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COUSINS

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**Lasting Power of Attorney
for long-term care**



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What is a lasting power of attorney?

It is completely understandable to feel uneasy when there is a possibility that you are losing the ability to make your own decisions. This can be unsettling for most individuals. However, it's important to acknowledge that having a power of attorney in place can alleviate any uncertainty and future difficulties for you and your family.

A power of attorney is a legal document that grants another individual, known as an agent, or more commonly known as an attorney, the legal authority to make decisions and take actions on behalf of yourself or a loved one.

The level of authority granted through a power of attorney can be tailored to the specific needs and preferences of the principal (person requesting for LPA). The authority given can be limited to specific areas or tasks, such as managing a family estate.

The principal retains the power to define the limits, duration, and conditions of the power of attorney, providing flexibility and control over the attorney's actions.

The power of attorney is not only relevant in times of temporary or permanent incapacitation, but also in proactive planning for the future. It allows individuals to make choices in advance, designating a trusted person who can step in and act when needed, avoiding potential conflicts or delays. By establishing a power of attorney, individuals can protect their interests and ensure that their affairs are managed in alignment with their wishes.

Choosing the right attorney should be done with careful consideration. Understanding the rights, duties and potential risks associated with a power of attorney is essential for both the principal and the attorney to navigate this arrangement effectively.

The process for establishing a power of attorney can take 20 weeks or more. It is advisable to plan in advance, so you are not left having to put one in place in an emergency.



Mental capacity

Having mental capacity means you can make your own decisions, without the support of another person. It is crucial to recognise that no one can make decisions on your behalf unless it can be demonstrated that you lack the necessary mental capacity to do so.

Mental capacity refers to the ability to perform the following actions:

- Understand the information relevant to a decision
- Assess and consider that information
- Retain that information for a sufficient period to make a decision
- Communicate the decision effectively, whether through speech, sign language, or other means

It is important to understand that mental capacity can vary depending on the individual's circumstances. Some people may have the capacity to make decisions about certain matters, but not others.

Some may also be temporarily unable to decide at a given moment but regain the capacity to do so later. It is essential not to mistake the need for time to deliberate or communicate a decision as an indication of lacking mental capacity.

For example, living with dementia does not automatically imply an inability to make any decisions.

Therefore, it is important to consider each situation individually and respect the decision-making abilities of individuals, even when they may require additional time or support in the process.





“We’ve been using Country Cousins two years. The carers are self-employed and Country Cousins are an agency, so there is much more of a personal touch and a lot less red tape. The carers are a lot more switched on to adapting and focussing on my father’s personal requirements than other Care Providers I’ve used.”

ELIZABETH, DAUGHTER OF LIVE-IN CARE CLIENT



Types of lasting power of attorney

There are two types of lasting power of attorney (LPA), and you can set up more than one.

Health and welfare

The health and welfare LPA gives the attorney the legal right to make decisions related to the individuals personal welfare and healthcare. This includes decisions about medical treatment, living arrangements, social activities, and other welfare-related matters. It can also cover decisions regarding life-sustaining treatment if specifically authorised in the LPA.

Property and financial affairs

This type of LPA grants the attorney the authority to manage the individuals financial and property affairs. It enables the attorney to make decisions on matters such as managing bank accounts, paying bills, selling, or buying properties, dealing with investments, and any other financial transactions.



Choosing an attorney

Your attorney will have significant power over your affairs so you need to choose a person or people you know you can completely trust.

Who should I choose to be my attorney?

Deciding on who to choose as your attorney is an important consideration. Many individuals opt for family members or close friends, as there is already a foundation of trust and familiarity. However, it is also possible to select someone from a professional background, such as a solicitor, who can bring expertise to the role. It is crucial to provide the person you approach with sufficient time to reflect on whether they are willing and prepared to take on the responsibilities associated with being an attorney.

Considering the possibility of appointing multiple attorneys can be beneficial. However, it is necessary to determine whether they will make decisions jointly or individually. Additionally, it is wise to designate replacement attorneys in case any of your initial choices are unable to fulfil their duties in the future.

This approach helps ensure that there is continuous support and representation in managing your affairs. When selecting an attorney, it is essential to ensure that the person you choose is at least 18 years of age or older.

Your attorney must adhere to these principles:

Presume mental capacity

Your attorney should always assume that you have the mental capacity to make decisions unless it can be demonstrated otherwise.

Assist your decision-making

Your attorney has a responsibility to provide you with practical support to help you make decisions on your own and not force you into a decision.

Avoid assumptions based on unwise decisions

It is essential that no one assumes you lack mental capacity simply because you make decisions that others might view as unwise.

Least restrictive

When making decisions on your behalf, your attorney must consider all available options and choose the one that imposes the least number of restrictions on your rights and freedoms.

Act in your best interests

Your attorney must consider a range of factors and carefully weigh them to reach a balanced conclusion that serves your overall best interests.

By adhering to these principles, your attorney aims to make decisions that align with your wishes, while respecting your preferences and well-being.



“Really rapid response to our request for 24/7 live-in help. Our requirements were assessed in detail within 24 hours and an excellent attentive carer in place within a further 48 hours. We have dealt with various care providers in recent years but non have come close to the professionalism and attention to detail received from Country Cousins”

MARGARET, LIVE-IN CARE CLIENT



Registering for an attorney

All attorneys must be registered by the Office of the Public Guardian (OPG) before registering for an LPA.

This is to ensure:

- That the LPA is legally correct
- That there are no errors
- People have the opportunity to object if they have concerns about the LPA

To register a lasting power of attorney, follow these steps:

Prepare the forms

Obtain the appropriate lasting power of attorney forms from the Office of the Public Guardian. There are separate forms for property, and financial affairs and health and welfare LPAs. It is important to ensure you have the correct forms for the type of LPA you are registering for.

Complete the LPA forms

Fill out the forms as accurately as possible and provide all the necessary information. This will include details about the person creating the LPA), the appointed attorneys, any replacement attorneys you may want, and any specific instructions or preferences you would like to include.

Notify relevant individuals

Notify the individual, attorneys, and any other persons involved about your intention to register the LPA. This allows them to be aware of their roles and responsibilities and ensures they understand their authority and obligations.

Obtain certificate provider signatures

A certificate provider, such as a solicitor, registered healthcare professional, or someone else who has known the individual for at least two years, needs to sign the LPA forms. The certificate provider confirms that the individual understands the nature and effect of the LPA and that there is no undue pressure or fraud involved.

Complete the registration form

Along with the LPA forms, you need to complete a separate registration form provided by the OPG. This form includes details about the individual, attorneys, and any additional instructions or preferences.

All relevant forms are on found on the Gov website [lastingpowerofattorney.service.gov.uk](https://www.gov.uk/government/organisations/office-of-the-public-guardian).

Submit the forms

Send the completed forms, registration form, and payment to the OPG. The address for submission can be found on the OPG's website. It is recommended to send the documents by recorded delivery or use a secure postal service to ensure they reach the OPG safely.



“Amazing service at a very difficult time of life for the elderly. The staff have been compassionate, caring, trustworthy and extremely helpful. The staff are very well matched to their clients and they have looked after my parents wonderfully. ”

HELEN, DAUGHTER OF LIVE-IN CARE CLIENT

Registration fee

There is a fee associated with registering an LPA. The Gov website states it costs £82 to register an LPA unless you are eligible for a reduction or exempt. All payments can be made over the phone.

Am I exempt or can I receive a reduction?

Those who are eligible and receive the following benefits in the list below may be exempt or receive a reduction in the registration fee. If the individual receives the following means-tested benefits, they can apply for an exemption. They can also ask for their chosen attorney or solicitor to do this on their behalf.

- Income support
- Income-based employment and support allowance
- Income-based jobseekers allowance
- Guarantee credit element of state pension credit
- Housing benefit
- Council tax reduction/support
- Local housing allowance
- Working tax credit - disability element of working tax credit - severe disability element of working tax credit not included
- Disability living allowance
- Invalidity benefit
- Personal independence payment

Registration confirmation

The Office of Public Guardian will review the submitted forms and process the registration. The process can take up to 20 weeks to register an LPA if there are no mistakes in the application and no objections.

Once the registration is complete, you will receive a registration confirmation document, often referred to as the LPA registration certificate.

It's important to note that the registration process may vary slightly depending on the specific requirements and procedures set by the OPG. It is recommended to visit the OPG's website or consult with a solicitor for the most up-to-date and accurate guidance on registering an LPA.



Support from Country Cousins

At Country Cousins, we specialise in connecting clients with exceptional live-in care professionals across the UK. Leveraging our extensive experience since 1959, we ensure rapid, personalised matching with qualified carers suited to individual needs and circumstances.

Our nationwide service, affordable pricing, and dedicated support, all overseen by the rigorous standards, ensure we provide an unparalleled platform for care, prioritising the well-being and peace of mind of our clients and their families.



Unmatched since 1959

We are the longest-serving home care agency in the UK, offering an unparalleled breadth of experience. For over 60 years, we've matched clients with various conditions and situations to carers with precision, empathy, and skill. With decades of service, you can trust we will make the right choice of carer for your loved one.

Rapid and reliable

We understand that timely care is crucial. Our smooth processes enable us to arrange a carer for your loved one in less than 24 hours. This swift placement of experienced carers provides immediate assistance, delivering peace of mind when it's needed most.

Trusted by hundreds

Our track record of excellence has built trust with hundreds of clients. Each relationship we forge reflects our commitment to dependable, high-quality care. Your trust is our greatest achievement, and we continually strive to maintain it.

Experienced carers

The carers who work with us are seasoned professionals committed to developing their skills. Through mandatory annual training, they stay updated on the latest care practices. This culture of continuous learning ensures that our care remains cutting-edge and empathetic.

The perfect match

With thousands of carers registered with us, we provide truly personalised service. We meticulously match each client with a carer suited to their needs and lifestyle, ensuring that your loved one receives the best possible care.

Rigorous standards

Our registration with the Homecare Association, a distinction many agencies lack, underscores our commitment to high-quality service and rigorous industry standards. We uphold their Code of Practice with utmost dedication, ensuring consistent excellence.

Well led

As a part of Trinity Homecare Group, we draw from a pool of industry experts, who help guide our services and decisions. This collective knowledge continually refines our service, ensuring we remain a leader in home care provision.

Dedicated care executive

Each client is assigned a dedicated Care Relationship Executive. This friendly face will provide a direct line for your questions and concerns, ensuring you have a personalised and responsive point of contact.

Nationwide

Our reach spans the UK, enabling us to provide care wherever you are, including island locations. We ensure that distance is never a barrier to exceptional care, offering peace of mind no matter your location.

Affordable

We offer competitive pricing, without compromising the quality of our care. We provide exceptional value for money, offering a cost-effective solution to families seeking top-tier, personalised home care.

What's next?

Get in touch today

Call us

Our friendly team of experts are available to talk through your care needs 7.30am to 5.30pm, seven days a week. Call us on **0808 169 8996**.

Enquire online

If you are looking outside of our core office hours, then you can enquire online by visiting **country-cousins.co.uk/contact/enquire-online** we will then be in touch with you as soon as possible to discuss your care needs.



“I would definitely recommend this amazing team to friends and family. The management team have been very efficient, supportive and sensitive. We have had 2 wonderful caregivers staying with my Mum. They were very caring, gentle, and lovely companions. Mum regularly said they were “splendid”. Mum’s needs were constantly changing and they were very flexible.”

JANET, DAUGHTER OF LIVE-IN CARE CLIENT





Care where you're happiest. Home.

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