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wills & probate
L E M E R O

HEALTH AND WELFARE
LASTING POWER OF ATTORNEY

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A Lasting Power of Attorney is a legally binding document which enables you to appoint somebody of your choosing to make important decisions on your behalf, in the event that you are unable to make those decisions yourself.

A Lasting Power of Attorney for Health and Welfare relates specifically to decisions affecting your personal health and welfare.

Why do you need one?

Generally, we are living longer, and diagnoses of dementia and Alzheimer's are on the rise. Sufferers will almost certainly develop complicated health problems and may eventually lose their mental capacity, and in the case of a stroke, total incapacity may happen literally overnight.

However, it's a common misconception that the affected person's next of kin will automatically be able to step in and act on their behalf. In reality, the law doesn't recognise the term 'next of kin' and therefore, such relatives have no legal authority to consent on behalf of the individual or indeed manage their affairs.

In some cases, the NHS will appoint an Independent Mental Capacity Advocate (IMCA) to make important decisions on behalf of the affected individual, such as regarding serious mental treatment, or where they should live. However, although the family is entitled to be involved in this process, they would not have the same level of authority that they would through a Lasting Power of Attorney.

How does it work?

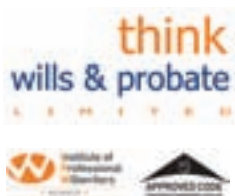
By signing a Health & Welfare Lasting Power of Attorney, the affected person entrusts their chosen individuals with the authority to decide on their behalf on matters including:

- Where they should live and whom they should live with, whether nursing or residential care, and which home would be suitable.
- Details relating to their day-to-day care, including diet and dress.
- The authority to consent to or refuse medical examination and treatment, including life-sustaining treatment.

What next?

If you are worried about the long-term health of a loved one, or indeed yourself, it is essential that a Health & Welfare Lasting Power of Attorney is in place so that when the time comes, the best interests of the party concerned are upheld by someone they trust.

For further information, or for discussing putting a Health & Welfare Lasting Power of Attorney in place, please call Eleanor Betts, on 0121 663 0975, or email eleanorbetts@thinkwillsandprobate.co.uk.



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