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Lasting Power of Attorney (LPA) and Deputies

SELF HELP TOOLKIT

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What is an LPA?

An LPA (Lasting Power of Attorney) is a legal document that lets someone decide who will help them make decisions or make them on their behalf. It gives them more control over what happens to them, should they become ill or have an accident and cannot make decisions for themselves (because they lack the mental capacity to do so).

WHO CHOOSES THE LPA?

The person making the LPA will choose the person or people they want to act as their LPA. This could be a family member, friend or a professional like a solicitor.

WHAT TYPES OF LPA ARE THERE?

There are two types of LPA:

- **Property & Affairs LPA:** This type allows the attorney to manage a person's money and property. Such as paying bills, looking after bank accounts, or the person's home and property.
- **Health & Welfare LPA:** This type allows the attorney to make decisions about the person's health care and welfare, including medical treatment.

WHEN CAN AN LPA BE USED?

For property and affairs, the person can decide that their LPA can use their power as the LPA at any time, including when the person making the LPA has capacity. The person can also decide that the LPA can only make decisions when they lose capacity to make decisions around their property and finances.

A health and welfare LPA can only be used once the person lacks capacity to make their own decisions about their care and treatment.

The person may have health professionals involved like doctors and consultants to confirm the person's capacity to make certain decisions.

LPA's

IS HAVING AN LPA HELPFUL?

Having an LPA may be helpful if the person feels other people close to them may disagree with any decisions. It also ensures that the person can make their own personal choices as to what they would or would not like to happen to them in the future. This protects the wishes, feelings, and values of the person.

There is a safety net that if anyone thinks an LPA is using their powers inappropriately, there is oversight from the Office of the Public Guardian (OPG) who can investigate and decide to cancel or remove an LPA. This could be, for an example, if there was concern about someone not managing the person's money properly.

IS THERE A COST INVOLVED?

Regular LPA applications cost £82.00 at the time of writing. Some people may be eligible for a discount or can register an LPA free of charge if they are on benefits.

A person can get help from a solicitor to set up an LPA, but they would be charged for this service.

What is a Deputy?



Deputies

WHAT IS IT?

A Deputy is someone who the Court of Protection has said can make decisions for a person.

WHO CHOOSES?

The Court of Protection makes decisions about what is best for people who are not able to make the decision for themselves. It helps make sure they are protected.

What type of Deputies are there? A Deputy can make some decisions that an LPA can make, and the court decides what they are.

- **Property & Financial Affairs:** Managing the person's money and property.
- **Personal Welfare:** Making decisions about the person's health care and personal welfare.

These decisions are like that of a Lasting Power of Attorney.



Deputies

WHEN IS IT USED?

A Deputy is appointed when a person has lost the capacity to make certain decisions, and there is no LPA in place.

An application is made to the Court of Protection (a special court that makes decisions on behalf of people who lack capacity) by the person who is proposing to be the Deputy. A Deputy's powers can often be much less or restricted to that of a Lasting Power of Attorney.

WHAT IS THE DIFFERENCE?

LPA

Deputy

With an LPA, the person has the control to choose who will make decisions for them.

With a Deputy, the court makes this decision.

An LPA is set up in advance, while the person can make decisions.

A Deputy is appointed after they have lost the capacity to make decisions.

An LPA gives the person more control over their future by allowing them to choose the attorney and agree in advance what their personal choices are.

A Deputy is chosen by the court, which may not always align with a person's wishes.

An LPA can be tailored to the person's needs and preferences

Deputy's powers are determined by the court and may be more limited.

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Notes

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