

Safeguarding Vulnerable Adults

Lasting Power of Attorney

As detailed on the [Gov.uk website](#)

A lasting power of attorney (LPA) is a legal document that lets you (the 'donor') appoint one or more people (known as 'attorneys') to help you make decisions or make decisions on your behalf.

This gives you more control over what happens to you if, for example, you have an accident or an illness and can't make decisions at the time they need to be made (you 'lack mental capacity').

You must be 18 or over and have mental capacity - the ability to make your own decisions - when you make your LPA.

There are two types of LPA:

- health and welfare
- property and financial affairs

You can choose to make one type or both.

There's a different process in [Scotland](#) and [Northern Ireland](#).

How to make a lasting power of attorney

Step one - Choose your attorney (you can have more than one)

Choosing your attorney

You can choose one or more people to be your attorney. If you appoint more than one, you must decide whether they'll make decisions separately or together.

Who can be your attorney

Your attorney can be anyone 18 or over, such as:

- a relative
- a friend
- a professional, e.g. a solicitor
- your husband, wife or partner

You must appoint someone who has the mental capacity to make their own decisions.

When choosing an attorney, think about:

- how well they look after their own affairs, eg their finances
- how well you know them
- if you trust them to make decisions in your best interests
- how happy they will be to make decisions for you

Read about an [attorney's responsibilities](#) to help you with your decision.

You can't choose someone who is subject to a [Debt Relief Order](#) or is [bankrupt](#) if you're making a lasting power of attorney (LPA) for property and financial affairs.

If there's more than one attorney

If you're appointing more than one person, you must decide if they'll make decisions:

- separately or together - sometimes called 'jointly and severally' - which means attorneys can make decisions on their own or with other attorneys
- together - sometimes called 'jointly' - which means all the attorneys have to agree on the decision

You can also choose to let them make some decisions 'jointly', and others 'jointly and severally'.

Attorneys who are appointed jointly must all agree or they can't make the decision.

Replacement attorneys

When you [make your LPA](#) you can nominate other people to replace your attorney or attorneys if at some point they can't act on your behalf anymore.

Step two - Fill in the forms to appoint them as an attorney

Fill in the forms online to create a lasting power of attorney.

You'll need to print out the forms and sign them when you've finished. You'll also need to get other people to sign them, including the attorneys and witnesses.

Contact the Office of the Public Guardian to get details of organisations that can help you use the online service if:

- you don't have a computer or internet access
- you want to use the online service but need some help

Download and fill in the [application to register \(LPA002\)](#) if you didn't use the online tool

Print out the form and sign it when you've finished, then send it to OPG - the address is on the form.

Make sure you include the original lasting power of attorney form and the fee.

You can send a [certified copy](#) if you don't have the original form. Say in a covering letter why you don't have the original.

Office of the Public Guardian customerservices@publicguardian.gsi.gov.uk

Telephone: 0300 456 0300

Textphone: 0115 934 2778

Available Monday, Tuesday, Thursday, Friday, 9am to 5pm OR
Wednesday, 10am to 5pm

Step three - Register your lasting power of attorney

When you've made your lasting power of attorney (LPA), you need to register it with the Office of the Public Guardian (OPG).

You can apply to register your LPA yourself if you're able to make your own decisions.

Your attorney can also [register it for you](#). You'll be told if they do and you can [object to the registration](#).

It takes between 8 and 10 weeks to register an LPA if there are no mistakes in the application.

Tell 'people who need to be told'

Before you register, send a [notice of intention to register \(LPA001\)](#) to all the 'people to be told' who you listed in the LPA.

They'll have 3 weeks to raise any concerns with Office of Public Guardian.

It costs £110 to register an LPA unless you get a [reduction or exemption](#).

Information supplied from the Office of Public Guardian

We're pleased to be able to share with you information on upcoming improvements and changes to some of our services. We would be grateful if you could please share this information with your members, colleagues and partners.

Lasting power of attorney (LPA) forms are changing on Wednesday 1 July

On Wednesday 1 July, new, simpler and clearer LPA forms will be introduced for both property and financial affairs LPAs and health and welfare LPAs.

How have the forms changed?

The new forms reflect the responses to our consultation and feedback from users who were directly involved in their development. The redesign will make the forms easier to follow and faster to complete. We have also removed the requirement for a second certificate provider, as it was making it difficult for some people who wanted to make an LPA.

Having listened through our consultation, we haven't combined the forms for health and welfare and property and finance. Nor will we be removing the requirement for a signature and witness for the life sustaining treatment section. Other safeguards remain the same, such as the need for an independent witness to sections of the LPA and someone you know certifying that, in their judgement, you have capacity.

The new LPA forms complement the existing online LPA service which takes users through each page of the application step-by-step, making sure it is completed correctly before it's printed off and submitted. We've also improved the online service to better support solicitors' processes based on their feedback.

Timing for transition to the new forms

To make this change easier for everyone, we'll be accepting both the old and new versions of LPA forms for the next six months:

- From Wednesday, 1 July 2015 until Friday, 1 January 2016, you can use either the old or new versions of these forms to create and register an LPA.
- If the old LPA forms have been completed, signed and dated correctly by Friday, 1 January 2016, they can still be registered at any time providing they have been made correctly.
- If an LPA made using the old forms has not been completed, signed and dated by Friday, 1 January 2016, they won't be able to be registered.

No changes are being made to enduring powers of attorney (EPA) forms at this time. These will still be able to be registered after the introduction of the new LPA forms.

The new forms will be available to download from www.gov.uk/opg from Wednesday 1 July.

Improved information to support attorneys

Our research told us that many attorneys acting under either a property and finance or health and welfare LPA needed more advice on how to carry out their role effectively to protect the donor's best interests.

We've developed [two new leaflets](#) offering a quick guide to getting started as an attorney.

We've tested these leaflets extensively. They've been read and commented on by a number of attorneys, external organisations, including the NHS, local authorities, businesses and charities with an interest in LPAs and OPG staff.

The leaflets will be sent to attorneys along with the OPG letter telling them that the LPA has been registered. You can also download them now from Gov.uk.

