

Your Legal Questions

Jenny Brading
Solicitor



Q I have in place a Lasting Power of Attorney for my property and affairs. I'm told that I could also have one for my personal welfare. What would it cover? Do I need one?

A The "Lasting power of attorney - Personal welfare", deals with matters relating to your personal welfare, i.e. your social and health care needs. If in the future you lack the ability to look after your own personal welfare, this document will entitle your personal welfare attorney(s) to do the following types of things :

- give or refuse consent to particular types of healthcare, including medical treatment decisions
- assist you to stay in your own home, perhaps with help and support from social services
- arrange for you to move into residential care and choose the right care home for you
- decide upon day-to-day issues, like your diet, dress, or daily routine.

Welfare powers of attorney are particularly important for those that are suffering with a degenerative illness. If you know that your health is only going to get worse and or that you may lose capacity it is important to have a Welfare power in place so that you can choose people you trust and who understand and appreciate what is important to you to act for you.

Your attorney(s) will be able to act for you when you lack capacity to make the decision in question and must always act in your best interests

I have previously written about the Deprivation of Liberty Safeguards regime (DOLS). One very important benefit of having a LPA for your Health and Welfare is that, if the welfare attorney is not in agreement with you being deprived of your liberty (if for example the Care Home Manager has not established to the satisfaction of your attorney that this is necessary for your safety), the Local Authority cannot use the DOLS regime, they will have to apply to the Court of Protection for a Court Order to enable them to do so.