

LPA INSTRUCTIONS PREPARATION GUIDE

Let's Get Started



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What is this guide about?

You have booked in for us to take instructions to write your LPA.

Whether it is your first LPA or you have made another one before, it is important to know what to consider to help streamline the instruction-taking process.

This Instructions Preparation Guide outlines what questions to ask yourself before the meeting and gives you more understanding of what LPAs can do to help look after you and your loved ones.

How to use this guide

Read this guide before your Instructions meeting.

Use it as a checklist to ensure you have asked yourself the most important questions before the meeting.

If you require further help and information, please do email info@adewills.co.uk and we will be more than happy to help you.

What to Consider

Which LPAs would you like?

There are two types of LPAs available: Health & Welfare and Property & Financial Affairs.

You can have one or both LPAs and can appoint the same or different attorneys in each LPA.

Who would you like to act as your attorneys?

The attorneys are the people you choose to act on your behalf.

You can have as many attorneys as you like. You need to have at least one, but do bear in mind that, whilst there is no upper limit, too many attorneys could make things difficult as they will need to work together.

We always advise on having more than one attorney, whether that be two attorneys, or one attorney and a replacement attorney.

Before naming someone in your LPA as an attorney, make sure they agree to the appointment.

Your attorney does not need to be a solicitor. It can be your relative, friend and other people you trust who have no legal background. The most important requirement when considering your options, is to choose people you trust to look after your best interests.

An attorney must be aged 18 or over and have mental capacity.

How would you like your attorneys to make decisions together?

If you have appointed more than one attorney, you can stipulate how they are to make decisions together.

You can say that they must act unanimously; however, this can have some rigid drawbacks.

An alternative option is that your attorneys act “jointly and severally”. This means that they can make decisions together or individually. This is the most flexible and practical option, as it accommodates for situations where one attorney might be abroad on holiday, at a time when decisions or action need to be made.

You can alternatively state that your attorneys are to make some decisions jointly and other ones jointly and severally.

Would you like to appoint any replacement attorneys?

This is an optional section.

A replacement attorney steps in when one of your original attorneys can no longer make decisions on your behalf because they have:

- Died
- Lost mental capacity themselves
- Decided they no longer wish to act on your behalf
- Divorced you
- Become bankrupt or subject to a debt relief order.

The replacement attorney permanently steps in on these occasions, and is not a temporary substitute.

You can also state the order in which your original attorneys are to be replaced.

Who would you like to make decisions regarding life-sustaining treatment?

This question applies to the Health & Welfare LPA only.

This is a very important section as you are choosing whether your attorneys can give or refuse consent to life-sustaining treatment on your behalf.

Life-sustaining treatment includes care, surgery, medicine or other help from doctors that is needed to keep you alive.

You can choose your attorneys to make life-sustaining treatment decisions, and they will be able to speak to your doctors on your behalf as if they were you.

Otherwise, you can select that your doctors are to take into account the views of your attorneys and people who are interested in your welfare as well as any written statements you have made, where it is practical and appropriate to do so.

When would you like your financial attorneys to begin helping you?

This question applies to the Property & Financial Affairs LPA only.

A Property & Financial Affairs LPA can usually be used as soon as it is registered. Even if you still have mental capacity, you can tell your attorneys to start using the LPA immediately. If you then lose mental capacity, they can carry on using the LPA.

Alternatively, you can decide that your Property & Financial Affairs LPA will take effect, and your attorneys will be able to act for you, only when you lose mental capacity.

Would you like to notify anyone that you are making an LPA?

This is an optional section.

You can choose up to five people to notify about your LPA when it is about to be registered.

These are not to be your attorneys or replacement attorneys, but are instead people who know you well and would be willing to raise concerns about your LPA.

They can object to the LPA if they think you were under pressure to make it or if they think fraud was involved.

Would you like to include any preferences or instructions in your LPA?

These are optional sections.

Whilst most people leave these sections blank, they give you the opportunity to personalise your LPA to suit your specific needs by giving your attorneys instructions or telling them your preferences.

Preferences are what you would like all your attorneys to think about when they make decisions for you. Your attorneys do not have to follow them but should bear them in mind.

If you write any preferences, avoid words such as 'must' and 'shall'. Instead use words such as 'prefer' and 'would like', so it is clear that you're giving your attorneys advice.

If your attorneys must do something, include it in your instructions. Instructions tell your attorneys what they must do when acting on your behalf. If you write any instructions, use words such as 'must', 'shall' and 'have to'.

Who will you select as your Certificate Provider?

A certificate provider is an impartial person who confirms that you (the donor) understand what you are doing and that nobody is forcing you to make an LPA.

A certificate provider must be at least 18 years old and either:

- A friend, colleague or someone you have known well for at least two years. They must be more than just an acquaintance and can include your neighbour, someone from your social or sports club, a work colleague, or similar; or
- Your doctor, lawyer or someone with the professional skills to judge whether you understand what you are doing and are not being forced to make an LPA.

Please do remember:
there is an OPG
Registration Fee of £82
which you can pay by
either:

- Cheque
- Card Payment

What next?

We look forward to seeing you
at your Instructions Meeting

