Trust Company

Easy read guide and record for making a Health and Welfare Lasting Power of Attorney



© Mencap Trust Company & Caroline Bielanska

A Health and Welfare
Lasting Power of Attorney



A health and welfare **Lasting Power of Attorney** is a legal document

It is also called an **LPA**



It says who you want to make decisions and speak for you if in the future you do not have **mental capacity**



Mental capacity means being able to make a decision when it needs to be made

© Mencap Trust Company & Caroline Bielanska



You must have mental capacity to make an LPA



If you do not have an LPA, the people you trust **cannot** always make decisions for you

© Mencap Trust Company & Caroline Bielanska

Your Attorney



The person you want to make decisions and speak for you is called an **Attorney**



Your Attorney should be an adult that knows you well enough to make decisions for you



You can choose anyone to be your Attorney like your mum dad brother or sister or a friend



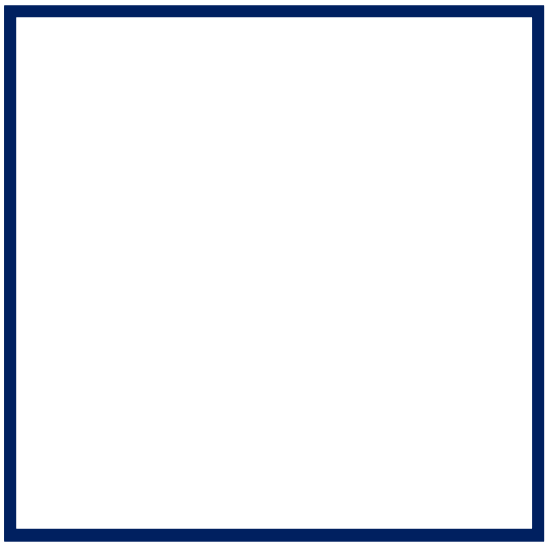
You can choose how many attorneys you want

You can choose more than 1 Attorney

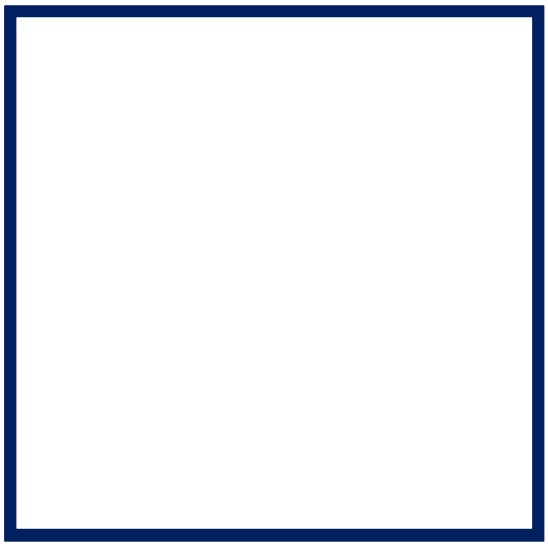
© Mencap Trust Company & Caroline Bielanska

My Attorneys

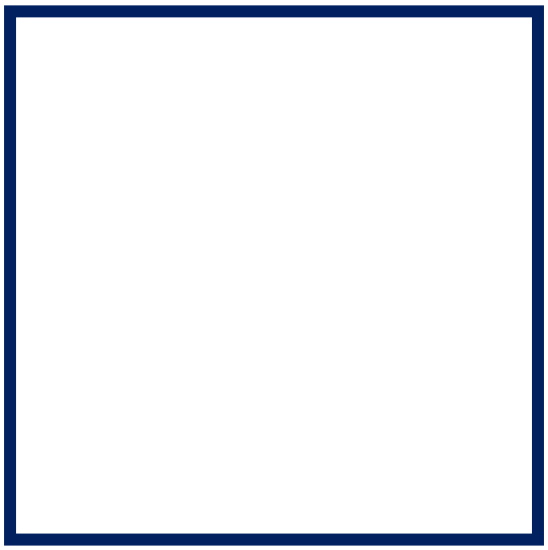
Attorney 1



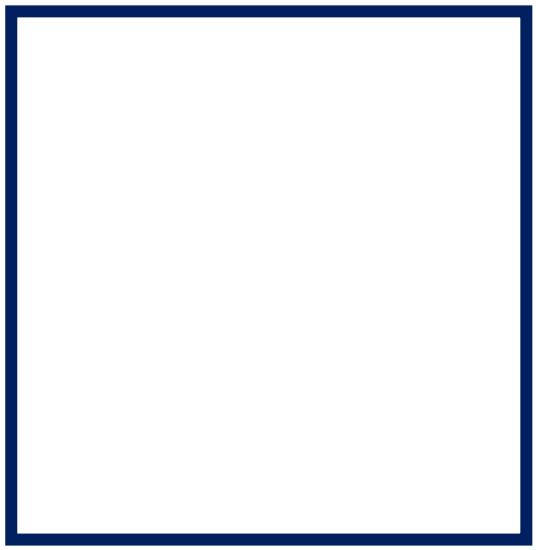
Attorney 2



Attorney 3



Attorney 4



© Mencap Trust Company & Caroline Bielanska

How your Attorneys make decisions

If you want more than 1 Attorney you must decide how they must make decisions



1. **Together** – your Attorneys have to agree each decision

   This is known as **jointly**

or



2. **Separately or together** – your Attorneys can make a decision on their own or with the other Attorney

   This is known as **jointly and severally**

or

3. You can have a mixture of these two choices

© Mencap Trust Company & Caroline Bielanska

Replacement Attorney

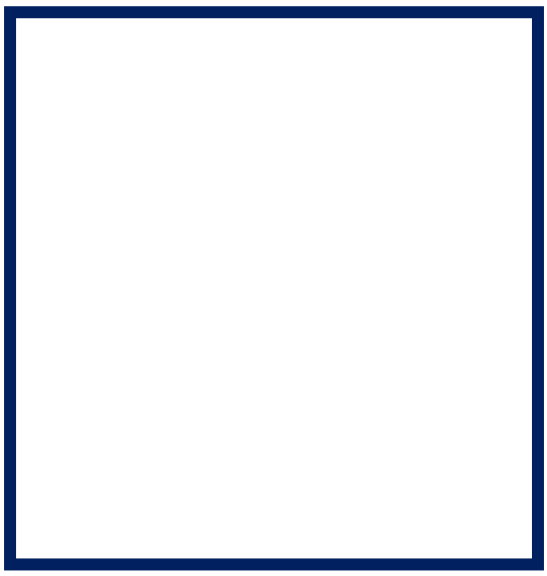


You can choose a different Attorney to replace your original Attorney if they can no longer make decisions for you

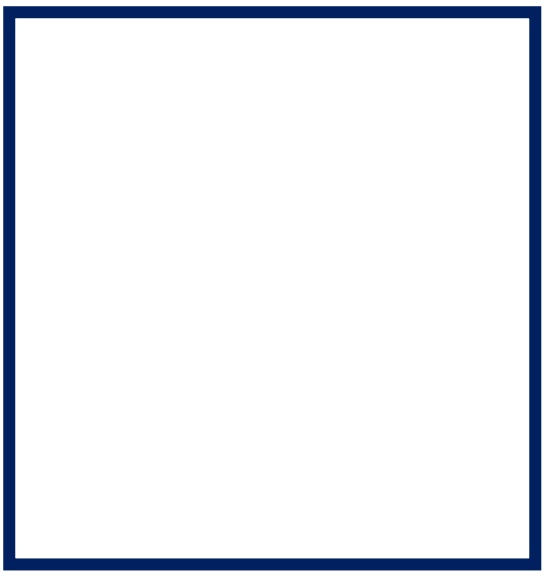
© Mencap Trust Company & Caroline Bielanska

My Replacement Attorneys

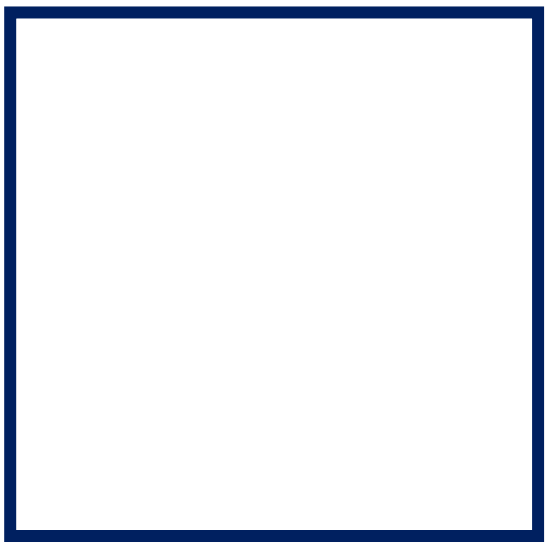
Replacement 1



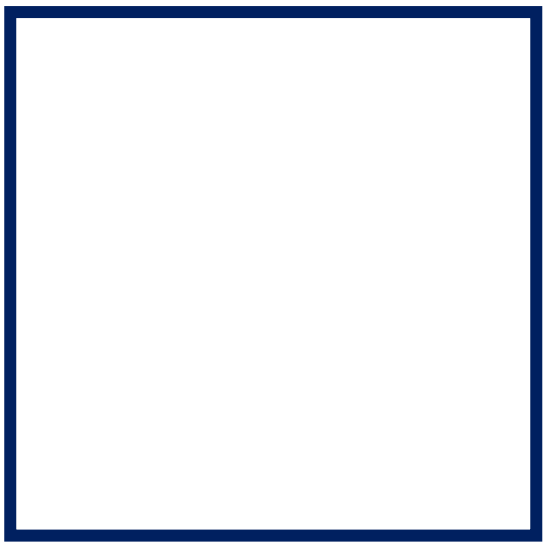
Replacement 2



Replacement 3



Replacement 4



© Mencap Trust Company & Caroline Bielanska

Making decisions for you

Your Attorney can make decisions on things like



- what you wear



- where you live



- who you go out with or who visits you

© Mencap Trust Company & Caroline Bielanska



- whether you go to the doctor about a health problem



- whether you are given medicine

© Mencap Trust Company & Caroline Bielanska

You Attorney can act on your behalf to



- arrange any care and support you may need



- look at your health and care papers



- make a complaint about the way care or treatment has been given to you

© Mencap Trust Company & Caroline Bielanska

Say what you like

You can say things that are important to you in your LPA



- What you like to eat



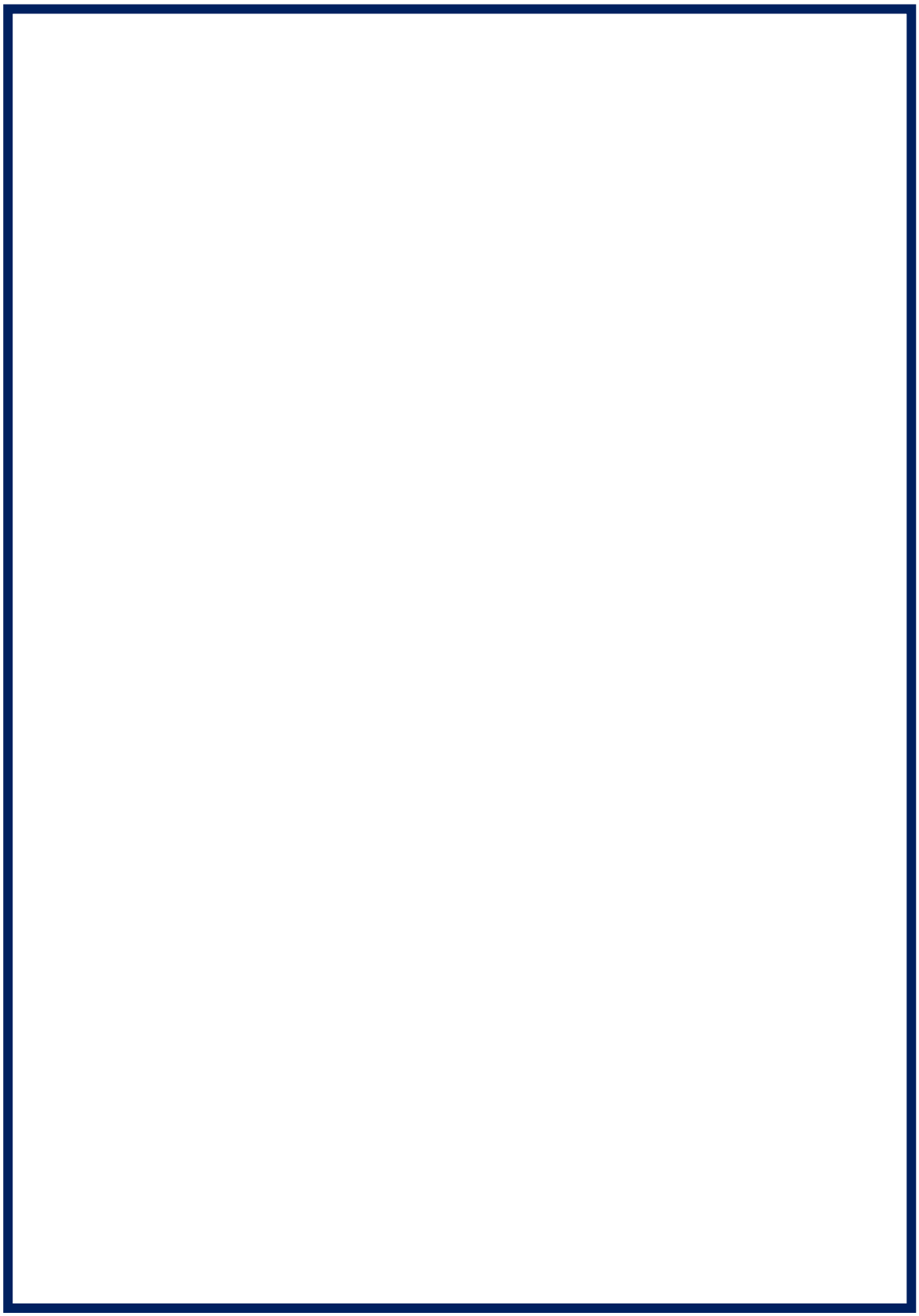
- Where you like to go to pray



- What fun things you enjoy doing

© Mencap Trust Company & Caroline Bielanska

These are things that I like



© Mencap Trust Company & Caroline Bielanska

Say what you do not like

You can say there are decisions you **do not want** your Attorney to make



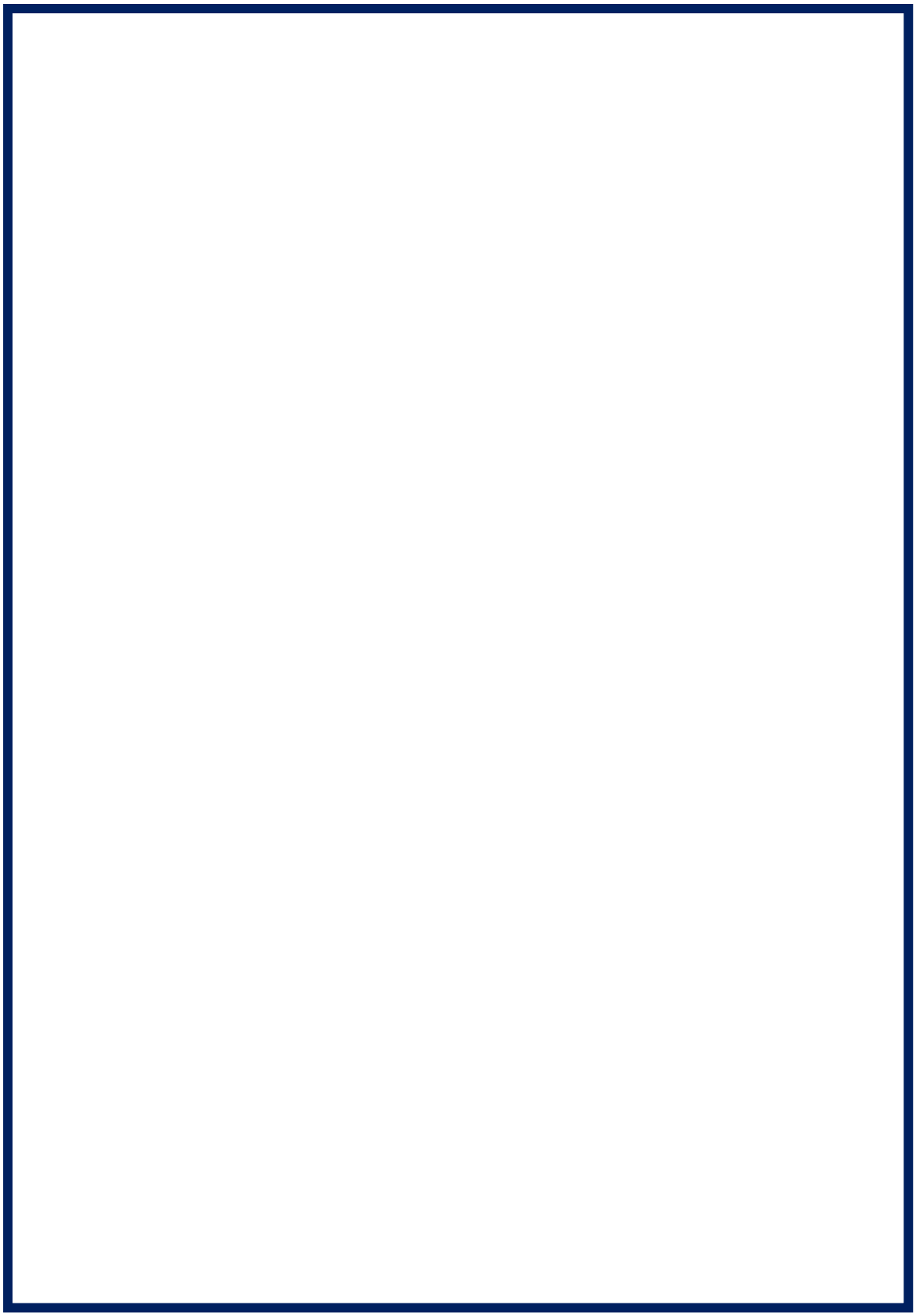
- Stopping you seeing a friend



You can say the things you **do not like**

© Mencap Trust Company & Caroline Bielanska

These are things that I do not like



© Mencap Trust Company & Caroline Bielanska

Talking to other people



You can name people you would like your Attorneys to talk to before they make a decision for you

© Mencap Trust Company & Caroline Bielanska

These are people I want my Attorneys to talk to when they make decisions



© Mencap Trust Company & Caroline Bielanska

Treatment to keep you alive



There may be a time when you are poorly and a decision needs to be made about treatment which keeps you alive

You must decide if you want your Attorney to make this decision for you



I want my Attorney to say **yes or no** to treatment which would keep me alive

This is known as **Option A**

Or



I do not want my Attorney to say **yes or no** to treatment which would keep me alive.

This is known as **Option B**

© Mencap Trust Company & Caroline Bielanska

Telling people you have made the LPA



You can name people you want to be told that you have made the LPA

1. **I want to tell** people I have made the LPA

or

2. **I do not want to tell** people I have made the LPA

© Mencap Trust Company & Caroline Bielanska

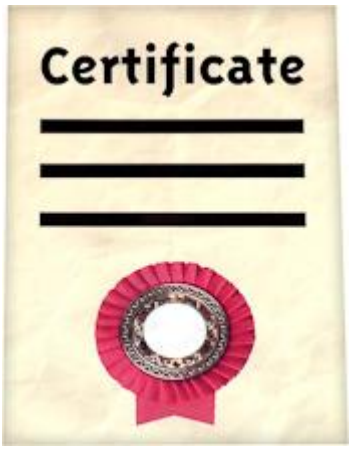
The people I want to be told I have made an LPA

You do not have to tell anyone if you do not want to



© Mencap Trust Company & Caroline Bielanska

Certificate Provider



Another person must sign the LPA to say you understand what you are signing and are not under pressure to sign



This person is called a **Certificate Provider**



You must choose who you want to be your Certificate Provider

© Mencap Trust Company & Caroline Bielanska

Your Certificate Provider can be



Someone you have **known for at least 2 years** such as a friend

or



A person such as a **doctor, social worker, or lawyer**



A family member **cannot** be your Certificate Provider

© Mencap Trust Company & Caroline Bielanska

My Certificate Provider



© Mencap Trust Company & Caroline Bielanska

What happens after the LPA has been signed

Office of the Public Guardian

Once everyone involved has signed your LPA, it must be sent to the **Office of the Public Guardian** for it to be stamped by them

This is known as **registration of your LPA**

© Mencap Trust Company & Caroline Bielanska

The 5 special rules for making decisions



Your Attorney must follow 5 special rules when they make decisions for you



1. Your Attorney must let you make your own decision unless it is shown that you cannot make a decision



2. Your Attorney must give you as much help as you need to make your own decision

© Mencap Trust Company & Caroline Bielanska



3. If you understand what you are doing you can make decisions which your Attorney says is unwise



4. If you cannot make a decision your Attorney must make a decision which they think is right for you

This is known as making decisions in your **best interests**



5. When a decision is made for you it must give you as much freedom as possible

© Mencap Trust Company & Caroline Bielanska



You Attorney must follow guidance in the Mental Capacity Act 2005 Code of Practice

© Mencap Trust Company & Caroline Bielanska

Changing your mind



You can stop your Attorney from acting at any time if you are able to make that decision



You will need to sign another legal document

© Mencap Trust Company & Caroline Bielanska