



## **THE IMPORTANCE OF MAKING A HEALTH AND WELFARE LASTING POWER OF ATTORNEY**

1. A health and welfare lasting power of attorney is a legal document which allows a person with mental capacity to appoint others to act on their behalf if they later lose mental capacity and health or welfare decisions need to be made. It can only be used when it has been registered with the Office of the Public Guardian and when the person making the power lacks mental capacity to make the decision. It takes about 8 or 9 weeks for registration to be completed.
2. Without a health and welfare lasting power no one has authority to make decisions, but it is possible for health and social care professionals to make decisions if they think the person lacks mental capacity and the decision they want to make is in that person's best interests. They are protected from liability (section 5 Mental Capacity Act 2005).
3. In April 2009, great-grandmother Betty Figg was snatched by social workers against the wishes of her daughter, her former carer. Social workers arrived with police and a battering ram to remove the 86-year-old woman suffering from dementia from her daughter's house. The media quickly spread pictures and video footage of Betty being taken from the house in her wheelchair with a towel thrown over her head. If a health and welfare lasting power of attorney had been prepared social services would have been prevented from making this decision.