

Lasting Power of Attorney

Health and Welfare



I've chosen the **right people** to make
decisions for me when I can't

A **Health and Welfare** LPA allows the person you chose to make decisions on your behalf about your health and welfare, if there comes a time when you are unable to make these decisions for yourself. A health and welfare attorney could make decisions about where you live, for example, or day-to-day care including your diet and what you wear.

You can also give your health and welfare attorney the power to accept or refuse life-sustaining treatment on your behalf.



**Assist
Law**

Protecting your world

What powers will my attorney have?

Your attorney will have responsibility for a range of things such as...

- Where you live
- What you wear
- What you eat
- What help you get at home
- What treatment you receive
- What treatment you refuse
- Who cares for you

When will they be able to act?

A health and welfare LPA can only be used once the form is registered at the OPG (Office of the Public Guardian) and you are in a position where you don't have the mental capacity to make decisions about your own welfare.



Who will make these decisions if I don't make an LPA?

If you can no longer make decisions for yourself about your health and welfare and have not appointed someone to make them for you in an LPA then the local authority will decide for you.

Will the attorneys of my Property and Financial affairs LPA be able to make these decisions?

No. Each type covers different decisions and there are separate application forms for each. You can choose to make both types, or just one. You can have the same attorney for both, or you can have different attorneys but they must be registered separately.

When should I make an LPA?

Now. You can only make an LPA whilst you have mental capacity. Once this is lost then it is too late. This may be over a period of time due to a degenerative disorder or it may be sudden due to an accident. In either event if you have not made your LPA then it is simply too late.

I know that if the unexpected happens, my Health and Welfare will always be in safe hands.

With the Assist Law Lasting Power of Attorney you can plan for the future now whilst you are still able to do so.

You have the peace of mind that whatever happens, the people you trust are there to make the right decision for you.

They will be able to act swiftly to meet your needs with a registered LPA.

Your family and friends will not have the cost, delay and burden of applying for a similar power which may not end up being the people you wanted.

Preparing a Lasting Power of Attorney with Assist Law

- We will prepare your LPA and carry out the legal formalities of registering the document with the Office of the Public Guardian
- Receive expert advice and guidance by a professional Legal Case Manager (includes a telephone consultation) to ensure the complex paperwork is completed correctly
- Access to the Care Estate Planner, to assist families through the emotional, practical and legal issues when considering care options for a loved one
- The LPA is drafted and checked by a professional Legal Case Manager then sent to you by email or post
- Provide peace of mind for you and your family both now and in the future



The roles of the people who will be involved with your LPA

The **donor** is the person appointing an **attorney**. All LPAs are individual documents and a couple will each need their own LPA, rather than having joint appointments.

Your chosen **attorney** must be over 18, have mental capacity and not be bankrupt. Several attorneys can be appointed, but from a practical point of view it is usual to appoint one or two.

Replacement attorneys can also be appointed to act in the place of an attorney who is unable to act or who has died before you. For example, a couple may choose to appoint each other, with their children as replacement attorneys if required.

The **certificate provider** is an independent person who must sign to certify that in their opinion you have the mental capacity to make an LPA, and that you are not making it under improper pressure. They should either be someone you have known personally for at least 2 years (**but not a family member**) or else someone professionally qualified (e.g. your doctor). This requirement is an important safeguard against abuse.

You can request that up to five **people be notified** when an application is made to register the LPA. You can choose anyone (including family members) who knows you well enough to be able to raise concerns should they have any, and this provides a further safety aspect to protect against possible abuse.

We are here to help

With over 50 years experience, Assist Law has been delivering lifetime peace of mind for its clients and their families. If you have a question, would like additional guidance or need some support, we're here when you need us. You can telephone us on 01934 836159 or email us at customercare@assistlaw.co.uk

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