

Power of Attorney

What is Power of Attorney?

As you get older, there might be a number of reasons why you may need someone to make decisions for you or act on your behalf. A Power of Attorney is a legal document, which authorises one or more people to handle your financial affairs and or make decisions about your personal welfare.

It could just be temporary: for example, if you are in hospital and need help with everyday things such as making sure that bills are paid. Or you may need to make more long-term plans if, for example, you have been diagnosed with [dementia](#).

Lasting Power of Attorney

A Lasting Power of Attorney (LPA) is a way of planning for a time when you may lose the [mental capacity](#) to manage your own finances or make decisions about your personal welfare. It must be made while you still have mental capacity.

LPAs have replaced the existing Enduring Power of Attorney (EPA). EPAs are still valid, but you may wish to create an LPA to include your health and welfare decisions.

It is a legal arrangement where you officially give a named person, such as a trusted friend or family member the power to make decisions about your financial affairs. This person becomes your 'attorney'. It can be used while you still have mental capacity and your attorney can make decisions on things such as:

- money, tax and bills
 - bank and building society accounts
 - property and investments
 - pensions and benefits
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There are two types of LPA:

- property and affairs
- health and welfare

Property and affairs

This gives the attorney the authority to make decisions about your financial affairs. This can be used while you still have mental capacity and your attorney can generally make decisions on things such as:

- money, tax and bills
- bank and building society accounts
- property and investments
- pensions and benefits

Health and welfare

Your health and welfare attorney can make (or help you make) decisions about things like your:

- daily routine. For example washing, dressing and eating
- medical care
- where you live

Your attorney must ask for money from the person or bank in charge of your funds. They might need to spend your money on things that maintain or improve your quality of life. This can include:

- new clothes or hairdressing
- decorating their home or room in a care home
- paying for extra support so you can go out more. For example to visit friends or relatives or to go on holiday

Important notes

Medical treatment as long as there is no restriction on your powers under the LPA, you can consent to, or refuse, medical treatment on behalf of the donor.

Life-sustaining medical treatment you cannot refuse life-sustaining treatment on behalf of the donor unless they specifically authorised you to do so. The donor must have signed section 5 of the LPA form (LP1H) giving their consent for you to make such decisions. If you make a decision on life-sustaining treatment, you must not be motivated by a desire to bring about the donor's death. The decision must always be made in their best interests. You can also refer to a living will.

How to set up a Lasting Power of Attorney

You can get the forms from the [Office of the Public Guardian](#) or you can instruct a solicitor to prepare one for you. [Age UK Gateshead](#) will also help people in Newcastle and Gateshead. The completed forms must then be registered with the Office of the Public Guardian before it can be used.

Don't assume

If you're married or in a civil partnership, you may have assumed that your spouse would automatically be able to deal with your bank account and pensions, and make decisions about your healthcare, if you lose the ability to do so. This is not the case. Without an LPA, they won't have the authority.

Deputyship

As a deputy, you are authorised by the Court of Protection to make decisions on behalf of someone else who 'lacks mental capacity'. This means they can't make a decision at the time when it needs to be made. They may lack mental capacity because they have:

- had a serious brain injury or illness
- dementia
- severe learning disabilities

There are 2 types of deputy.

- **Property and financial affairs deputy:** where you do things like pay the person's bills or organise their pension.
- **Personal welfare deputy:** where you make decisions about medical treatment and how someone is looked after.

You can [apply to become someone's deputy](#) from the Court of Protection.

Other Useful Information

- [Where to get legal advice in Newcastle](#)
- [Arranging for others to make decisions about your finances or welfare](#) – Age UK factsheet
- [Power of Attorney](#) – Age UK factsheet

The information on this website is for general guidance on your rights and responsibilities and is not legal advice. If you need more details on your rights, or legal advice about what action to take, please contact an adviser or solicitor..

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Useful Organisations

Citizens Advice Newcastle (CAN)

Email: citycab@newcastlecab.org.uk

Website: <http://citizensadvice-newcastle.org.uk/>

Telephone: 0191 229 2750

Address: 4th Floor, City Library, NE1 8AX

Office of the Public Guardian

Email: customerservices@publicguardian.gsi.gov.uk

Website: <https://www.gov.uk/browse/births-deaths-marriages/lasting-power-attorney>

Telephone: 0300 456 0300

Address: PO Box 16185, B2 2WH

Solicitors for the Elderly

Email: admin@sfe.legal

Website: www.sfe.legal

Telephone: 0844 567 6173

Address: Studio 209, MillStudio Business Centre, SG12 9PY

FirstStop – Housing Options for Older People (HOOP)

Email: hoop@eac.org.uk

Website: <https://hoop.eac.org.uk/hoop/start.aspx>

Telephone: 0800 377 7070

Address: Suite A, SE1 7JW

GOV.UK

Website: www.gov.uk

Telephone: 0800 377 7070

My Living Will

Email: hello@mylivingwill.org.uk

Website: <https://www.mylivingwill.org.uk/>

Telephone: 0800 377 7070

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