prove you do not have mental capacity each time they use your LPA To be signed and dated by the donor Donor's signature needs to be witnessed with signature, full name, address and post code</p>	<p>Health and Care decisions LPA's only start after the Donor loses capacity</p> <p>Life sustaining treatment means surgery, care medicine and other help from doctors. E.g.</p> <ul style="list-style-type: none"> • Serious operation such as heart bypass or organ transplant • Cancer treatment • Artificial nutrition or hydration <p>Routine operations may not go to plan A simple course of antibiotics following pneumonia could be life sustaining</p> <p>Option A: I give my attorneys authority to give or refuse life sustaining treatment on my behalf. (Attorneys speak as you)</p> <p>Option B: I do not give my attorneys authority to give or refuse life sustaining treatment on my behalf</p> <p>To be signed and dated by the donor Donor's signature needs to be witnessed with signature, full name, address and post code</p>
<p>6 People to Notify: Safeguard Option. Financial Decisions</p> <p>5 people maximum. Notified persons will be contacted by the OPG (Office of Public Guardian) once the application to register the LPA has been made, in case Donor has been pressurised or forced. Notified persons may object LP3 factual objections reasons Donor or attorney dead, divorced from donor, attorney lacks mental capacity, attorney chosen not to act, attorney is bankrupt, trust corporation is wound up. Then those notified no longer involved LP3 Prescribed objections Invalid- donor lacked mental capacity to make LPA, donor cancelled LPA, fraud or pressure; attorney acting above authority or against donor's best interests</p>	<p>6 People to Notify: Safeguard Option. Health and Care Decisions</p> <p>5 people maximum. Notified persons will be contacted by the OPG (Office of Public Guardian) once the application to register the LPA has been made, in case Donor has been pressurised or forced. Notified persons may object LP3 factual objections reasons Donor or attorney dead, divorced from donor, attorney lacks mental capacity, attorney chosen not to act. Then those notified no longer involved LP3 Prescribed objections Invalid- donor lacked mental capacity to make LPA, donor cancelled LPA, fraud or pressure; attorney acting above authority or against donor's best interests</p>

7 Preferences v Instruction:

(Same instructions for both financial decisions LPA and health and welfare LPA)

Preferences leave final choice to attorneys. (e.g. I prefer or I would like)

Instructions provide exact guidance for the attorneys (e.g. I must or I have to)

8 Legal Rights & responsibilities:

(Same instructions for both financial decisions LPA and health and welfare LPA)

The donor, the certificate provider, the attorneys, the replacement attorneys and the witnesses must all sign the LPA to make a deed.

LPAs are governed by the Mental Capacity Act 2005.

1. Attorney must assume you can make your own decisions unless it is established you cannot do so
2. Attorneys must help you make as many of your own decisions as you can. Must take all practical steps
3. Attorneys must allow you to make an unwise decision
4. Attorneys must always act in your best interests when you are unable to make a decision
5. Must respect your rights and freedom at all times

An LPA must be registered before it can be used

You can cancel your LPA at any time as long as you have the capacity to do so,
Your attorneys cannot change your Will;

9 Donor's signature

Financial Decisions

Donor confirms:

- I have read this Lasting Power of Attorney including Section 8 'Legal Rights and Responsibilities' or I have had it read to me.
- I appoint and give my attorneys authority to make decisions about my **property and affairs** including when I cannot act for myself because I lack mental capacity subject to the terms of this LPA and to the provisions of the Mental Health Act 2005
- I have either appointed people to notify (Section 6 of this LPA) or I have chosen not to notify anyone when this LPA is registered
- I agree the information I've provided being used by the Office of the Public Guardian in carrying out its duties.

The Donor signs and dates section 9 of the LPA and each continuation sheet if completed. The Donor's signature is witnessed with signature full name address and postcode.

Must be 18 and not an attorney.

9 Donor's signature

Health and Care Decisions

Donor confirms:

- I have read this Lasting Power of Attorney including Section 8 'Legal Rights and Responsibilities' or I have had it read to me.
- I appoint and give my attorneys authority to make decisions about my **health and welfare** including when I cannot act for myself because I lack mental capacity subject to the terms of this LPA and to the provisions of the Mental Health Act 2005
- **I have chosen either Option A or Option B about life sustaining treatment in Section 5 of this LPA**
- I have either appointed people to notify (Section 6 of this LPA) or I have chosen not to notify anyone when this LPA is registered
- I agree the information I've provided being used by the Office of the Public Guardian in carrying out its duties.

The Donor signs and dates section 9 of the LPA and each continuation sheet if completed. The Donor's signature is witnessed with signature full name address and postcode.

Must be 18 and not an attorney.

10 Certificate Provider:

(Same instructions for both financial decisions LPA and health and welfare LPA)

The **Certificate Provider** signs to confirm they have discussed the LPA with the Donor and the Donor understands what they are doing and nobody has forced them to do it.

Certificate Provider's Statement:

I certify that as far as I'm aware, at the time of signing section 9:

- The donor understood the purpose of this LPA and the scope of the authority conferred under it
- No fraud or undue pressure is being used to induce the donor to make this lasting power of attorney

There is nothing else which would prevent this LPA being created by completion of this instrument

11 Attorney signature: Each attorney must understand and confirm:

(Same instructions for both financial decisions LPA and health and welfare LPA)

- I am aged 18 or over
- I have read this lasting power of attorney (LPA) including section 8 "Your legal rights & responsibilities" or I have had it read to me
- I have a duty to act based on the principles of the Mental Capacity Act 2005 and to have regard to the Mental Capacity Act code of Practice
- I must make decisions and act in the best interests of the Donor
- I must take into account any instructions or preferences set out in this lasting power of attorney
- I can make decisions and act only when this lasting power of attorney has been registered and at the time indicated in Section 5 of this LPA

The attorney signs and delivers it as a deed dates the section and adds their full name in black block capitals. The Witness signs and adds their full name address and post code in black block capitals.

Replacement Attorneys add:

I understand I have the authority to act under this lasting power of attorney only after an original attorney's appointment is terminated. I must notify the Public Guardian if this happens

Registering your LPA after it has been signed and witnessed

12 Register your LPA

(Same instructions for both financial decisions LPA and health and welfare LPA)

Only the donor or an attorney can apply to register the LPA, One or the other must apply not both

If attorneys were **appointed jointly** then **they all need to sign section 15.**

Otherwise (when appointed jointly and severally) only one attorney needs to sign.

The attorneys need to enter their title first and last names and their date of birth

13 LPA receipt of registered deed

(Same instructions for both financial decisions LPA and health and welfare LPA)

You may choose to have the LPA sent to

- The donor
- An attorney
- Another

The attorney signs and delivers it as a deed, dates the section and adds their full name in black block capitals.

The Witness signs and adds their full name, address and post code in black block capitals.

These persons may be contacted by post phone email or in Welsh if required. One needs to tick the option box desired and block write the recipient's title first and last name company address & post code

14 Application fee £110 per LPA

(Same instructions for both financial decisions LPA and health and welfare LPA)

You can enclose a cheque or provide a phone number if you prefer to pay by credit or debit card

15 Signature of the person applying to register the LPA. Sections 9, 10 and 11 need to be signed first.

(Same instructions for both financial decisions LPA and health and welfare LPA)

Please remember all attorneys need to sign if appointed jointly rather than jointly and severally.

Section 1-7 signed by the donor

Section 9, 10 and 11 must be signed in order. Section 9 first, Section 10 second and Section 11 third. These may be signed and dated on the same day or on different (but subsequent) days

Section 9 signed by the donor in the presence of a witness

Section 10 signed by the certificate provider

Section 11 signed by attorneys and replacement attorneys in the presence of witnesses.

Section 12-15 signed by either the donor or the attorney depending on who is applying. If joint all attorneys need to apply together.

LP3 People to notify

Include the whole application form including any pages that are blank

N B

An LPA expires when you die. Your attorneys must then send certified copies of the LPA and a copy of the Death Certificate to the Office of the Public Guardian

Please reply to:- Bakery Lodge, Skirmett, Henley on Thames, Oxon, RG9 6TD
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