

# Lasting Power of Attorney – what, when, why?

## *What is a Lasting Power of Attorney (LPA)?*

**A Lasting Power of Attorney is a legal document that allows you to appoint one or more people (the ‘Attorneys’) to help you to make decisions, or make decisions around your health, property and finances, should you not have the capacity to do so in the future.**

There are two different types of LPAs (Property and Finance, Health and Welfare) depending on what areas of your life you would like an Attorney to have control of and, to be valid, an LPA must be registered with the Office of the Public Guardian.

In short, a Lasting Power of Attorney is a legal tool that lets you choose someone you trust to make decisions for you.

## When would an LPA be used?

An LPA can be used when someone who has a condition such as dementia, for example, and reaches a point when they can no longer make decisions themselves about their care or finances. This is typically done when someone can no longer understand the information they've been given in order to make a decision, consider the information they've been given, communicate their decision or retain the information. This is known as loss of mental capacity.

## Why do you need an LPA?

### What does an LPA do?

An LPA allows another person - who you appoint - to make the decisions about your wellbeing and affairs on your behalf. They are known as your Attorney. By appointing someone you trust as your Attorney, they will be able to make decisions on your behalf if you should lose the mental capacity to do this yourself in the future.



Appointing an Attorney before you actually need one, gives you the knowledge and security that your affairs - both health and financial - will be managed exactly how you want them to be.

## Does everyone need a LPA?

Regardless of your health, everyone should consider an LPA.

## What types of LPA are there?

There are two types of LPA, one covering health and welfare and the other covering property and financial affairs. You can make an LPA for one or both areas depending on your needs.



*In short, a Lasting Power of Attorney is a legal tool that lets you choose someone you trust to make decisions for you on your behalf, and in your best interests.*

Friends of the Elderly

## How old do you need to be to have an LPA?

If you're aged 18 or older and still have the mental ability and capacity to make financial, property and medical decisions for yourself, you can arrange for someone else to make these decisions for you in the future.

## What are the benefits of having an LPA?

Having an LPA helps you to know and plan - in advance - how your health, wellbeing and financial affairs will be looked after. You can decide and make the decisions you want to be made on your behalf if you lose capacity to make them yourself in the future. It also gives you the comfort in knowing that you have chosen the people you trust and want to make these decisions for you.

## What happens if you don't have an LPA?

If you have not appointed an Attorney e.g. given someone the authority to make decisions under an LPA, then decisions about your health, care and living arrangements will be made by either your care professional, doctor, social worker or local council. They will decide on your health needs, including any care you may need. It is important to note that neither you nor your family get to make those decisions – the matter is taken out of your hands.

Your local council will then decide where you receive your care and will even assess you or your family for care home fees.

## What next?

The team at Friends of the Elderly are not in a position to give you personal advice on LPAs. We would recommend speaking to your solicitor, and also making use of other reputable sources of information online, such as the UK Government website [www.gov.uk/power-of-attorney](http://www.gov.uk/power-of-attorney) where you can register, amend or end an LPA or for more information go to: [www.ageuk.org.uk](http://www.ageuk.org.uk)

☎ **03305 550 378** 🌐 **fote.org.uk**

📘 /FriendsElderly    📷 @FriendsElderly    🌐 /Friends-of-the-Elderly

Hampshire • Dorset • Essex • Surrey • Bedfordshire • Worcestershire • Oxfordshire

Friends of the Elderly, registered charity in England and Wales (no 226064); registered company in England and Wales (no 133850). Registered office 40-42 Ebury Street, London SW1W 0LZ. A company limited by guarantee.

