



LIVE FOREVER THROUGH YOUR LEGACY

Lasting Powers of Attorney (LPAs) for Health & Welfare

Setting up an LPA can feel overwhelming, but Teresa explains the process clearly and ensures your documents are completed correctly and registered properly. Having an LPA in place can prevent complications for your family and give you confidence that your wishes will be respected.

Teresa approaches every LPA discussion with kindness, empathy and sensitivity, understanding that these conversations can be emotional. Her goal is to make the process calm, straightforward, and reassuring.

Plan ahead with confidence by putting the right Lasting Power of Attorney in place.

What is a Lasting Power of Attorney?

A Lasting Power of Attorney (LPA) is a legal document which allows a person (otherwise known as the donor) to appoint someone they know and trust to make decisions on their behalf should they become unable to do so in the future. This person is called an attorney. An attorney must be 18 and over. Attorneys must always act in the best interest of the donor. It is important to add at this stage that you must have capacity in order to have an LPA put in place.

What decisions can be made by your attorneys on your behalf with a Health and Welfare LPA?

Having this LPA in place will give your attorneys the authority to make the following decisions on your behalf: Your attorneys will have the authority to make the following decisions on your behalf:

- day to day decisions such as exercise, dietary requirements and care
- arrange medical or dental care
- make decisions on life-sustaining treatment
- where the donor lives i.e. relocation into a care home or sheltered accommodation

The LPA will allow you to set out any **preferences** you would like your attorneys to be aware of.

Preferences are *non-binding* wishes that you would like the attorneys to keep in mind when making decisions on your behalf. Here are some examples.

- *"I would like my pets to live with me for as long as possible. If I go into a care home, I'd like to take them with me."*
- *"I prefer to live within 5 miles of my sister NAME."*
- *"I would like to have regular haircuts and manicures."*

You can also set out **instructions** in the LPA that are legally binding and that your attorneys must follow. Here are some examples.

- *"My attorneys must ensure I am only given vegetarian food."*
- *"My attorneys must not decide I am to move into residential care unless, in my doctor's opinion, I can no longer live independently."*

What is the cost of registering the LPA, and what is the turnaround time?

A Health and Welfare LPA can only be used once it has been registered with the Office of Public Guardian (OPG). There will be a registration fee payable to the OPG when the LPA is submitted to them. The current cost is £92 per LPA. If you are on a low income or receive benefits, you may be eligible for fee remission. An additional form (Form LPA120) will need to be completed if you are applying for reduced fees.

Registering your LPA with the OPG can take up to 20 weeks or possibly longer. This is why it is important you complete and register your LPA as soon as possible.

What happens if you don't have a Health and Welfare LPA?

Young people are statistically less likely to lose mental capacity, but when it does occur it is often sudden and unplanned—for example, following a serious road traffic accident, a brain injury, or an acute medical event. Without a Health and Welfare LPA in place, medical professionals must make decisions in the patient's "best interests," and family members have no automatic legal authority to decide or to be formally consulted. An LPA allows the individual to appoint someone they trust to make decisions about medical treatment, care arrangements, and life-sustaining treatment, ensuring those decisions align with their values and wishes. Therefore, the common misconception that a Health and Welfare LPA is only needed for those who are of an older age. The reality is that capacity could be lost at any time.

Ensuring the right person can make decisions, rather than default decision-making

If a young adult or an older person becomes incapable of making decisions and has no Health and Welfare LPA, there is no mechanism for a partner, close friend, or even parents to automatically take control and to make decisions on your behalf with regard to your health and welfare. Instead, others could make decisions for you, and the decisions made may not be what you would have wanted, i.e. social services decide where you live and what care you receive, or you may be resuscitated against your wishes. This can cause disagreements between family members and professionals about what is best for you. Having a health and welfare LPA in place prevents those disagreements whilst ensuring loved ones who are best placed to look after you if you lose capacity are legally able to do so.

This can be particularly important where family relationships are complex, where the individual is not married, or where they would prefer a specific person to act on their behalf. An LPA avoids delays, disputes, and potential court involvement by clearly establishing who has authority to act and what powers they have.

Is there a way for someone to make decisions on my behalf after I have lost capacity if I do not have a Health and Welfare LPA?

Yes. If capacity is lost and there is no LPA in place, an application can be made to the Court of Protection for someone, usually a family member or friend to be a Deputy for you and make decisions on your behalf. However, this is a long and expensive process. The process can take 6 months or even more, so it is cheaper and more effective to have an LPA in place instead.

depending on the volume of applications they receive,

In summary, a Health and Welfare LPA is not about age, but about being smart and being prepared. It ensures continuity of decision-making, clarity for healthcare professionals, and protection of personal autonomy should the unexpected occur.

Did you know?

A Health and Welfare LPA will only come into effect once the donor loses mental capacity.

Don't delay! Pick up the phone and call today!

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