

Lasting Powers of Attorney (LPA)

Your feedback

If you would like to know more about us, need information in a different language or format or have a concern, compliment or complaint, then please contact our PALS Team:

PALS Team
Devon Partnership NHS Trust
Wonford House, Dryden Road
Exeter EX2 5AF

Freephone: 0800 0730741
Email: dpn-tr.pals@nhs.net

You will also find useful information about our services and issues related to mental health and wellbeing on our website.

www.dpt.nhs.uk



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What is Lasting Power of Attorney?

People who are not able to make a decision for themselves need someone else to manage their legal, financial and health affairs.

The Mental Capacity Act 2005 made provision for people to choose someone they trust to manage their affairs should they become incapable of doing so for themselves in the future.

Should you choose to do this you need to set up what is called a **'Lasting Power of Attorney' (LPA)**.

Types of LPA

There are two types of LPA and you can set up one or both types:

Property and Affairs LPA

This enables someone you trust to make financial and legal decisions on your behalf when you are no longer able to do so.

If you choose, you can set this up to start immediately, even if you are still mentally able to make the decision yourself.

Personal Welfare LPA

This enables someone who cares about you and understands your wishes to make decisions on your behalf about your health and general welfare.

A Personal Welfare LPA can only be used if you are unable to make these decisions yourself.

Process

LPAs are legal documents. You can fill in the LPA forms yourself or you can ask a solicitor to do so for you. However, the LPA can only be used once it has been registered with the Office of the Public Guardian. The current cost for registering an LPA is £82 or £164 for both types (at May 2017)

Creation Packs

The Office of the Public Guardian provides Creation Packs for both types of LPA which includes an information booklet and the necessary forms. To obtain the creation pack:

Write to:

Office of the Public Guardian
PO Box 16185
Birmingham
B2 2WH

Telephone: **0300 456 0300**

Fax: **0870 739 5780**

Email:

customerservices@publicguardian.gsi.gov.uk

Web: **www.justice.gov.uk/contacts/opg**

or ask your solicitor

Enduring Power of Attorney (EPA)

Lasting Powers of Attorney replaced Enduring Powers of Attorney on 1 October 2007. Any EPA drawn up and signed prior to 1 October 2007 remains valid whether it has been registered with the Office of the Public Guardian or not. However, EPAs only cover property and financial affairs. They do not cover health and welfare. They can be revoked and replaced with an LPA as long as you still have mental capacity to do so.