

Lasting Power of Attorney (LPA)

Peace of mind
by planning ahead

JEWISH CARE

What is a Lasting Power of Attorney (LPA)?

A Lasting Power of Attorney is a legally binding document which allows you (known as the Donor) to choose someone else (known as the Attorney) to manage your affairs and take decisions on your behalf. You can appoint more than one Attorney to act on your behalf. An LPA is only valid once registered with the Office of the Public Guardian.

You cannot complete an LPA if you no longer have mental capacity, so it is important to set up your LPA and discuss your wishes with important people in your life whilst you still can.

Why do I need an LPA?

If for any reason you become unable to manage your own affairs, then with an LPA in place, relatives or friends will have the legal authority to assist. For example, without a property and financial affairs LPA, a bank is not obliged to follow the instructions of a persons 'next of kin'. By completing an LPA, you have decided in advance who you wish to take responsibility for your affairs should you ever become unable to do so. This gives you peace of mind knowing that you have appointed someone you trust to manage your affairs, and there is someone in place who will take decisions on your behalf.

There are two types of LPA:

Property & Financial Affairs – As Donor you can decide if your Attorney can act immediately upon registration of the LPA (for example, managing your bills or by registering the LPA with individual banks and organisations). Alternatively, you as Donor can specify that the LPA can only be used if you were to lose mental capacity.

Health & Welfare – If you complete an LPA for Health and Welfare, it is important that you make your wishes and preferences for your future care known to whoever becomes your Attorney. If you lose mental capacity, then your Attorney will be able to take decisions regarding your health and care needs, for example, whether you live at home or in a care home. If a specific medical decision needs to be made a healthcare professional will assess your mental capacity. If you do not have capacity and you have not previously appointed an Attorney for Health & Welfare, the leading healthcare professional will decide how best to treat. Your Attorney must make decisions based on what would be in the best interests of the Donor but may not be what the Donor would choose.

Attorneys must act in accordance with the Mental Capacity Act 2005 and its Code of Practice. Attorneys must take all practical steps to help the Donor make as many decisions as possible. Attorneys should treat the Donor as unable to decide only if they have made every reasonable effort to try and support the Donor to make their own decisions.

How can I make a Lasting Power of Attorney?

1. You can either download and print the forms to fill in by hand or complete the forms online and then print off. Once completed, the forms need to be signed and posted to the Office of the Public Guardian together with the registration fee (currently £82 for each LPA where a fee exemption does not apply). A donor may be entitled to a reduction or exemption of the registration fees based on their financial circumstances.

The Government website link to make an LPA is:

gov.uk/government/publications/make-a-lasting-power-of-attorney

2. A solicitor will be able to assist in carrying out your instructions in preparing the LPA and registering it with the Office of the Public Guardian, but they will charge for their professional services in addition to the Office of the Public Guardian registration fees. It would be advisable to use a solicitor if your financial affairs are complicated, or if you wish to include specific restrictions in terms of who you choose to appoint as your Attorney. It is important to be aware that setting up an LPA may cancel any previous Advance Decision (often known as a Living Will) which a solicitor can discuss with you.

What if I already have an older type of Power of Attorney?

An Ordinary Power of Attorney is for Property and Financial Affairs only (not for Health and Welfare). It only covers specific periods, acts, and events and is no longer valid once someone loses mental capacity.

An Enduring Power of Attorney (EPA) if signed before 2007 is still valid to use for Property and Financial Affairs (not for Health and Welfare). If someone loses mental capacity the EPA must be registered with the Court of Protection to have effect.

EPAs are also covered by the Mental Capacity Act which an Attorney must follow to act in a person's best interests.

Jewish Care is here to support you

At Jewish Care we are committed to encouraging individuals to have meaningful conversations with important people in their lives, and we encourage people to set up LPAs. We hope this will provide peace of mind, knowing that decisions will be carried out by their chosen Attorney who is someone who has listened to them and will remember what matters to them.

For any further information about LPAs, Jewish Care's Advance Care Planning document or about our other services please do get in touch.

How to get in touch

Call the Jewish Care Helpline: 020 8922 2222

Email the Helpline: helpline@jcare.org

Look at our website to see our range of services: jewishcare.org

Useful contacts:

To find out more information about Lasting Powers of Attorney

Government website

gov.uk/power-of-attorney

Office of the Public Guardian

Phone: 0300 456 0300

Website: publicguardian.gov.uk

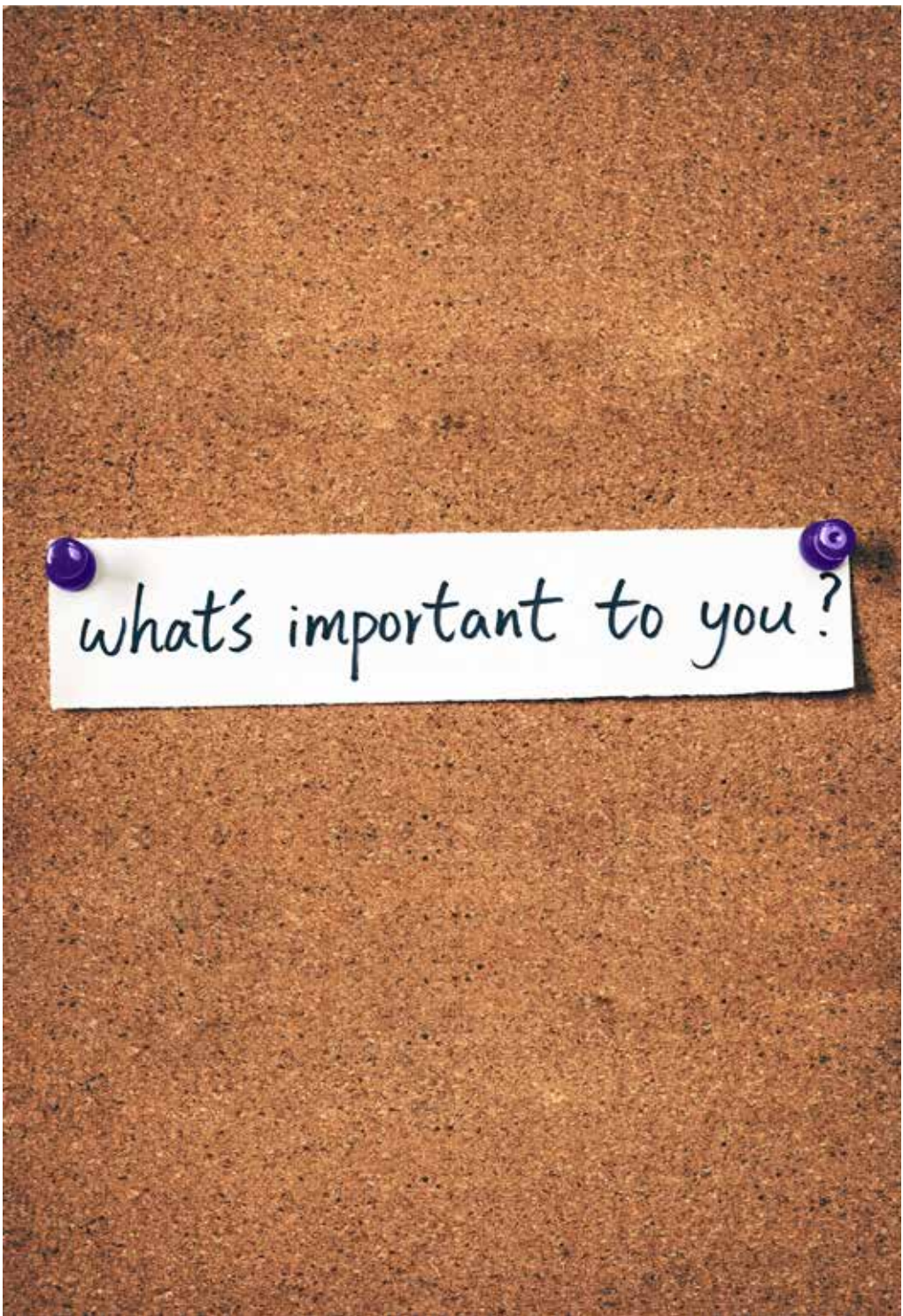
Age UK

Phone: 0800 678 1602 (8am-7pm)

Website: ageuk.org.uk/information-advice/money-legal/legal-issues/power-of-attorney/

This leaflet is intended only as a guide. It is advisable that you should take your own independent legal advice.

The photograph on the cover page is of a mosaic created by one of Jewish Care's Social Workers in memory of her late mother.



what's important to you?

