

Let's Plan Ahead

Lasting Power of Attorney

Lasting Power of Attorney health and welfare: *Information for professionals*

An LPA for Health and Welfare is a legal document which can be made to cover a loss of mental capacity in relation to decisions about health and welfare on a **temporary or permanent basis**.

An LPA for Health and Welfare is only valid if it has been registered with the Office of the Public Guardian (OPG) which is part of the Ministry of Justice Department. This is visible on page one of the document at the bottom of the page and shows the date of registration, the OPG reference number and the OPG official stamp.

The person who makes the LPA is known as the 'Donor' and the person given the power to make decisions is known as the 'attorney'.

There are two different types of LPA:

- An LPA for Property and Financial Affairs covers decisions about money and property.
- An LPA for Health and Welfare covers decisions about health and personal welfare.

A health and welfare Attorney can make decisions about things like daily routines, medical care and where the Donor lives. They can also ask for money from the person in charge of the Donor's funds to maintain the person's quality of life such as clothing, decorating their home, extra support for community activities or holidays. The Donor may have listed any preference that they would like the attorney to consider when making decisions on their behalf.

All decisions taken by the Attorney must be in the person's best interests.

One or more attorneys

The Donor may have more than one Attorney and there are different ways in which they can act which will have been specified by the donor on the LPA form:

1. **Jointly and severally**
If the Donor has chosen for their Attorneys to act 'jointly and severally' then they can act together but they can also act on their own. This means that if one attorney is unable to act, for example because they have died, the remaining attorneys will still be able to act. If the Donor has chosen any replacement attorneys, they can step in to act with the remaining Attorneys.
2. **Jointly**
If the donor has chosen for their attorneys to act jointly then their Attorneys must make decisions together and agree unanimously on all the decisions they make.

Choosing attorneys to act jointly means that if one attorney is unable to act, for example because they've died, then the LPA becomes invalid and the remaining Attorneys cannot make decisions for the Donor. If the Donor has chosen any replacement attorneys, they'll step in to act alone.

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3. Jointly for some decisions, and jointly and severally for other decisions

This means the Donor can specify the decisions that must be made together and the decisions where the attorneys can act alone. If they have not specified how the attorneys must act then they must act jointly.

If there are concerns about an attorney

The Office of the Public Guardian can also investigate if somebody has concerns about the way an attorney is acting.

For more information please visit: www.gov.uk/power-of-attorney

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