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Attorney Activation Kit

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For Peter Sample and Lucy Sample, attorneys for Jane Elizabeth Sample under a registered lasting power of attorney for property and financial affairs and health and welfare. This kit helps you start using the LPA: how to prove you are an attorney, what you must and must not do, letters to send, and logs to keep.

Before you do anything: is the LPA registered?
GOV.UK: "Make sure the LPA has been registered - you cannot start acting until it is." A registered LPA is stamped "validated-OPG".

Do not send any of the letters in this kit until the registered LPA has come back from the Office of the Public Guardian.

When you can act

- Property and financial affairs: you can make decisions while the donor still has mental capacity only if the LPA says you can and the donor gives you permission. Otherwise you can act only when they do not have mental capacity.
- Health and welfare: the LPA can only be used when the donor is unable to make their own decisions.
- Read the LPA to see whether attorneys act jointly (all must agree) or jointly and severally (each can act alone), and follow any preferences and instructions in it.

Three ways to prove you are an attorney

Any organisation can ask you to prove you are the attorney. GOV.UK says you can:

1. Share an online summary

If the LPA was registered on or after 1 January 2016, sign in to the government's "Use a lasting power of attorney" service and create an access code for the organisation. The code has 13 characters, starts with V and is valid for 50 days. To add the LPA to your account you need its reference number and your activation key. If the LPA was registered on or after 17 July 2020, the key is in the letter that told you it was registered. A key is valid for one year and you can ask for a new one in the service.

2. Show the original registered LPA

Take it in person or send it by a tracked service. Ask for it back.

3. Show a certified copy

A copy can be certified by the donor (if they can still make their own decisions), a solicitor, or a person authorised to carry out notarial activities. An attorney cannot certify it, and nothing in this kit is a certified copy.

Check what proof each organisation needs, and how it wants to receive it, before sending any documents. It may also ask for your name, address and date of birth, the donor's details, and an

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account number.

If the donor certifies copies themselves

GOV.UK gives the exact words. On the bottom of each page of the copy (sections 1 to 11 and any continuation page) the donor writes:

> *"I certify this is a true and complete copy of the corresponding page of the original lasting power of attorney."*

On the bottom of the final page of the copy the donor must also write:

> *"I certify this is a true and complete copy of the lasting power of attorney."*

The donor signs and dates every page.

What you must do

- follow any preferences and instructions the donor included in the LPA
- act in the donor's best interests and help them make their own decisions where possible
- keep the donor's money and property separate from your own (unless you already share a bank account)
- respect the donor's confidentiality
- let the donor and the Office of the Public Guardian know if you no longer wish to act as an attorney
- give the OPG information about how the LPA is being used, if asked
- keep records of your actions

What you must not do

- use your position to benefit yourself
- let other people use the LPA to make decisions
- use the LPA unless it is registered

Gifts and donations

Unless the LPA states otherwise, GOV.UK says you can spend the donor's money on gifts to a friend, family member or acquaintance on occasions when you would normally give gifts (such as birthdays or anniversaries), and on donations to a charity the donor would not object to. You must check the donor can afford it.

You must apply to the Court of Protection for any other type of gift, even if the donor has given it before. GOV.UK's examples: paying someone's school or university fees, letting someone live in the donor's property without paying market rent, and interest-free loans.

Get legal advice before a sale of the donor's property below market value, a purchase of it by you, or giving it to someone else.

Records and expenses

Keep a record of important decisions and when you made them (for example selling the donor's home or agreeing to medical treatment), who you asked for advice, and any disagreements. A finance attorney also records the donor's assets, income and how their money is spent. Small everyday decisions do not need recording.

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You can only claim expenses for things you must do to carry out your role, such as travel, postage, phone calls, stationery or hiring a professional for the donor's tax return. Keep receipts.

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Who we have told

One line for each organisation. Note the proof you gave and when an access code runs out (50 days after you create it).

Organisation	Date contacted	Proof given	Access code expires	Confirmed
Example Building Society (Bank or building society)				
Pension provider				
Local council (council tax)				
Example Surgery (GP surgery)				

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Decisions log

Important decisions only: what was decided, when, who was consulted, and why it was in the donor's best interests.

Date	Decision	Who was consulted	Reason

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Gifts and donations log

Every gift or donation made from the donor's money. Check first that it is one an attorney is allowed to make and that the donor can afford it.

Date	To whom	Occasion or charity	Amount	Affordable? Notes

Expenses log

Only costs you had to pay to carry out your role. Keep the receipts with this page.

Date	What for	Amount	Receipt kept	Repaid on

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