

How do I register the LPA?

The form for registering the LPA is available from the Office of the Public Guardian, together with details of the registration fee. If you register it immediately, it'll be ready to use when needed. The LPA cannot be used until it has been registered which can take up to ten weeks.

Can I change my mind?

Yes, you can cancel your LPA even after it is registered, as long as you have the mental capacity to do so.

Is there any advantage in making a personal welfare LPA, rather than an Advance Decision to Refuse Treatment?

Yes, an Attorney can respond to healthcare needs as they come up, which is much more flexible than an ADRT.

Other leaflets that we produce that you might find helpful:

- Advance care planning
- Advance decision to refuse treatment
- Cardiopulmonary resuscitation (CPR)

The RHN would like to acknowledge Royal Trinity Hospice, London, for giving their permission to reproduce and modify this booklet.



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Neuro-disability

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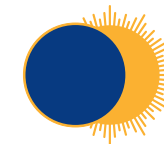
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Registered charity number 205907

Lasting Power of Attorney

information for patients,
residents and their families



Royal Hospital for
Neuro-disability

Would you like to appoint someone to make healthcare and/or financial decisions on your behalf, should you lack the capacity to make decisions for yourself in the future? Consider setting up a Lasting Power of Attorney.

What is a Lasting Power of Attorney (LPA)?

There are two different types of LPA:

1. A **personal welfare LPA** is for decisions about health and personal welfare.
2. A **property and affairs LPA** is for decisions about financial matters.

An LPA allows you (the donor) to choose someone (the Attorney) to make decisions on your behalf. See the next panel for details of when an Attorney can act.

Can I choose more than one Attorney?

Yes, provided that they are over 18 and not declared bankrupt. You'll need to decide whether they should act together or independently.

What if I already have an Enduring Power of Attorney (EPA)?

Any existing EPA, made and signed before October 2007, will continue to be valid and can continue to be registered, but this kind of Attorney will have no authority to make personal welfare decisions on your behalf. You should consider making a personal welfare LPA if you would like someone else to be able to make these types of decisions on your behalf.

How do I start?

Most solicitors offer this service. Costs vary – expect to be charged an hourly rate to complete the forms and around £130 for registration. Depending on circumstances, some people might be exempt from paying the registration fee. Forms and more help are available from the Office of the Public Guardian, PO Box 16185, Birmingham, B2 2WH, 0300 456 0300. They can also be downloaded at www.justice.gov.uk/forms/opp

Can I make an LPA without engaging a solicitor?

Yes, but you must read the guidance leaflets provided with the forms carefully, so that you understand the purpose and legal consequences of making an LPA. You should ask your Attorney(s) and certificate provider(s) to read all the guidance too. Bear in mind that an LPA cannot be used until it has been registered, which can take up to ten weeks.

Can my Attorney(s) do whatever they like?

No, they must follow the principles of the Mental Capacity Act 2005 and always make decisions in your best interests.

When can an Attorney act?

An Attorney for personal welfare can only act when you lack the capacity to make a particular decision yourself. There's no point at which you are treated as having 'lost' capacity. You might be able to make some decisions, but not others.

Your Attorney(s) must help you to make as many of your own decisions as you can. When they make decisions on your behalf, they must always act in your best interests. An LPA for property and affairs can be used when you still have capacity unless you have specified otherwise.

Can my Attorney refuse life-sustaining treatment on my behalf?

Only if you specify that you are giving your Attorney(s) this power.

Do I need to pay my Attorney(s)?

Attorney(s) are entitled to be reimbursed for out of pocket expenses incurred in carrying out their duties. You should record any decision you make about payment in the LPA.

Who needs to know that I'm making an LPA?

Once you have filled in Part A of the forms, an independent person must fill in the certificate in Part B to confirm that, in their opinion, you are making the LPA of your own free will and that you understand its purpose and powers. Your LPA cannot be registered unless the certificate is completed.

You can name up to five people to be notified when an application to register your LPA is made. If you choose not to name anyone you will need two certificate providers under Part B.