

Checklist for staff working with people who state they have a Lasting Power of attorney (LPA).

1. Staff should, where possible, check with patients or residents if they have an attorney on admission.
2. Ask for written evidence from the person who is stating that they are an attorney. The form should be registered with the Office of the Public Guardian (OPG) and have an official stamp on every page. Take a photocopy and place with the care notes to ensure all staff can view the attorney's exact authority. Care plans must include a reminder that the attorney's opinion will need to be sought for relevant decisions.
3. If the evidence is in doubt or not available, then check with the OPG (details below) that the LPA has been registered with them. A search fee to check the register is normally £25, but this is waived for statutory public sector services.
4. There are two types of LPA, one covering personal welfare matters and the other property and financial affairs.
5. If a personal welfare LPA, then the attorney has no authority to act unless the person in care lacks capacity to make the decision(s)
6. If a financial LPA, then the attorney could have been given authority to act even if the person in care has capacity to make the decision. This will be stated in the LPA form.
7. Does the LPA cover the decision in question, i.e. all health care decisions including life-sustaining treatment or is it more limited in scope?
8. The attorney must follow the requirements of the MCA 2005 in making decisions. If the attorney does not appear to be acting in best interests, then their decisions can be challenged or overridden if necessary, pending a decision by the Court of Protection. If such concerns are unresolved at a local level then the matter should be raised with the OPG who have responsibility for supervising and monitoring LPAs. An LPA can eventually be revoked, if necessary, by the Court of Protection. **Contact Details: Office of the Public Guardian**, Archway Tower, 2 Junction Road, London, N19 5SZ. Tel: 0845 330 2900, Fax: 0207 664 7705. Email: customerservices@publicguardian.gsi.gov.uk Web: www.publicguardian.gov.uk