



Understanding Lasting Powers of Attorney in Care Settings with HCR Law

The Webinar will begin shortly

Welcome

Understanding Lasting Powers of Attorney in Care Settings

Date: 16 Sept 2026

Host: Peter Bullen



Housekeeping



COMFORT BREAKS



BEHAVIOUR



TECHNOLOGY



TIME KEEPING



CONFIDENTIALITY



STRUCTURE



ASK QUESTIONS



KEEP LEARNING

UNDERSTANDING LASTING POWERS OF ATTORNEY “LPA”

IN CARE SETTINGS

Practical guidance for care managers, registered managers and senior care staff

Kiren Sandhu, Associate, Older & Vulnerable Persons Team
HCR Law

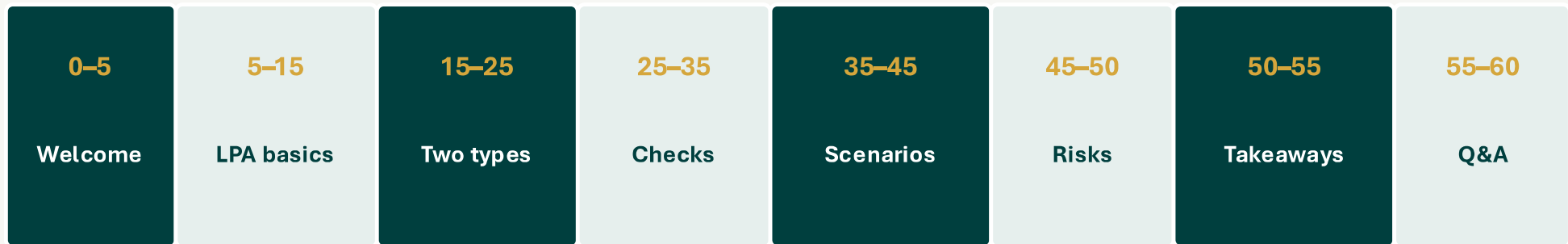


What you will leave with

- 1 Explain** What an LPA is and why it matters
- 2 Distinguish** Health and Welfare from Property and Financial Affairs
- 3 Check** Authority, scope, restrictions and who can act
- 4 Connect** Capacity, best interests and care planning
- 5 Escalate** Risks, misuse and safeguarding concerns

TODAY

Our 60-minute route



The aim is not to turn care staff into lawyers. It is to build a reliable “pause, check, record, escalate” habit.

What is a Lasting Power of Attorney?

A legal document by which an individual - the donor - appoints one or more attorneys to help make decisions, or to make decisions on the donor's behalf.

1 Donor

The person who makes the LPA.

2 Attorney

The person or people appointed to act.

Registration matters

Office of the Public Guardian

Helpline 0300 456 0300

Lasting power of attorney for health and welfare

Section 1 The donor

You are appointing other people to make decisions on your behalf. You are 'the donor'.

Restrictions – you must be at least 18 years old and be able to understand and make decisions for yourself (called 'mental capacity').

Help? For help with this section, see the Guide, part A1. If you are filling this in for a friend or relative and they can no longer make decisions independently, they can't make an LPA. See the Guide 'Before you start' for more information.

Title First names
Mrs Ann

Last name
Other

Any other names you're known by (optional – eg your married name)
N/A

Date of birth
03/05/1947
Day Month Year

Address
156 First Line Road
Town
County
Postcode PO12 3ST

Email address (optional)
N/A@N/A.com

For OPG office use only

LPA registration date
15/01/2016
Day Month Year

OPG reference number
7000-0000-0001

Only valid with the official stamp here.

LPA Health and welfare (07/13)

One name, two different powers

Health and Welfare

- Daily routine and personal care
- Medical care and treatment
- Where the donor lives
- Life-sustaining treatment, if expressly authorised

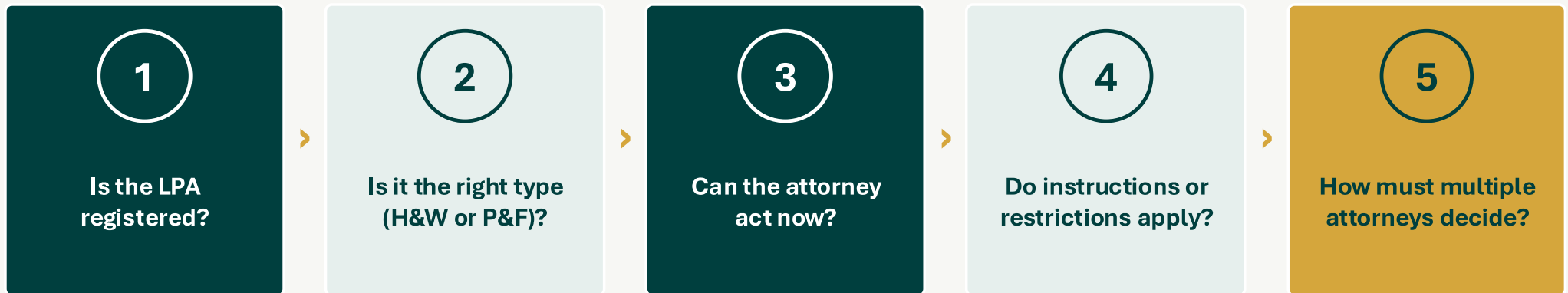
Only when the donor lacks capacity for that decision

Property and Financial Affairs

- Bank and building society accounts
- Bills and care fees
- Benefits and pensions
- Property and other financial administration

Once registered, subject to the donor's permission and the LPA

Can this attorney act on this decision?



If any answer is unclear: pause the decision and escalate through the appropriate route.

The LPA sits inside the Mental Capacity Act 2005

1 Presume capacity

Start from capacity, not diagnosis.

2 Support first

Take practicable steps to help the person decide.

3 Unwise is not incapacity

A choice others dislike is not enough.

4 Best interests

If capacity is lacking, decision should be in best interests of the individual, rather than what is most convenient.

5 Least restrictive

If making a decision, the least interference with rights and freedom of individual as possible.

Capacity is specific to the decision and the time of the decision

Can the individual...

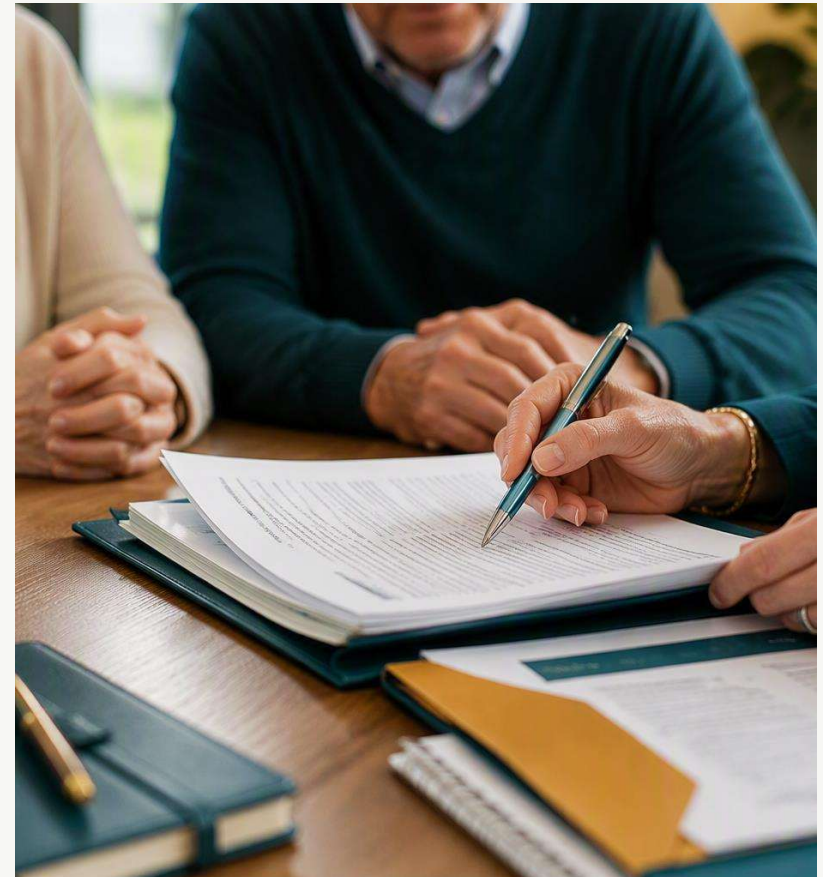
- ✓ understand the relevant information?
- ✓ retain it long enough to decide?
- ✓ use the information & weigh it as part of the decision?
- ✓ communicate the decision by any means?

Do not equate an unwise decision with incapacity



What care providers need to check

Evidence	Registered original, certified copy or verified online summary.
Identity	Donor and attorney details match your records.
Scope	Correct LPA type for the decision.
Operation	Capacity trigger, appointed attorneys and how they act.
Wording	Instructions, preferences and life-sustaining treatment authority.



Evidence and verification

1 Paper evidence

- Look for the Office of the Public Guardian validation mark on a registered LPA.
- Original registered instrument or a properly certified copy (certified by a Solicitor stamp).
- Check every relevant page, including instructions and how attorneys are appointed.

2 Digital evidence

- The donor or attorney can provide an access code for View an LPA.
- Check the donor's details, attorneys, decision-making arrangements, instructions and preferences.
- Save or record the verification outcome in line with policy.

If evidence is unavailable, do not treat a relative's assertion as authority. Delay until evidence is available.

Record the authority and the reasoning

WHAT

What exact decision is required?

CAPACITY

What is the conclusion of capacity assessment and what support was given?

AUTHORITY

Which documents and LPA type were provided and correctly checked?

WHO

Which attorney acted and how were they appointed to act?

WHY

How did the decision reflect best interests and the person's wishes?

NEXT

What was the outcome?

SCENARIO 1

Admission to a Care Home

A child attends the admission meeting and signs paperwork on behalf of their father who has dementia.

1. Listen

Clarify circumstances of the individual and family situation.

2. Check capacity

Can the resident make this decision with support?

3. Request evidence

Ask for registered paper evidence or an access code.

4. Do not assume

Next of kin or family status does not itself confer authority.

5. Record and escalate

Document the request, response and any interim safeguards.

SCENARIO 2

Payment of Care Fees - A nephew telephones asking for invoices and wishes to discuss outstanding fees

Ask in this order

- 1 Does individual have capacity? If so – authority to speak with Nephew?
- 2 Is there a registered Property and Finance LPA?
- 3 Is the Nephew a named Attorney? Evidence?
- 4 Are there any preferences or binding instructions?
- 5 If capacity is lacking, who is the lawful decision-maker and what is in the individual's best interests?



Family Contact – A son asks staff to restrict access of his sister to their mum

1 What is son's authority?

- Consider decision type – financial or welfare?
- Consider mum's capacity?
- Is there an LPA in place appointing son?

2 Daughter's authority?

- Is daughter named on LPA?
- If so – how are attorneys appointed to act?
- If daughter also attorney and depending on appointment – potential attorney conflict?

3 Best interests?

- Is son's decision (assuming he has authority) in mum's best interests?
- Is there some reason she should be prevented from seeing mum?
- Decision must be in the person's best interests, not the attorney

When family members or attorneys disagree

Do not decide by volume

The loudest relative is not automatically the decision-maker.

Return to the LPA

Identify who has authority for this exact decision.

Return to the person

Support participation and record wishes, feelings, beliefs and values.

Check appointment terms

Joint attorneys may all need to agree; joint and several attorneys may act alone.

Escalate unresolved issue

Use safeguarding, legal advice, OPG or Court routes as appropriate.

Red flags: recognise the pattern, not just the incident



Authority

Acting outside the LPA type, wording or capacity trigger



Money

Unpaid fees, unusual withdrawals, pressure, excessive gifts or personal benefit



Control

Blocking contact, excluding the individual, intimidation or coercion tactics used



Decisions

Ignoring individual's current or historical wishes, poor reasoning, conflict of interests



Evidence

Refusal to provide documents, inconsistent explanations or altered records



Care impact

Missing essentials, delayed treatment or decisions that create or escalate risk of harm

WHO TO INVOLVE

Choose the escalation route to match the concern

Immediate danger or crime

Emergency services or police, alongside safeguarding procedures

Adult safeguarding concern

Local authority safeguarding team under local policy

Concern about an attorney

Office of the Public Guardian safeguarding route

Authority or serious dispute

Legal advice and, where required, the Court of Protection

Need to establish whether authority exists

Request evidence or search the OPG register

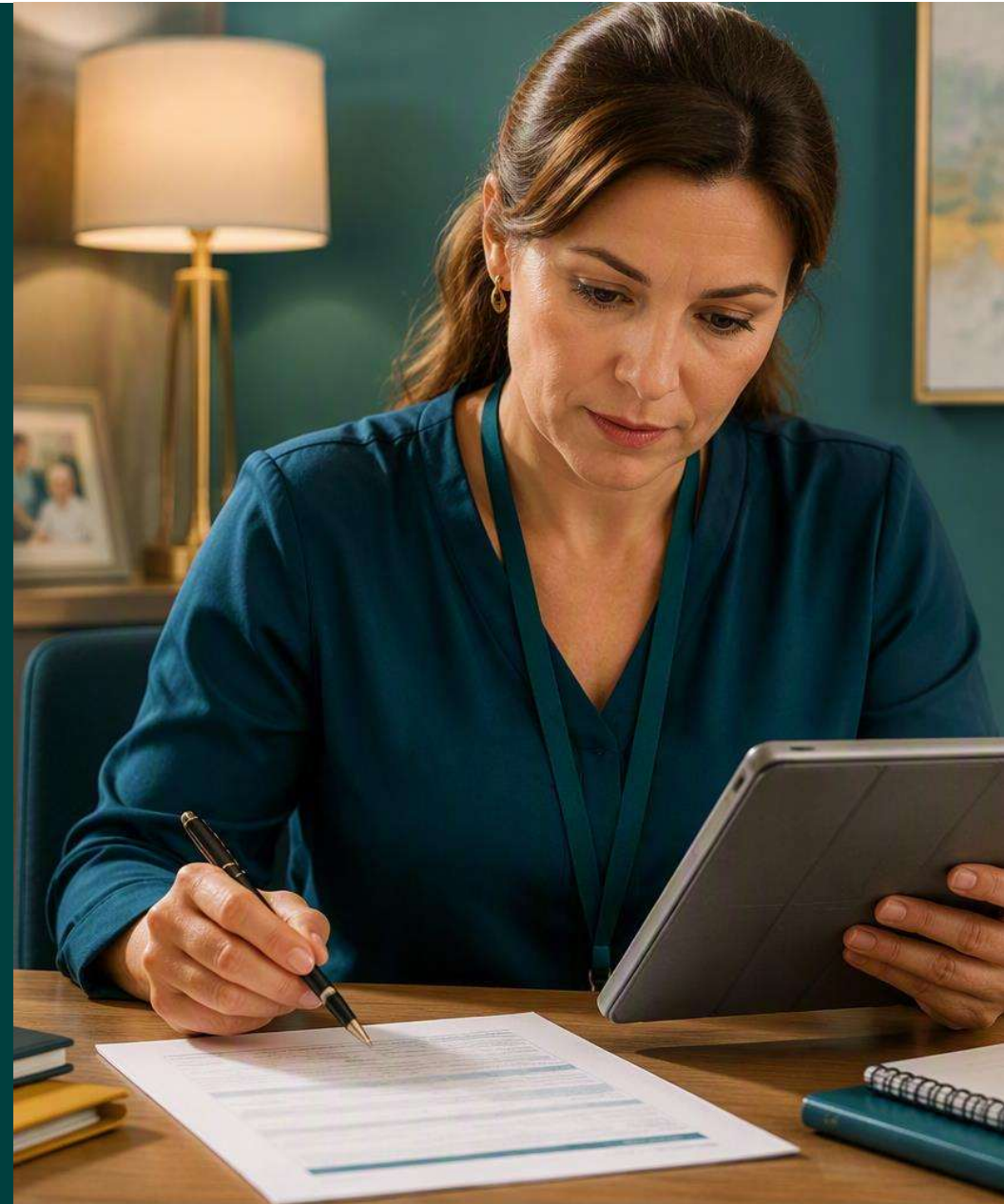
Clinical decision or capacity issue

Relevant clinician, MCA lead or senior decision-maker

Record facts, preserve evidence, and do not investigate beyond your role

FIVE HABITS TO TAKE BACK TO YOUR TEAM

PAUSE	Consider the exact decision
CHECK	Capacity of individual and authority of family member
READ	LPA - Instructions and appointment terms
RECORD	Evidence and reasoning of decisions
ESCALATE	Any risk, uncertainty or dispute



DISCUSSION

Questions and next steps

- ? What if a relative says they have LPA but cannot provide evidence?
- ? How should providers respond when family members disagree?
- ? What should be recorded when an attorney contributes to care planning?
- ? When should concerns about an attorney be escalated?
- ? How can providers keep staff confident and aware about the limits of third party authority?

Follow-up resources: care-provider checklist • staff briefing note •

Questions & Answers

**Any
questions?**

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The HCPA Resource Library

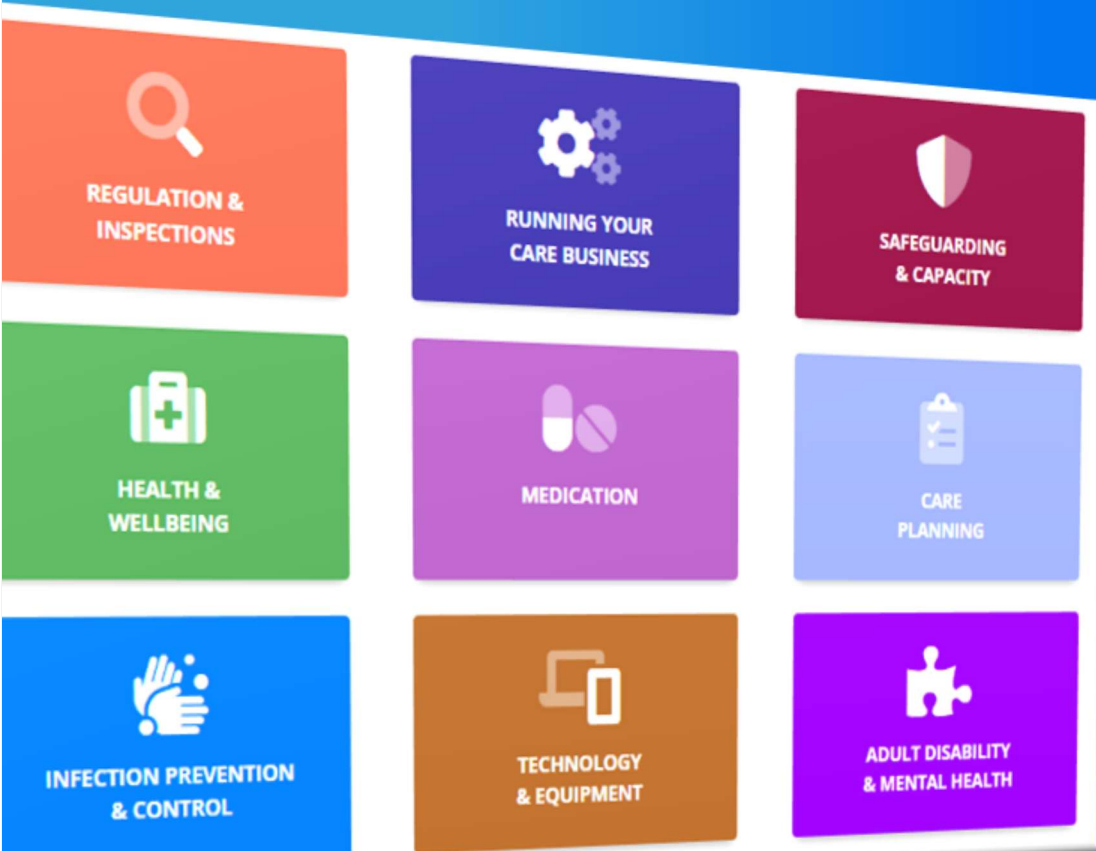
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