

MENTAL CAPACITY ACT FACTSHEET

LASTING POWER OF ATTORNEY

A **Lasting Power of Attorney (LPA)** is a legal document that lets a person (the 'donor') choose trusted people ('attorneys') to make decisions on their behalf. This document is only valid if it has been registered with the Office of the Public Guardian

An LPA enables the donor to ensure that decisions made on their behalf when they lack capacity – are made by their LPA in accordance with their wishes.

How to check if an LPA has been registered

If someone says they have an LPA- you can contact the Office of The Public Guardian to confirm it exists and is registered by visiting the following web page-

<https://www.gov.uk/find-someones-attorney-or-deputy>

If the LPA is registered a copy of this LPA should be placed on the healthcare record.

Protection from liability

Clinicians **do not have** protection from liability for actions taken that go against the decision of the LPA. - ***so staff must consult with the LPA for all care related decisions if the person lacks capacity to make the decision.***

The 2 types of LPA:

- 1. Property and Financial Affairs** -The Property and Affairs LPA covers the person's money and property. The donor doesn't have to own property or have a lot of money to make this type of LPA. It can be used with the donor's consent, as soon as it's registered. However, the donor can state that it will **only** be used when they don't have mental capacity if they so wish.
- 2. Health and Welfare**-This LPA covers the person's personal and health care. This type of LPA can **only** be used if the donor **doesn't** have the mental capacity to make the decision.

The donor can use an LPA to let the attorney(s) make a range of decisions such as

- Decisions about their daily routine, e.g. What they wear and eat,
- Decisions about where they live
- Decisions about medical treatment including the power to refuse or agree to any medical treatment they may need to stay alive.

Some people make one type of LPA, others make both.



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How to access more information and application forms for LPA

For more information about LPAs including the application forms go to the Office of the Public Guardian website

<https://www.gov.uk/government/organisations/office-of-the-public-guardian>

Actions to take if you have a concern about a Lasting Power of Attorney

If you have concerns about an attorney or a deputy, e.g. the misuse of money or decisions that aren't in the best interests of the person they're responsible for, you should **contact** the Office of the Public Guardian

Office of the Public Guardian contact details

Email address ; opg.safeguardingunit@publicguardian.gsi.gov.uk

Telephone: 0115 934 2777

Text phone: 0115 934 2778 Mon to Fri, 9.00 to 17.00 Weds, 10 to 17.00

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