

Lasting Power of Attorney

for Health & Welfare



We all like to feel we will retain full control of our faculties, but with increased life expectancy and the possibility of losing mental capacity through dementia for example, there may be times when we will need the help of people we trust.

A **Lasting Power of Attorney (LPA)** is a legal document that lets you appoint one or more people (known as 'attorneys') to help you make decisions or who can 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.

A **Health & Welfare LPA** is a sensible precaution for people of any age and can be of vital support to your family, should the worst happen.

What is a Health & Welfare Lasting Power of Attorney?

A Health and Welfare LPA is a unique document introduced in 2007. It allows you to choose the person, or persons you trust to make decisions about your personal healthcare and your welfare and express your wishes, such as:

- giving or refusing consent to certain types of healthcare, including medical care,
- deciding where you live; be that your home or in residential care,
- day-to-day care issues, including your diet, daily routine, etc.

You can also give your attorney the power to make decisions about 'life sustaining' treatment (although it is strongly recommended that you discuss such a decision with your GP first).

When should I make a LPA?

You must make an LPA when you are still capable of making decisions for yourself. This is particularly important if you have been diagnosed with, or think you might develop, an illness which may prevent you from making decisions for yourself at some time in the future. It is often difficult to discuss such matters with your family but such a discussion will ensure your family are aware of your wishes.

When can a LPA be used?

Your attorney can only make decisions when the LPA has been registered with the Office of the Public Guardian and then only when you lack the capacity to make decisions yourself.

When lacking mental capacity

It is then no longer possible to make an LPA. Instead social services may become involved in decisions as to where you live or the care you receive; you may be resuscitated against your wishes; and decisions could be made without knowledge of your wishes. Your family can apply to the Court of Protection for a decision on your health and welfare but as you may appreciate this can be costly and time consuming.

What your solicitor will discuss with you

Your solicitor will ask a number of questions designed to ensure you know exactly what you're doing, that you're making your own choices. Asking why you want to make an LPA will help us know what suggestions we can make to guide you.

The information in this guide has been prepared to give the reader a brief outline of the area of law to which it relates. Tallents do not accept any responsibility for any loss that you may incur if you make decisions based on this guide without seeking the detailed advice of a solicitor. The law referred to is correct at the time of going to press but the law is always changing and affects each person differently. Tallents Solicitors are regulated by the Solicitors Regulation Authority Number SRA68826. ©Tallents Solicitors April 2025.

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