1. Sometimes one person will want to give another person authority to decide on their behalf. A power of attorney is a legal document that allows them to do so. Under a power of attorney, the chosen person (the attorney) can make decisions that are as valid as one made by the person (the donor).

2. Property and Finance LPA : A donor can make an LPA giving an attorney the right to make decisions about property and affairs (including financial matters). This may include: Managing bank accounts (including current accounts, building society accounts and savings) Paying bills (including setting up and stopping Direct Debits) Collecting and managing payments such as benefits, pensions and any other income, and acting in the donor's name. Unless the donor states otherwise, once the LPA is registered, the attorney is allowed to make all decisions about the donor's property and affairs even if the donor still has capacity to make the decisions for themselves. In this situation, the LPA will continue to apply when the donor no longer has capacity. Alternatively, a donor can state in the LPA document that the LPA should only apply when they lack capacity to make a relevant decision. It is the donor's responsibility to decide how their capacity should then be assessed. Property and Finance LPA does not extend to Health/Welfare decisions.

7. MCA ICON: Caselaw, Code of Practice, Assessment Forms and Proforma Policy, Guidance Tools, IMCA Details, Information Book
Pages - Mental Capacity Act (torbayandsouthdevon.

MCA National Directory:
 Latest news, Training Material, National Guidance

What can I expect from the Office of the Public Guardian?
You can request to make a search of the registers to identify if there is a registered LPA in place/What type of LPA it is/The number of and names of the Attorneys/ whether they must act jointly or severally. Searches are free of charge.

Where appropriate the OPG will work with the Safeguarding Adult process and investigate, and if necessary, apply to the Court of Protection to remove the attorney.
All information , including how to make an urgent search of the registers is available on the OPG website:
https://www.gov.uk/government/organisations/office-of-the-public-guardian

3. Health and Welfare LPA:
LPAs can be used to appoint attorneys to make decisions about personal welfare, which may include: Healthcare and Medical Treatment decisions. Personal Welfare LPAs might include decisions about: where the donor should live and who they should live with • their day-to-day care, including diet and dress • who they may have contact with • consenting to or refusing medical examination and treatment on their behalf • arrangements needed to be given medical, dental or optical treatment • assessments for and provision of community care services • whether the donor should take part in social activities, leisure activities, education or training • personal correspondence and papers • rights of access to personal information about them, or • complaints about their care or treatment. An attorney can only consent to or refuse life-sustaining treatment if, when making the LPA, the donor specifically stated in the LPA document they want the attorney to have this authority. H/W LPA does not extend to P/F LPA. An attorney cannot decide about health and welfare if the donor has the mental capacity to make it themselves

6. What should I do if I have concerns about the conduct of An Attorney?
If an attorney is trying to act beyond their powers, or is not acting in the best interests of the donor, you must:

Discuss your concerns with your line manager ASAP.

If you believe or suspect the donor is at, or may be at risk of abuse/coercion a Safeguarding Adult Alert ASAP, providing as much detail as you can. Within Torbay Tel: 01803 219888 or Email: safeguarding.alertstct@nhs.net Within Devon: Tel:0345 1551 007 or Email: csc.caredirect@devon.org.uk

> If there is an immediate and serious risk to the donor it may be appropriate to call the Police.

>Within the initial Safeguarding Adult Enquiry (S42 Care Act 2014) a decision should be made whether it is necessary to undertake a search of the registers held at the OPG, or whether it is necessary to inform the OPG directly of a safeguarding Adult concern.

4. What you need to know about LPA
>An LPA must be registered with the Office of the Public Guardian (OPG) before it can be applied by the attorney, so ask if this is the case.
>The donor must have capacity and be 18 to appoint attorneys under an LPA document.
>The donor can appoint more than 1 attorney. You need to know how many attorneys there are, and who they are, so ask for these details.
> If there is more than 1 attorney the donor can decide whether they can make decisions by themselves, this is known as 'severally' or whether all decisions must include them all and be made 'jointly'. It's important that you understand how decisions can or must be made, so ask.
>The donor can decide to put conditions or restrictions into place that will may limit the attorney's decision-making authority in certain areas. Always ask as there may be restrictions/conditions relating directly to the decision in question.
> An attorney cannot authorise a deprivation of liberty.
>An attorney cannot change a will and is a completely separate role to an Executer to a will.
> An attorney is a different role to that of an Appointee. An Appointee is authorised by the Department of Working Pensions and relates to benefits only.

5. What is an Attorney's responsibilities?
>Attorneys must act in the donor's best interest as set out in S4 of the MCA 2005

>Attorneys must pay regard to the MCA 2005, just like everyone else.

>Attorneys can only make decisions on behalf of the donor if their authority covers the decision in question. However, attorneys may know the donor's past and present wishes and feelings, and should be involved in broader best interests' considerations.

>If the donor has made an advance decision to refuse treatment, this cannot be overruled by the attorney, unless the LPA was set up later and covers the decision in question