

Lasting Power of Attorney Advice for carers, family and friends



What is a Lasting Power of Attorney?

A lasting power of attorney is a legal document that allows someone to appoint one or more people to make decisions on their behalf if they can't make their own decisions (they 'lack mental capacity').

What are the benefits of a Lasting Power of Attorney?

If the person you care for loses mental capacity, you have no automatic legal right to make decisions on their behalf. Once a Lasting Power of Attorney is in place, you have peace of mind knowing you can make decisions on behalf of the person you care for, if they are no longer able to.

What happens without an LPA?

If an LPA isn't in place, and the person you care for becomes unable to make certain decisions for themselves, there may be a time when no one can legally make decisions for them. This can make things difficult, such as paying bills or care costs, or making decisions about their future care.

If this happens, you may need to apply to the Court of Protection, which is more time-consuming and expensive than a Lasting Power of Attorney.

What types of Lasting Power of Attorney are there?

There are two different types:

1. Property and finances

Allows the attorney to pay bills, deal with property or investments and operate bank accounts

2. Health and welfare

Allows the attorney to make decisions about life sustaining treatment, medical treatment, diet and where they live

How does the person I care for make a Lasting Power of Attorney?

They would need to complete a form either on paper, or online. There are separate forms for the two different types of LPA. Either way, the form needs to be printed, signed and sent to the Office of the Public Guardian, to be registered at a cost of £82 per document.

When should a Lasting Power of Attorney be set up?

The person you care for can only put a Lasting Power of Attorney in place whilst they are capable. After this point, they cannot enter into one and no one can do so on their behalf. Making decisions on their behalf then becomes prolonged and significantly more expensive.

How is a Lasting Power of Attorney different to a Will?

A Will and a Lasting Power of Attorney are completely separate legal documents. A Lasting Power of Attorney deals with issues whilst the person you care for is alive, whereas a Will is a legal document that sets out how assets are to be distributed after death.

General carer support and advice

There are a range of national organisations that can provide help. For specific information regarding the ward your loved one is on, please speak to a member of staff. There is a Carers Champion on each ward. For information on carer services in your area, please

visit www.nhs.uk/conditions/social-care-and-support-guide/Pages/what-issocial-care.aspx.

For further information on local carer services, or to discuss a carer's assessment, please discuss with a staff member involved in the care of the person you support. Our services have good links with Carers Centres in Bolton, Manchester, Salford and Trafford.

Please speak to staff for contact details if you would find it useful. For benefits advice, please contact your local Welfare Rights office.

GMMH has a dedicated Carer Lead. Please contact Neil Grace at neil.grace@gmmh.nhs.uk or phone 0161 357 1246 for information on how you can feedback on being a carer of someone who uses our services.

Further information can be found at www.gmmh.nhs.uk/carerinformation. Our website is available in other languages via Google Translate at the bottom of each page.

The information in this document has been produced with the support of Ben Tyer, Solicitor at GLP Solicitors, Manchester.



Contact us

Please contact the Trust's carer lead on the contact details below

Neil Grace, Trust Carer Lead

Greater Manchester Mental Health NHS Foundation Trust, Bury
New Road, Prestwich, Manchester, M25 3BL.

 0161 358 1644  Communications@gmmh.nhs.uk

This information can be provided in different languages, Braille, large print, interpretation, text only and audio format on request.

Telephone: 0161 358 1644

Email: communication@gmmh.nhs.uk

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Author: Neil Grace

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