



Office of the
Public Guardian



Supporting customers who do not make their own decisions

This guide helps staff in regulated markets learn about:

- lasting powers of attorney (LPAs)
- enduring powers of attorney (EPAs)
- deputy court orders

OPG18

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Foreword

Hundreds of thousands of people across the country benefit from powers of attorney.

Powers of attorney are a valuable tool that helps some of our country's most vulnerable people have their affairs managed before or when they have lost mental capacity. However, those who act in the best interests of adults at risk often find the process of dealing with the companies they rely on both confusing and inconsistent.

In the 'Modernising Consumer Markets' green paper last year, we announced that the Office of the Public Guardian (OPG) and UK Regulators' Network (UKRN) would develop a new guide to help companies understand what the law requires of them when dealing with powers of attorney.

We aim to support a smoother customer experience while ensuring that the necessary safeguards are in place to protect vulnerable people from exploitation.

We believe that this guide will help companies to develop more uniform and straightforward processes when attorneys or court-appointed deputies contact them and will help consumers to be better prepared when they engage with the relevant companies.

We are grateful to OPG, the UKRN and individual regulators for having jointly produced this guide and for lending their unique expertise and insights.

Millions of powers of attorney have been registered by OPG and now, more than ever, there is a need for consumer markets to understand and meet the demands of a population that is both living longer and

using services much younger. These organisations, whose members provide services which the public rely on, must all adapt to meet this challenge.

This guide will be the keystone to fulfilling the commitments we have made to improve the support available to the most vulnerable people in our society and their families.

We must uphold the principles of the Mental Capacity Act and understand our role in helping to protect adults who are most at risk and assist them, where possible, to manage their own affairs.

This guide sets out clear policies and advice. It provides clarity to the law and helpful information which can ease the burden and stresses that new and current care givers face on a day-to-day basis, by making their simple transactions as smooth and problem free as possible.

We're pleased to see that real progress is being made between OPG and their partners in essential sectors – such as energy, water, telecommunications and financial services – to provide modern solutions that will vastly improve the lives of those they deliver their services to.



KELLY TOLHURST MP
Minister for Small Business, Consumers & Corporate Responsibility



EDWARD ARGAR MP
Parliamentary Under Secretary of State for Justice

Introduction

This guide has been written by the Office of the Public Guardian (OPG) in partnership with the UK Regulators Network (UKRN), Ofcom, Ofwat, Ofgem and the Financial Conduct Authority.

It is intended to help policy makers in financial services and utility companies provide straightforward and consistent information for staff, which will make the process easier for customers.

This document also gives an overview of how the Mental Capacity Act 2005 should shape an approach to dealing with customers who have powers of attorney or deputy court orders.

It sits alongside information on the GOV.UK website and existing sector guidance, and is not intended to replace more detailed guidance where it's available.



Office of the Public Guardian

The Office of the Public Guardian (OPG) protects people in England and Wales who may not have the mental capacity to make certain decisions for themselves, such as about their health and finance.

The Public Guardian's authority comes from the Mental Capacity Act 2005 (MCA). The MCA sets out how anyone who is unable to make some or all decisions must be treated.

England and Wales

This guide only covers powers of attorney registered in England and Wales and court orders issued in England and Wales.

There are different laws and processes in Scotland and Northern Ireland.

Scotland

For information about powers of attorney in Scotland, please visit the Office of the Public Guardian (Scotland) website at

www.publicguardian-scotland.gov.uk

Northern Ireland

For information about powers of attorney in Northern Ireland, please visit the NIdirect website at www.nidirect.gov.uk/articles/managing-your-affairs-and-enduring-power-attorney

You can read [more about OPG](#) on GOV.UK



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Office of the
Public Guardian

A brief look: powers of attorney and deputy court orders

Powers of attorney

A power of attorney is a legal document that lets someone (the 'donor') choose one or more trusted people ('attorneys') to make decisions on their behalf.

Powers of attorney and deputyships are covered by the [Mental Capacity Act 2005](#) (see page 8 for more about this).

Donors must be over 18 and have mental capacity when they sign a power of attorney. Donors do not need to live in England or Wales, but powers of attorney only cover assets based in England and Wales.

OPG registers 3 different types of power of attorney. They are:

- lasting powers of attorney (LPAs) for property and financial affairs decisions
- LPAs for health and welfare decisions
- enduring powers of attorney (EPAs) – these are older documents covering property and financial decisions only, which were replaced by LPAs in 2007

Staff in regulated markets will deal with 2 types of powers of attorney – LPAs for property and financial affairs decisions, and EPAs.

LPAs for health and welfare decisions do **not** give attorneys power to make financial decisions. If you receive a health and welfare LPA, be aware it does not give an attorney power to manage someone's finances or run their accounts.

Deputy court orders

When a person does not have the mental capacity to ask someone else to manage their affairs, the [Court of Protection](#) (the court) needs to make a decision about it.

An adult can apply to the court to become a 'deputy' for someone who lacks mental capacity (a 'client').

If the court agrees that the applicant is the most suitable person to become the client's deputy, it issues a deputy court order (sometimes called a deputyship court order). Once the order is issued, the deputy can make decisions on behalf of the client.

OPG supervises deputies appointed by the court. We do this to make sure they are acting in the best interests of the person they are appointed for.

A deputy court order can cover decisions about:

- property and finances
- personal welfare
- both

Mental capacity: what you need to know

The Mental Capacity Act 2005 (MCA) has 5 principles:

1. Assume a person has mental capacity unless there's evidence otherwise
2. Do not treat people as incapable of making a decision unless all practicable steps have been taken to help them
3. A person should not be treated as incapable of making a decision because their decision seems unwise to anyone else
4. Always act in the best interests of someone who lacks mental capacity
5. Before making a decision on someone's behalf, always consider whether the outcome could be achieved in a less restrictive way

It's useful to know these principles – especially if you think someone is not following them and you want to **report a concern**. However, you will not need to remember the principles to help customers or someone acting on a customer's behalf.

You will not assess a customer's capacity yourself, because you do not have enough contact with them or enough experience of mental capacity to make an accurate assessment. You simply need to:

- check that any legal document you're shown is genuine – we tell you how later in this guide
- read a customer's legal documents carefully to see who is allowed to make decisions for them, when that person can act and whether there are limitations on how they can act

- amend your company records to show who is supporting your customer in making decisions, or making decisions on their behalf

Mental capacity can be:

- lost permanently
- lost temporarily, then regained
- fluctuating – a person may be able to make decisions at some times but not others

Mental capacity assessments always test whether someone can make specific – rather than general – decisions.

Reasons that someone might lack mental capacity include:

- learning disability
- brain injury
- dementia
- alcohol or drug misuse
- side effects of medical treatment



Scenario: mental capacity

Roger has had a property and financial affairs LPA since 2014, which names his wife Angela and son Mark as joint and several attorneys.

Angela contacts the bank to say that her husband has Alzheimer's and has lost mental capacity. She wants to take over the management of his bank accounts.

She sends a certified copy of Roger's LPA to the bank. The document states that the attorneys can only manage Roger's finances when he has lost mental capacity to make his own financial decisions.

The next day, Roger calls the bank and states confidently that he can still manage his own money and wants to keep his own bank card.

The bank is not sure what to do. A customer agent writes to Angela to ask if there's any evidence that Roger no longer has mental capacity.

Angela sends the bank a recent letter from Roger's doctor that states Roger lacked the mental capacity to make a decision about whether to go ahead with an operation.

However, the letter does not mention Roger's mental capacity to make financial decisions.

Because the bank has trained its staff in the principles of the MCA, they know that people can have mental capacity to make some decisions but not others.

There's no evidence that Roger lacks mental capacity to manage his finances, just because he lacks mental capacity to make a health decision.

The bank decides that Angela cannot take over management of Roger's accounts at this time.



For more about mental capacity, see the [MCA code of practice](#) or read advice on GOV.UK about [how to make decisions for someone else](#)

Treating attorneys and deputies with care

Making decisions for someone else is a serious responsibility. Many attorneys agree to it without realising the level of commitment it takes.

Some attorneys and deputies find it stressful or difficult making decisions on someone else's behalf. Bear in mind that they might be dealing with a loved one losing their mental capacity at the same time as taking over management of their accounts.

An attorney or deputy will probably have many companies to deal with at the start of making financial decisions. If you ask them for original documents, it might take the attorney or deputy a while to provide them.

Once you've checked that the LPA, EPA or deputy court order is genuine – we tell you how to do it in this guide – you'll know that an attorney or deputy has authority to act on behalf of your customer.

You should then treat the attorney or deputy as you would treat the customer they're acting for.

It will help attorneys and deputies if you write clear policies for accepting legal documents, so they know exactly what you expect.

How attorneys and deputies must act

Attorneys and deputies have the power to make decisions on behalf of the donor or client, but they must:

- support the donor or client to make their own decisions, where possible
- make any decisions in the donor's or client's best interests
- consider the donor's or client's wishes and feelings, where these are known

When dealing with attorneys and deputies, you might be concerned about how they're carrying out their duties.

If an attorney or deputy tells you something you're suspicious about, make a note of the conversation and [report it to OPG](#).

Report concerns about an attorney or deputy

Contact OPG if you have concerns about anyone acting on behalf of a donor or client.

Concerns can be anything you feel is not in a donor's or client's best interests, such as:

- the misuse of money
- decisions that benefit an attorney or deputy instead of a donor or client
- an LPA, EPA or deputy court order you think might be fake
- a donor signature that does not match your records
- unusual spending from a donor's or client's account
- bills repeatedly not being paid
- hearing something which makes you think the donor or client is at risk of harm

If you are concerned about how an attorney or deputy is managing your customer's account:

- email opg.safeguardingunit@publicguardian.gov.uk
- telephone 0115 934 2777
- textphone 0115 934 2778

The helpline is open Monday, Tuesday, Thursday and Friday between 9am and 5pm and Wednesday between 10am and 5pm.

Information we need to deal with a concern

To deal with a concern quickly, we need to know:

- the name and date of birth of the person you're concerned about
- the name of anyone you think might be abusing their decision-making power
- the dates of any possible abuse – this could be when unusual transactions or missed payments started
- details of any evidence – records of comments made, copies of bank statements, unpaid customer account logs or similar
- your contact details – we'll keep these confidential but need to know who you are so we can update you

Tell the police

If you think a crime has been committed against someone who cannot make their own decisions, dial 101 and report it to the police non-emergency number.

Financial abuse is a crime.



Always call 999 if someone is in immediate danger

How we deal with your concerns

Once you've provided the information we need, we'll assess the risk to the donor or client to see if we have:

- enough evidence to start an investigation
- the jurisdiction to look into the matter

We carefully consider every concern and respond to the person who reported it within 5 days. We'll tell you at this stage if we have enough evidence to begin a full investigation.

OPG investigations

When OPG carries out a full investigation we aim to complete it within 70 days. Page 11 shows the kind of concerns we can investigate.

If an attorney or deputy will not co-operate with OPG during the investigation, or if we find [evidence of financial or welfare abuse](#), we'll make an application to the Court of Protection.

In some cases we'll ask the court for an order which instructs an attorney or deputy to provide evidence of decisions they've made on behalf of the attorney or client.

In other cases, we might ask the court to remove an attorney or deputy from an EPA, LPA or court order, so they can no longer act for the donor or client.

When we finish an investigation, we tell the person who reported the concern to us.

What we cannot investigate

We cannot investigate concerns:

- that happened before an LPA or EPA was registered, or before a court order was issued
- that do not relate to a registered LPA or EPA – for example, health concerns where the donor only has a property and financial affairs LPA or an EPA
- about the actions of people who are not attorneys or deputies

When we receive a concern which is outside our legal authority to investigate, we may pass it to another appropriate agency such as social services or the police.

Some common questions about LPAs and EPAs

Can a property and financial affairs LPA be used before the donor loses capacity?

Yes. A property and financial affairs LPA can be used by an attorney as soon as it's registered, unless:

- the donor signed the LPA after 1 January 2016 using form LP1F and stated in section 5 (page 6) that they did not want the LPA to be used until they lost mental capacity
- the donor stated in the instructions of any version of the LPA that the attorneys could only act once the donor lost capacity

Are ordinary powers of attorney the same as LPAs and EPAs?

Ordinary powers of attorney can be set to look after someone's finances for a limited time, for example, if they're living abroad or going to prison.

Ordinary powers of attorney can only be used when both parties (the donor and attorney) have mental capacity, so these documents are not an alternative to an LPA or EPA.

If a donor has registered for a 'nominated contact' for billing, do they still need an LPA or EPA?

A nominated contact can be used as long as a donor has mental capacity.

If a donor has lost mental capacity and has a registered LPA or EPA in place, their attorneys are now legally entitled to manage their finances instead of a nominated contact.

If a donor has lost mental capacity without putting an LPA or EPA in place, the person named as their deputy is legally entitled to manage their finances instead of a nominated contact.

What about Department for Work and Pensions (DWP) appointees?

The [Department for Work and Pensions](#) (DWP) can appoint someone (an appointee) to act on behalf of a person receiving state benefits who cannot manage their benefits because they have lost mental capacity.

However, an appointee is only allowed to manage the other person's benefit payments, not the rest of their finances.

Appointees will have to apply to the Court of Protection to become a deputy, if they want to manage the person's general finances.

The deputyship will then give full legal authority to the deputy. This is a greater power than they had as a DWP appointee.

Common questions continued

What is the difference between an LPA or EPA and third-party bill management?

Third-party bill management is supported by regulated markets, but is not based on the same level of legal authority or responsibility as an LPA or EPA.

LPAs and EPAs are legal documents, backed by an Act of Parliament, which give protection to someone's wishes.

Attorneys are legally required to act in a way that supports the donor's wishes and best interests. Failure to do this could mean that a case is referred to the Court of Protection for a decision on whether attorneys or deputies have acted in the donor's or client's best interests.

Can attorneys be removed from LPAs and EPAs?

Yes, in some circumstances.

An LPA attorney can decide they want to stop acting as an attorney (this is called 'disclaiming'). They also have to stop acting if they get divorced from the donor or are in a civil partnership with the donor which is dissolved.

However, they can only be removed from their role:

- by the donor, if the donor has mental capacity

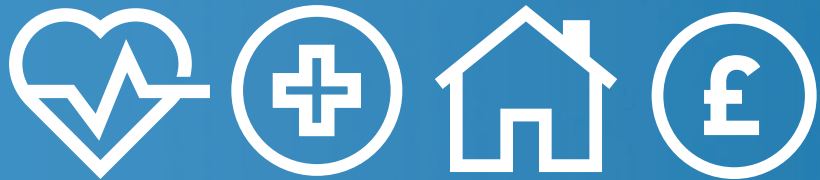
- by the court, if the donor lacks mental capacity to remove the attorney themselves

The Office of the Public Guardian (OPG) cannot remove attorneys – we have to apply to the court to ask a judge to make a decision.

An EPA attorney can also decide they want to stop acting as an attorney. They can only be removed from their role by the court.

A donor with an EPA cannot remove an attorney once the EPA is registered, because EPAs are only registered when the donor is losing, or has lost, mental capacity to make their own decisions.

Lasting powers of attorney (LPAs)



In this section you'll find information about:

- what an LPA is
- what to do when an LPA customer contacts you
- how to tell if an LPA is registered
- how to check the customer's wishes
- how to search the register of LPAs

Overview: lasting powers of attorney (LPAs)

LPAs were introduced in October 2007. Anyone over 18 who has mental capacity can make an LPA.

LPAs must be registered by the Office of the Public Guardian (OPG) before they can be used. You can find out [how to apply to register an LPA](#) on GOV.UK.

There are 2 types of LPA:

- health and welfare
- property and financial affairs

A donor can choose to make one type or both.

Staff in regulated markets will **not** deal with LPAs for health and welfare decisions. Check that the LPA you receive from a customer or attorney is for property and financial affairs.

Property and financial affairs LPAs cover decisions about day-to-day finances including:

- paying household bills
- sorting out tax issues
- managing bank, building society and savings accounts
- dealing with pensions, benefits, shares, investments, insurance or property

- changing utility supplier

There have been three versions of the LPA form since 2007 – we've updated the form several times to make it clearer.

You can find [examples of the LPA versions](#) on GOV.UK.

An [LPA ends](#) in various ways, including when:

- a donor decides to cancel it
- a donor dies
- an attorney loses mental capacity, and there are no other attorneys or replacement attorneys who can act
- an attorney divorces the donor or ends their civil partnership, if they're the donor's husband, wife or partner
- a sole attorney becomes bankrupt or they're subject to a Debt Relief Order (DRO) – if they're a property and financial affairs attorney
- a sole attorney is removed by the Court of Protection
- a sole attorney dies and there are no replacement attorneys
- a sole attorney disclaims from the LPA
- the court cancels the LPA

When you find out a customer has an LPA

An LPA might be about an existing customer or someone switching to your service. You'll usually find out that an LPA exists for one of your customers when the donor or attorney calls, emails or writes to you.

If a **customer** tells you they have a registered LPA:

- take them through security checks in the usual way
- make a note on their file of the names and personal details of the attorneys they have chosen
- check whether they still want to manage their accounts personally, or if they want their attorneys to do it
- ask to see the registered LPA so you can check it, and keep a copy for your files

If an **attorney** tells you that a customer has registered an LPA:

- ask them to provide some form of identification – follow your usual policy for speaking to third parties
- explain that until you see the LPA you cannot discuss or amend the customer's accounts
- ask to see the registered LPA so you can check it, and keep a copy for your files
- check the LPA when it arrives, to see if the customer wants it to be used now or only when they lose mental capacity
- contact the customer to tell them that the attorney has asked to take over management of their account



Scenario: passwords

Darren is in hospital and has a registered LPA for property and financial affairs. His son Jamie is his attorney and wants to receive Darren's bills so he can pay them. The telecoms account has a password, but Jamie does not know it and Darren cannot tell him because he is confused.

The telecoms provider checks the LPA Jamie sends. The LPA form is an older style, which does not state whether Jamie can make decisions as soon as the LPA is registered, or only when Darren loses mental capacity.

The telecoms provider knows that a property and financial affairs LPA can be used as soon as it's registered, unless the donor states otherwise. There are no instructions in the LPA about when Jamie can start making decisions. Therefore, Jamie is allowed to act from the day the LPA is registered.

Even without the password, the LPA is proof that Jamie can act for Darren. The telecoms provider adds Jamie to Darren's account so Jamie to speak to them about the account and receive his father's bills.

Check if an LPA is registered

Once you know a customer has an LPA, you should ask to see it. This will allow you to [check the document](#) and keep a copy in your customer file, if you need to.

There's nothing in law that says you must see the original LPA. Your choice to accept original documents might depend on the level of risk involved in letting an attorney manage someone's account. For utility companies, the risk might be relatively low. For banking services, where an attorney would be able to withdraw someone's life savings, the risk might be higher.

When asking for a document, you can accept:

- a photocopy or scanned image – although it might be harder to check that a copy or scan is genuine
- the original document
- a 'certified' copy or 'office' copy

What is a certified copy?

It's a copy of an LPA which has been certified as a true copy of the original. Certified copies have the same legal authority as original documents.

If the donor still has mental capacity, they can certify their own copy of their LPA.

Copies of property and financial affairs LPAs can also be certified by solicitors, someone qualified to carry out notarial activities (often called 'a notary') or stockbrokers.

A certified copy of an LPA needs the following statement on every page: **'I certify this is a true and complete copy of the corresponding page of the original lasting power of attorney.'**

This statement must be signed and dated on every page.

On the final page of the LPA it must state: **'I certify this is a true and complete copy of the lasting power of attorney,'** and this statement must be signed and dated.

What is an office copy?

It's a copy of the LPA held on file by OPG that can be requested if someone loses or destroys the original LPA. It has the same legal authority as the original LPA.

The copy we provide is a scanned image of the original, with a watermark on every page which reads 'Office Copy'.

We put various marks and stamps onto an office copy, in exactly the same way as the original LPA would have been stamped and marked during registration.

Marks used on registered LPAs

Since 2007, OPG has used several different marks to show that LPAs are registered.

A registered LPA, or an office copy, will always have at least one of the following:

- 'VALIDATED-OPG' perforated at the bottom of each page – perforation may be hard to see on a photocopy or scan but will be more obvious on an original form

VALIDATED-OPG

- a registration stamp on the front page of the LPA



- a holographic registration sticker on the front page of the LPA which cannot be removed without tearing the form



When checking an LPA form or office copy, make sure you see the whole document, not just the first few pages.

The front page of the LPA will always have either:

- a stamp to confirm the date of registration
- a hand-written date in the section 'For OPG office use only'

The inside pages will tell you the donor's instructions about who can make decisions for them and whether there are restrictions on the sort of decisions attorneys can make – see page 23 for more about preferences and instructions.

The donor's wishes – how LPA attorneys should act

One attorney

If the LPA names one attorney, that person has authority to make decisions for the donor without consulting anyone else. We say that one attorney is acting 'solely' when they are the only one named in the LPA.

The sole attorney should still work with the donor, where possible, to include them in decisions.

You'll need to check that the donor wants the attorney to act right now, and not only when they've lost mental capacity (see page 13 for information about an LPA being used before a donor loses mental capacity).

More than one attorney

If the donor wants more than one person to make decisions on their behalf, there are several ways attorneys can be appointed:

Jointly – all attorneys must agree or they cannot make the decision. In some cases, jointly-appointed attorneys will need to ask the Court of Protection to decide a matter in the best interests of the donor.

Where attorneys are appointed jointly, it would be impractical for them to do absolutely everything together on behalf of the donor. The authority to act jointly only refers to **decisions** attorneys make, not to smaller things like administrative tasks.

The MCA does not go into detail about what it means for attorneys to act jointly.

The MCA code of practice, which gives guidance on how people can understand the law, states: **Joint attorneys must always act together. All attorneys must agree decisions and sign any relevant documents.**

It's important to find out from the donor or the attorneys how they plan to deal with the instruction to act jointly, and note this in your records.

Decisions which might need all joint attorneys to agree on, include:

- changes to the donor's accounts
- decisions about finances, such as closing bank accounts or transferring money
- dealing with pensions, benefits, shares, investments, insurance or property
- switching tariffs to get a better deal

If attorneys are appointed jointly and one of them dies or wants to stop being an attorney, the LPA will be cancelled. We do this because it was never the donor's wish for one person to make decisions for them.

Jointly and severally – attorneys can choose to make decisions alone or together. Attorneys do not need to consult each other or agree on decisions. This is the way that most donors choose to appoint two or more attorneys.

Jointly for some decisions and severally for everything else – a donor who chooses this option wants attorneys to make certain decisions together.

The donor will write in the LPA which decisions must be made jointly. For all other decisions, attorneys do not need to consult each other or agree on decisions.

Unspecified – if a donor has chosen two or more attorney but not completed the section of the LPA for how the attorneys should act, the default position in law is that the attorneys must act jointly.



Scenario: joint attorneys

Gary is an attorney named on his cousin Stephen's LPA for property and financial affairs.

Gary applies for a remortgage on behalf of his cousin, saying that Stephen wants to build a home extension with an accessible bathroom.

Jaswinder deals with the call on behalf of the bank. She asks to see Stephen's LPA to check that Gary has been named as an attorney to deal with property and financial affairs decisions.

Once Jaswinder receives the LPA, she confirms that Gary is appointed to act on Stephen's behalf. But she notices that Gary is appointed jointly with another family member. Jaswinder realises she cannot take

instructions solely from Gary – she needs to speak to the other attorney and both attorneys must agree to remortgage Stephen's property.

Stephen has stated in his LPA that he wants his attorneys to act on his behalf as soon as the LPA is registered, and not just if he loses mental capacity.

However, as a remortgage is a big decision, and as Stephen may still have mental capacity, Jaswinder decides to contact Stephen to make sure the remortgage is what he wants.

When she's contacted everyone involved, Jaswinder feels confident that she can now deal with the remortgage application.

Replacement attorneys

Donors can choose one or more replacement attorneys, in case their original attorneys remove themselves from the LPA or die.

Choosing replacement attorneys is a safeguard against the LPA being cancelled if the original attorneys can no longer act.

Replacement attorneys have the same level of authority as the attorneys they replace – if a jointly-appointed attorney dies or want to stop being an attorney, a replacement attorney takes over their role to act jointly with any remaining original attorneys.

How replacement attorneys start to act

The Office of the Public Guardian (OPG) decides when a replacement attorney needs to start acting for a donor.

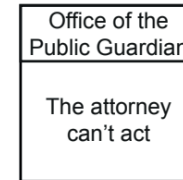
We do this when:

- we're told that an original attorney wants to stop acting
- we're told that an original attorney cannot act because of some other reason

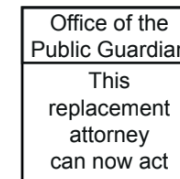
OPG then asks for the original LPA to be sent to us, so we can amend it and show which attorneys are now acting.

If you're contacted by someone claiming to be a replacement attorney, they should be able to show you the amended LPA, which shows they can act for the donor.

If a replacement attorney is acting for the donor, the original LPA form will be stamped by OPG to show this. Next to the name of the attorney who is no longer acting, we stamp:



Next to the name of the replacement attorney who is now acting for the donor, we stamp:



OPG then scans the amended form into our systems, so any office copies created in future show the correct attorneys.

Preferences and instructions

The donor can give their attorneys guidance on how they should make decisions. We call these 'preferences and instructions'.

Section 7
Preferences and instructions

Helpline
0300 456 0300

This section is optional

You can tell your attorneys how you'd prefer them to make decisions, or give them specific instructions which they must follow when making decisions. Most people leave this page blank - you can just talk to your attorneys so they understand how you want them to make decisions for you.

Preferences
Your attorneys don't have to follow your preferences but they should keep them in mind. For examples of preferences, see the Guide, part A7.

Preferences - use words like 'prefer' and 'would like'

I want to maintain a minimum balance of £1,000 in my account.

I need more space - use Continuation sheet 2.

Instructions
Your attorneys will have to follow your instructions exactly. For examples of instructions, see the Guide, part A7. Be careful - if you give instructions that are not legally correct they would have to be removed before your LPA could be registered.

If you want to give instructions, you may want to take legal advice.

Instructions - use words like 'must' and 'have to'

My attorney must not sell my house unless, in my doctor's opinion, I can no longer live independently.

I need more space - use Continuation sheet 2.

Only valid with the official stamp here.

LP1F Property and financial affairs (01/15)

It's important you read the donor's preferences and instructions in case they cover decisions about bills, banking or energy use.

There's an example of a preferences and instructions page from an LPA on the left. This version of the LPA form is the LP1F, which was released in 2015. But all 3 versions of the LPA form have sections like this, where a donor can record their wishes for how their attorneys act.

Instructions (called 'restrictions' or 'conditions' in earlier versions of the LPA form)

Anything written in the 'instructions' part of the form tells the attorneys what they must do when acting on the donor's behalf.

Instructions are legally binding and attorneys can be challenged by the Court of Protection for not following them.

If you think an attorney is failing to follow instructions in an LPA, please [report a concern to OPG](#).

Example: 'I want to bank with a non-profit company'

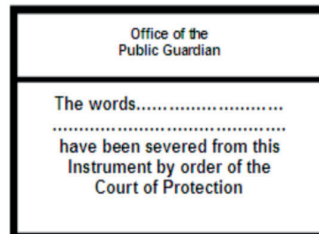
Preferences (called 'guidance' in earlier versions of the LPA form)

Preferences are what the donor would like their attorneys to think about when making decisions. Attorneys do not have to follow preferences but should consider them. Preferences are not legally binding.

Example: 'I would prefer to use renewable energy in my home'

Do not worry about whether instructions in an LPA are valid – OPG will decide this during the process to register an LPA.

If a donor makes an instruction which is not valid, or which contradicts other instructions in the LPA, we'll apply to the court to get it removed. We'll then stamp the page:



Example: Frank Dobbs names his oldest children (Martha and John) as his attorneys. In his instructions he writes 'I want my youngest son, Frank Jr, to make the decision over selling my house'

This instruction is invalid because Frank Jr is not an attorney. While the MCA code of practice says attorneys should consult family or friends, decisions must be made by the attorneys.



Scenario: LPA application

Noah's brother, Eric, has a head injury and can no longer manage his own affairs.

Eric signed an LPA for property and financial affairs before his accident and Noah has now sent it to OPG to be registered. The registration process can take up to 10 weeks.

In the meantime, Eric is paying for a telecoms service he cannot use and Noah has asked the telecoms provider to close the account.

The telecoms provider tells Noah that they may be willing to accept a letter from a hospital or GP in order to close Eric's account.

If Noah cannot get a letter, the account can be suspended until the LPA is registered, meaning that no further charges build up.

Once the telecom provider receives a copy of the registered LPA and sees that Noah has been appointed as Eric's attorney for property and finances, they can close Eric's account.

Check the status of a registered LPA

If you're not sure whether an LPA is registered or want to check who the attorneys are, you can contact OPG to ask us to search our [LPA register](#).

It's a free service and you'll get an answer within 5 working days.

We do not disclose all the information we hold, but can tell you:

- if there is a registered LPA
- the registration date of the LPA
- the name of the person the LPA is about
- the date of birth of the person the LPA is about
- the names of attorneys
- whether decisions relate to property and finances or health and welfare
- whether there are any restrictions in the LPA – we do not release what these are, just whether they exist
- how attorneys or deputies are appointed to act – solely, jointly, jointly for some decisions and severally for everything else, or jointly and severally
- whether the LPA is registered, cancelled, revoked or expired

Our LPA register is updated whenever we're told about a change to a donor's or attorney's details. When anyone requests a search of our registers, we provide the latest information we have.

To request a register search, fill in an [OPG100 form](#) – you can complete it electronically and email it to OPG.

Enduring powers of attorney (EPA)



In this section you'll find information about:

- what an EPA is
- what to do when an EPA customer contacts you
- how to tell if an EPA is registered
- how to check the customer's wishes
- how to search the register of EPAs

Overview: enduring powers of attorney (EPAs)

EPAs were made possible by the [Enduring Power of Attorney Act 1985](#).

This Act allowed a donor to name one or more people to make financial decisions for them in case they lost mental capacity in the future.

EPAs were replaced by lasting powers of attorney (LPAs) on 1 October 2007.

An EPA does not need to be registered with OPG before attorneys can use it. The donor must sign the EPA in the presence of a witness for it to be legally used by the attorneys, as long as:

- the donor signed it before 1 October 2007
- the donor still has mental capacity
- the donor agrees that the attorneys can act for them

We do not know how many donors are holding onto EPAs they signed before 1 October 2007. OPG continues to receive around 10,000 valid EPAs for registration every year.

EPAs only cover [property and financial decisions](#). An attorney cannot make health and welfare decisions under an EPA.

Attorneys using EPAs can make decisions about:

- paying the donor's household bills
- sorting out the donor's tax

- managing bank, building society and savings accounts
- dealing with pensions, benefits, shares, investments, insurance or property
- changing utility supplier

If a donor loses mental capacity, their attorneys must [register the EPA](#) with OPG to continue using it. This is because the donor must consent to attorneys using an unregistered EPA. Once the donor can no longer consent, attorneys need legal permission to manage the donor's finances.

A donor can have more than one EPA at the same time, and choose different attorneys to manage different aspects of their finances.

An EPA ends when:

- the donor cancels it by filling in a '[deed of revocation](#)', if the EPA is unregistered
- the only attorney [wants to stop acting](#) – sometimes called 'disclaiming' an attorneyship
- the only attorney declares bankruptcy
- the donor dies

When you find out a customer has an EPA

An EPA might be about an existing customer or someone switching to your service. You will usually find out that a customer has made an EPA when the donor or attorney calls, emails or writes to you.

If a **customer** tells you they have an unregistered EPA you should:

- take them through security checks in the usual way
- make a note on their file of the names and personal details of their chosen attorneys
- check whether they still want to manage their accounts personally, or if they want their attorneys to do it
- ask to see the EPA so you can note down any instructions the customer has written in it

If an **attorney** tells you that a customer has registered an EPA you should:

- ask them to provide some form of identification – follow your usual policy for speaking to third parties
- assume that the customer has lost mental capacity to make their own financial decisions
- explain that you need to see the EPA before you can discuss the customer's accounts with them
- check the registered EPA when it arrives to see how your customer wants their attorneys to act
- amend the customer's file to show they have appointed one or more attorneys to make decisions for them



Scenario: account changes

Joyce has dementia and has temporarily moved into a care home while she recovers from an operation. Her daughter Grace is an attorney named on her mother's EPA.

Grace calls her mother's energy supplier to let them know that Joyce's home will be empty for several months. Grace asks how she can begin to look after Joyce's account.

The agent asks Grace to send in the EPA, telling her it is quicker to send a scanned copy by email and provided the email address. Emailing the form also means there's less risk of the original EPA getting lost in the post.

The agent receives a scan of the EPA by email and confirms that Grace has the authority to act on Joyce's behalf.

The agent stores this information on Joyce's gas and electricity account making sure that Grace can discuss her mother's account whenever she calls the energy supplier.

Check a registered EPA

Once you know a customer has a registered EPA, you should ask to see it.

There's nothing in law that says you must see the original EPA. Your choice to accept original documents might depend on the level of risk involved in letting an attorney manage a customer's account.

When asking for a document, you can accept any of these:

- a photocopy or scanned image – although it might be harder to check that a copy or scan is genuine
- the original document
- a 'certified' copy or 'office' copy

What is a certified copy?

It's a copy of an EPA which has been certified as a true copy of the original. Certified copies have the same legal authority as original documents.

A donor can certify an unregistered EPA, as long as this was done when they still had mental capacity.

Copies of EPAs can also be certified by solicitors, someone qualified to carry out notarial activities (often called 'a notary') or stockbrokers.

A certified copy of an EPA needs the following statement on every page: **'I certify this is a true and complete copy of the corresponding page of the original enduring power of attorney.'**

This statement must be signed and dated on every page.

On the final page of the EPA it must state: **'I certify this is a true and complete copy of the enduring power of attorney,'** and this statement must be signed and dated.

What is an office copy?

It's a copy of the EPA held on file by OPG that can be requested if someone loses or destroys the original EPA. It has the same legal authority as the original EPA.

The copy we provide is a scanned image of the original, with a watermark on every page which states 'Office Copy'.

We then put various marks and stamps onto the office copy, in exactly the same way as the original EPA would have been stamped and marked during registration.

Other things to check on EPAs

Unregistered EPAs

There will be no official stamps, seals or stickers on an unregistered EPA. Unregistered EPAs can be typed or handwritten.

If you receive an unregistered EPA, you should check it was:

- signed and dated before 1 October 2007
- made when the donor was at least 18
- signed by the donor and a witness who was not one of the attorneys for the EPA
- signed by all the attorneys

When the EPA was signed, the attorneys had to:

- be aged over 18
- have mental capacity
- not be bankrupt, and not have been declared bankrupt since – check the [bankruptcy and insolvency register](#) to be sure

You can then:

- contact the donor to confirm whether they want the attorney to act for them
- check whether the donor has included any restrictions or conditions in Part B of the form



Scenario: switching tariffs

David is the sole attorney under a registered EPA for his father Tony.

David calls the energy supplier to discuss his father's bill. The prices have recently increased and Tony is on the supplier's most expensive tariff.

David asks about switching his father's account to a cheaper 'green energy' tariff to save money.

The agent asks to see Tony's EPA, to check that David has the authority to make decisions for him. After receiving the EPA form, the agent amends the customer file and notes that because the EPA has been registered, Tony now lacks mental capacity to make financial decisions.

Tony has included a preference in his EPA to support environmental issues where possible. Although David has a duty to get a good deal for his father, he also needs to act in a way he believes his father would have acted.

The energy tariff is not the best deal, but switching to it would support the wishes Tony stated in his EPA form. The agent switches the tariff as agreed and adds David as the main point of contact for Tony's account.

Marks used on registered EPAs

A registered EPA will always have at least one of the following:

- 'VALIDATED-OPG' perforated at the bottom of each page – perforation may be hard to see on a photocopy or scan but will be more obvious on an original form

VALIDATED-OPG

- a registration stamp on the front page of the EPA, from either the Court of Protection or OPG



- a registration sticker on the front page of the EPA which cannot be removed without tearing the form



There's an example of a registered EPA on this page, or you can find an example of one [registered after 2007](#) on GOV.UK.

A sample of an Enduring Power of Attorney form. The title is "Enduring Power of Attorney". In the top right corner, there is a stamp from the "COURT OF PROTECTION" dated "15 NOV 2006" and marked "REGISTERED". The form is divided into two columns of numbered instructions for the attorney(s).

Part A: About using this form

- 1. You may choose one attorney or more than one.** If you choose one attorney then you must delete everything between the square brackets on the first page of the form. If you choose more than one, you must decide whether they are able to act:
 - Jointly (that is, they must all act together and cannot act separately) or
 - Jointly and severally (that is, they can all act together but they can also act separately if they wish).On the first page of the form, show what you have decided by crossing out one of the alternatives.
- 2. If you give your attorney(s) general power in relation to all your property and affairs,** it means that they will be able to deal with your money or property and may be able to sell your house.
- 3. If you don't want your attorney(s) to have such wide powers,** you can include any restrictions you like. For example, you can include a restriction that your attorney(s) must not act on your behalf until they have reason to believe that you are becoming mentally incapable; or a restriction as to what your attorney(s) may do. Any restrictions you choose must be written or typed where indicated on the second page of the form.
- 4. If you are a trustee (and please remember that co-ownership of a home involves trusteeship),** you should seek legal advice if you want your attorney(s) to act as a trustee on your behalf.
- 5. Unless you put in a restriction preventing it** your attorney(s) will be able to use any of your money or property to make any provision which you yourself might be expected to make for their own needs or the needs of other people. Your attorney(s) will also be able to use your money to make gifts, but only for reasonable amounts in relation to the value of your money and property.
- 6. Your attorney(s) can recover the out-of-pocket expenses** of acting as your attorney(s). If your attorney(s) are professional people, for example solicitors or accountants, they may be able to charge for their professional services as well. You may wish to provide expressly for remuneration of your attorney(s) (although if they are trustees they may not be allowed to accept it).
- 7. If your attorney(s) have reason to believe** that you have become or are becoming mentally incapable of managing your affairs, your attorney(s) will have to apply to the Court of Protection for registration of this power.
- 8. Before applying to the Court of Protection for registration** of this power, your attorney(s) must give written notice that that is what they are going to do, to you and your nearest relatives as defined in the Enduring Powers of Attorney Act 1985. You or your relatives will be able to object if you or they disagree with registration.
- 9. This is a simplified explanation** of what the Enduring Powers of Attorney Act 1985 and the Rules and Regulations say. If you need more guidance, you or your advisers will need to look at the Act itself and the Rules and Regulations. The Rules are the Court of Protection (Enduring Powers of Attorney) Rules 1986 (Statutory Instrument 1986 No. 127). The Regulations are the Enduring Powers of Attorney (Prescribed Form) Regulations 1990 (Statutory Instrument 1990 No. 1376).
- 10. Note to Attorney(s)** After the power has been registered you should notify the Court of Protection if the donor dies or recovers.
- 11. Note to Donor** Some of these explanatory notes may not apply to the form you are using if it has already been adapted to suit your particular requirements.

YOU CAN CANCEL THIS POWER AT ANY TIME BEFORE IT HAS TO BE REGISTERED

Oyez 1 Spa Road, London SE16 1JQ
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Conveyancing 365

The official seal of the Court of Protection, identical to the one shown in the previous image, located at the bottom right of the form.

The donor's wishes – how EPA attorneys should act

One attorney

If the EPA only names one attorney, that person has authority to make decisions for the donor without consulting anyone else. We say that one attorney is acting 'solely' when they are the only one named in the EPA.

The sole attorney should still work with the donor, where possible, to include them in decisions. This only applies before the EPA is registered. Once it's registered, we can assume that a donor has lost capacity to make financial decisions.

More than one attorney

If the donor wants more than one person to make decisions on their behalf, there are several ways the attorneys can be appointed:

Jointly – more than one attorney who must agree or they cannot make the decision. In some cases, jointly-appointed attorneys will need to ask the Court of Protection to decide a matter in the best interests of the donor.

Decisions which are likely to need all attorneys to agree on, include:

- changes to the donor's accounts
- decisions about finance such as closing bank accounts or transferring money
- switching tariffs to get a better deal

If attorneys are appointed jointly and one of them dies or wants to stop being an attorney, the EPA will be cancelled. We do this because it was never the donor's wish for one person to make decisions for them.

Jointly and severally – attorneys can choose to make decisions alone or together. Attorneys do not need to consult each other or agree on decisions. If one attorney wants to **stop acting**, they can do so – the EPA will continue with the remaining attorneys.

There are no replacement attorneys on an EPA.

Restrictions or conditions

The donor can give their attorneys guidance on how they should make decisions. On EPA forms this guidance is called 'restrictions and conditions'.

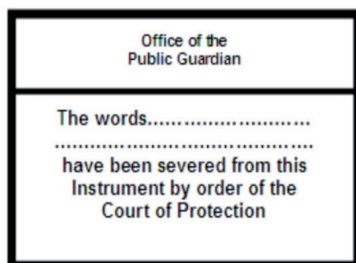
It's important you read the EPA to see if the donor has added restrictions or conditions that cover decisions about bills, banking or energy use.

Instructions are legally binding and attorneys can be challenged by the Court of Protection for not following them.

Example: 'I only want my attorneys to buy shares for me in companies that invest in renewable energy'

Do not worry about whether instructions in a registered EPA are valid – OPG will decide this when we register the form.

If a donor makes an instruction which is not valid, or which contradicts other instructions in the EPA, we'll apply to the Court of Protection to get it removed. We'll then stamp the page:



Example: Joan Hart wants her niece Alice to be her EPA attorney, but in her instructions she writes 'I would like my husband Max Hart to decide whether I go into a care home, if I can no longer feed or bathe myself'

This instruction is invalid because EPAs do not cover decisions about a donor's health and welfare, but only about financial matters.

If you think an attorney is failing to follow instructions in an EPA, please [report a concern to OPG](#) so we can look into it.

Check the status of a registered EPA

If you're not sure whether an EPA is registered or want to check who the attorneys are, you can contact OPG to ask us to search our [EPA register](#).

It's a free service and you'll get an answer within 5 working days.

We do not disclose all the information we hold, but can tell you:

- if there is a registered EPA
- the registration date of the EPA
- the name of the person the EPA is about
- the date of birth of the person the EPA is about
- the names of attorneys
- whether there are any restrictions in the EPA – we do not release what these are, just whether they exist
- how attorneys are appointed to act – solely, jointly or jointly and severally
- whether the EPA is registered or cancelled

Our EPA register is updated whenever we're told about a change to a donor's or attorney's details. When anyone requests a search of our registers, we provide the latest information we have.

To request a register search, fill in an [OPG100 form](#) – you can complete it electronically and email it to OPG.

Deputy court orders



In this section you'll find information about:

- what a deputy court order is
- what to do when a deputy contacts you
- how to tell a deputy court order is valid
- how to check any restrictions in the court order
- how to search the register of deputy court orders

Overview: deputy court orders

Deputy court orders are legal documents giving one or more people (called 'deputies') authority to make decisions for another person (the 'client') who lacks mental capacity.

A judge at the Court of Protection will only issue a deputy court order when there is evidence a client lacks mental capacity.

Deputies can act for the client as soon as the deputy court order is issued.

Deputy court orders can be issued for:

- property and affairs – this deals with finances and is the most common type of deputy court order
- personal welfare decisions
- both property and affairs and personal welfare

Staff in regulated markets will not deal with personal welfare deputy court orders. If you receive an order which covers personal welfare only, bear in mind that a deputy cannot use it to make financial decisions for the client.

The deputy court order lists the kinds of decisions deputies can make for the client.

Deputies must account to OPG every year to show how they've managed the client's property and finances, and what decisions they've made on the client's behalf.

Who can be a deputy?

Deputies are usually adult relatives or friends of someone who needs help making decisions.

Anyone over 18 can apply to the Court of Protection to become the deputy for a specific person, but applying does not mean they'll automatically be chosen.

Potential deputies need to satisfy a judge that they have the skills to make financial decisions for someone else. This includes declaring any unspent convictions, insolvency or other financial matters that could affect a deputyship.

Some people are paid to act as deputies – they are usually accountants, solicitors or representatives of the **local authority**.

The court can also appoint a specialist deputy (called a 'panel deputy') from a **list of approved law firms and charities**, if no one else is available.

When you find out a customer has a deputy



Scenario: waiting for court order

Bessie calls her sister Jayne's water supplier and asks if she can receive copies of Jayne's bills and any other correspondence from now on.

Bessie says that Jayne can no longer manage her own affairs. Bessie is in the process of applying to the Court of Protection for a deputy court order.

Bessie wants to receive Jayne's water bills so that she can make payments on her behalf because she is concerned that bills may go unpaid. Bessie wants to know when payments are due and how much Jayne owes.

The agent dealing with the call realises that Bessie has no legal authority yet to make property and finance decisions on behalf of Jayne as there is no EPA, LPA or deputy court order in place. The agent puts Bessie through to a specialist team at the water company, so she can speak to someone trained to support vulnerable customers.

Once Bessie has the deputy court order, she sends it to the water supplier. They check it and add Bessie's name to Jayne's account.

A deputy court order might be about an existing customer or someone switching to your service.

You will usually find out that a deputy court order exists for one of your customers when the deputy calls, emails or writes to you.

If a deputy gets in touch to inform you about a court order, you can:

- ask them to provide some form of identification – follow your usual policy for speaking to third parties
- ask to see the sealed deputy court order
- be assured that your customer lacks the mental capacity to deal with their own financial matters, as a judge will have checked this before issuing the court order
- check that the court order appoints the deputy to deal with your customer's financial decisions
- amend your records so you communicate with the deputy in future, instead of your customer

Checking that a deputy court order is valid

Once you know a customer has a deputy acting for them, you should ask to see the court order. This will allow you to check the document and keep a copy in your customer file, if you need to.

There's nothing in law that says you must see the original court order. As with LPAs and EPAs, you'll need to assess the level of risk involved in accepting copies.

When asking for a document, you can accept either:

- a photocopy or scanned image – although it might be harder to check that a copy or scan is genuine
- the original document

You can find an [example of a deputy court order](#) on GOV.UK.

Court orders use legal language and need reading carefully. A lot of the words or phrases might be unfamiliar, but court orders will state clearly what the judge's ruling is.

A deputy court order will tell you:

- the name of the judge who made the ruling
- the date of the order – this is the date the judge heard the case
- the name of the client
- the names of the deputies – if they are a solicitor or panel deputy it will also state which company they work for

- the length of time the deputy can act for – not all orders have an end date but some do
- what kind of decisions the deputies can make and if there are any restrictions
- where there is more than one deputy, which decisions they must make jointly and which they can make separately

Marks used on sealed deputy court orders

A court order is sealed if it has an embossed date stamp with the words 'Court of Protection' on it.



Judges' instructions

The decision of the court is in the section that begins 'IT IS ORDERED that:'

Here you will find information about any restrictions the judge has placed on the deputy.

You should read the whole document to understand the court's decision in full, as well as to check whether the deputy court order has an end date.

Unlike LPAs and EPAs – which can be cancelled or revoked but are usually made for life – a deputy court order is sometimes put in place for a limited time. This could be because someone else is taking over in the future, or because a deputy only wants to act for a short period.

When a deputy court order ends

A deputy can apply to the Court of Protection to end their deputyship if:

- they no longer want to act
- the client has regained mental capacity

A deputy also needs to tell OPG and the court if a client dies.

When OPG is informed of a change in the client's circumstances, either by the deputy or the court, we'll update our deputy court order register.

The Court of Protection will issue a sealed revocation order when a deputyship ends. You should check this is valid in the same way as you check a deputy court order (see page 38).

A court order is sealed if it has an embossed date stamp with the words 'Court of Protection' on it.

Check the status of a deputy court order

If you're not sure whether a deputy court order is genuine or you want to check some details, you can ask OPG to search the [deputy court order register](#).

It's a free service and you'll get an answer within 5 working days.

We do not disclose all the information we hold, but can tell you:

- if a deputy court order has been issued
- the date of issue
- the name of the person the deputy court order is about
- the date of birth of the person the deputy court order is about
- the names of deputies
- whether there are any restrictions on how deputies can act
- how deputies are appointed – solely, jointly or jointly and severally
- whether the deputy court order is active, expired or cancelled
- the expiry date of the deputy court order, where relevant

Our deputy court order register is updated whenever we're told about a change to a donor's or attorney's details. When anyone requests a search of our registers, we provide the latest information we have.

To request a register search, fill in an [OPG100 form](#) – you can complete it electronically and email it to OPG.

Terms we use

Attorney: a person who has been appointed by someone to help them make decisions, or to make decisions on their behalf

Certified copy: a copy of an LPA or EPA which someone has signed to say it's a true copy of the original, and that they've seen the original. Can be used in place of an original document

Client: the person having decisions made on their behalf by someone appointed by the Court of Protection

Court of Protection: responsible in England and Wales for appointing deputies to make decisions for those who have lost mental capacity

Court order: the ruling of the court set out in a document. Judges who appoint deputies do so in a deputy court order

Deputy: a person appointed by the Court of Protection to make decisions on behalf of someone who lacks mental capacity

Donor: the person who makes a lasting or enduring power of attorney

Enduring power of attorney (EPA): until October 2007, someone with mental capacity could make an EPA to give authority to other people to make property and finance decisions on their behalf

Lasting power of attorney (LPA): since October 2007 a legal document that lets an adult appoint one or more attorneys to help them make decisions, or to make decisions on their behalf. LPAs can be either for decisions about property and financial affairs or health and welfare

Mental capacity: having mental capacity means being able to make a particular decision at the time it needs to be made

Mental Capacity Act 2005 (MCA): the MCA affects anyone who is unable to make some or all decisions for themselves. It outlines 5 principles which must be followed to protect the best interests of someone who lacks mental capacity

Office copy: a scanned image of the original LPA or EPA held on file by the Office of the Public Guardian. Can be used in place of a lost or misplaced original document.

Office of the Public Guardian (OPG): an executive office of the Ministry of Justice. OPG registers LPAs and EPAs, and supervises court-appointed deputies to make sure they are making decisions in the best interests of the donor

P: you might hear this as a way to refer to the client in a deputyship case. In law, the client is referred to as P (short for 'person')

Useful links

The links embedded throughout this guide are written out in full here for anyone using a printed version.

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Office of the Public Guardian: www.gov.uk/opg

UK Regulators Network: www.ukrn.org.uk/

Ofcom: www.ofcom.org.uk/home

Ofgem: www.ofgem.gov.uk/

Financial Conduct Authority: www.fca.org.uk/

Ofwat: www.ofwat.gov.uk/

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More about OPG: www.gov.uk/government/organisations/office-of-the-public-guardian/about

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Mental Capacity Act 2005: www.legislation.gov.uk/ukpga/2005/9/contents

Court of Protection: www.gov.uk/courts-tribunals/court-of-protection

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Report a concern: www.gov.uk/report-concern-about-attorney-deputy

Page 9

MCA code of practice: www.gov.uk/government/publications/mental-capacity-act-code-of-practice

How to make decisions for someone else: www.gov.uk/make-decisions-for-someone

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Evidence of financial or welfare abuse: www.gov.uk/government/publications/safeguarding-policy-protecting-vulnerable-adults

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DWP: www.gov.uk/dwp

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How to apply to register an LPA: www.gov.uk/power-of-attorney

Examples of LPA versions: www.gov.uk/government/publications/lasting-power-of-attorney-valid-examples

LPA ends: www.gov.uk/power-of-attorney/end

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Check the document: www.gov.uk/government/publications/lasting-power-of-attorney-valid-examples

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Report a concern: www.gov.uk/report-concern-about-attorney-deputy

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LPA register: www.gov.uk/government/publications/search-public-guardian-registers

OPG100 form: www.gov.uk/government/publications/search-public-guardian-registers

Useful links continued

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Enduring Power of Attorney Act 1985: www.legislation.gov.uk/ukpga/1985/29/enacted

Property and financial decisions: www.gov.uk/enduring-power-attorney-duties

Register the EPA: www.gov.uk/enduring-power-attorney-duties/register-an-enduring-power-of-attorney

Deed of revocation: www.gov.uk/use-or-cancel-an-enduring-power-of-attorney

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Bankruptcy and insolvency register: www.gov.uk/search-bankruptcy-insolvency-register

Page 31

EPA registered after 2007: www.gov.uk/government/publications/enduring-power-of-attorney-valid-example

Page 32

Stop acting as an EPA attorney: www.gov.uk/enduring-power-attorney-duties/stop

Page 33

Report a concern to OPG: www.gov.uk/report-concern-about-attorney-deputy

Page 34

EPA register: www.gov.uk/government/publications/search-public-guardian-registers

OPG100 form: www.gov.uk/government/publications/search-public-guardian-registers

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Deputy court orders: www.gov.uk/become-deputy

Local authority deputies: www.apad.org.uk/

List of approved law firms and charities: www.gov.uk/guidance/panel-deputies-list-of-court-approved-professionals

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Example of deputy court order: www.gov.uk/government/publications/deputy-court-order-valid-example

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Ending a deputyship: www.gov.uk/become-deputy/end-your-deputyship

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Deputy court order register: www.gov.uk/government/publications/search-public-guardian-registers

OPG100 form: www.gov.uk/government/publications/search-public-guardian-registers