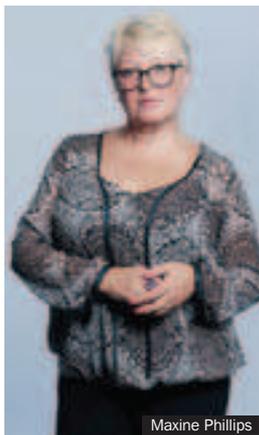


The Importance of an LPA for Health and Welfare



Maxine Phillips, a paralegal specialising in Wills, Trusts and Probate at Jackson Lees based at their Heswall office, outlines how important a Health and Welfare LPA can be in the case study below (names have been changed to protect anonymity):

My client, Ann, who suffers from dementia, had a minor fall while visiting her daughter, Carol. As Ann was in considerable pain and unable to stand, Carol telephoned for an ambulance.

On being taken to hospital, and following assessment, Ann had her hips x-rayed for potential breaks. Carol was advised that Ann had suffered no break to the hips, but would be kept in for a few days as she was unable to

weight bear, stand, or transfer from chair to bed without pain. Carol visited Ann on a daily basis and noted that there seemed to be no improvement in her condition. Carol had provided the hospital staff with a copy of Ann's LPA for Health and Welfare on her admittance.

A few days later, Carol received a telephone call and was advised that Ann was medically fit for discharge. Ann's condition had only improved marginally – and she was still in considerable pain, particularly when transferring into bed. Carol refused to give consent for Ann to be released home.

On her daily visits, Carol continued to voice her concerns to staff at the hospital, but despite this, received a further two telephone calls to discuss Ann's release.

As Ann continued to have difficulty, Carol spoke to the doctor on the ward and insisted that further tests were done before she would consent for release. Because Ann had an LPA for Health and Welfare in place, Carol's request could not be ignored and, somewhat reluctantly, a CT scan was organised for Ann.

The CT scan confirmed that, while it was correct that Ann had suffered no hip breakage, she had, however, sustained pelvic fractures as a result of the original fall which had gone unrecorded.

It had taken nine days for Ann to receive the correct diagnosis; the additional CT scan had only been made at Carol's insistence because she held the LPA for Health and Welfare for Ann. Had Carol followed the original advice given, which was to take Ann home and encourage her to walk, a further fall could have led to more, potentially catastrophic, damage.

Following the new diagnosis, Ann was reassessed and ultimately transferred to a local nursing home for six weeks rehabilitation care, paid for by the NHS, where she received daily physiotherapy to help her regain her mobility. Without the registered LPA for Health and Welfare, the outcome could have been very different!

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