

Guide to the 'Use Lasting Power of Attorney' service

The Office of the Public Guardian (OPG) have launched a new service whereby a registered Lasting Power of Attorney (LPA) can be viewed online by organisations.

Who is the service for?

The service is open to those LPAs registered after 17 July 2020, however, the OPG do plan to open the service up to LPAs registered earlier in 2020 and potentially 2019 too. The LPA can be registered online by either the Donor (person to which the LPA relates) or the Attorney/s.

How does the service work?

Upon registering the LPA, you will receive a registration letter which contains a reference number and an activation key. The Donor or Attorney/s can then create an account at www.gov.uk/use-lpa - you will need the reference number, activation key and Donor's date of birth.

Once an online account has been opened and the LPA is added, a secure access code can be generated. This access code can be given to organisations, who will be able to view a summary of the LPA at www.gov.uk/view-lpa

The access code will be active for 30 days and after expiry, a new code can be generated.

What can organisations see?

The organisations will be able to see the Donor and Attorney/s details, which include:

- Names, addresses and date of births
- How attorney decisions are to be made
- Whether any instructions or preferences exist within the LPA
- When the LPA can be used
- Date the Donor signed the LPA
- LPA registration date

The organisations will not be able to see what the instructions or preferences are, only that some exist. If there are instructions or preferences noted in the LPA, a paper copy of the LPA should be requested by the organisation, to ensure all actions are in line with the Donor's wishes.

The new service reduces the time taken to register a LPAs existence on accounts with organisations, such as; banks, DWP and utility companies.

It can take considerably longer when sending a paper copy and waiting for the organisation to receive this. The organisations are able to check the validity of the LPA easily, although, the 30 day time limit on access codes may need to be reconsidered where organisations are naturally considerably busy.

Once viewed, the organisation can download the summary to keep for their records, therefore, they should only need to access the LPA online once.

Where the Donor does not have access to the internet, the online account can be created by the Attorney/s. However, where both the Donor and Attorney/s do not have access to the internet, or do not wish to register online, a paper copy of the LPA can still be sent to the organisations.

The Donor is not notified when an Attorney creates an account or generates access codes, which has raised concerns as to Attorneys using the LPA before they were intended to.

The organisations will see on the summary details when the LPA should be used but ultimately, the legal responsibility lies with the Attorney.

The Attorney is required to act in accordance with the Donor's wishes set out in the LPA and the organisations will have the opportunity to satisfy this is the case.