

M4C Collaborative Doctoral Award

Project Title			
Reforming the law and procedures in relation to the Lasting Powers of Attorney (LPA) system			
LEAD INSTITUTION			
Name of HEI institution	University of Leicester		
Lead regional city	Birmingham <input type="checkbox"/>	Coventry <input type="checkbox"/>	Leicester <input checked="" type="checkbox"/>
			Nottingham <input type="checkbox"/>
PARTNER ORGANISATION			
Name of organisation	The Office of the Public Guardian (OPG)		
Website URL	https://www.gov.uk/government/organisations/office-of-the-public-guardian		
THE RESEARCH PROJECT			
<p>The Lasting Power of Attorney (LPA) system provides a framework for substitute decision-making if an adult loses capacity, but it appears to be underused by some communities. This project will examine why this is the case and identify how the law might be reformed to improve access to this system.</p> <p>The Office of the Public Guardian (OPG) is an executive agency, sponsored by the Ministry of Justice, situated in Birmingham. It carries out the legal functions of the Mental Capacity Act 2005 (MCA). The MCA created a statutory framework for substitute decision-making after a person loses capacity: Lasting Powers of Attorney (LPAs). There are two types of LPA: one relating to property and financial affairs, and one to health and welfare decisions. For an LPA to be legally valid, the donor must have capacity at the time of making the LPA and it must be registered with the OPG.</p> <p>The OPG is committed to ensure equal access to their services and has identified a concern that some communities (ethnic minority groups and socially and economically disadvantaged ('SED') communities) are relatively underusing LPAs. This project will review the current data in relation to the use of LPAs and consider whether there are any barriers which deter communities from engaging with the system and how the law might be reformed to remove these barriers and facilitate equal access. This project is timely because the Ministry of Justice (MoJ) and OPG are working on a project to modernise LPAs and reform the law. The COVID-19 pandemic highlighted health inequalities within the UK, and particularly the Midlands area, with higher rates of infection and mortality in BAME and SED communities and NHS England has announced an action plan to tackle health inequalities. LPAs play an important role in relation to health and financial planning because they enable individuals to plan for their future care and the management of their finances and to nominate a trusted representative to make decisions on their behalf if they lose capacity. This project is highly relevant to these reform initiatives and there is scope for its findings to be incorporated within the reform process.</p> <p>This is a four-year project. During the first year of the project, the candidate will conduct a comprehensive review of the literature to date and undergo DBS checks and vetting in order to be able to work at the OPG premises. Candidates should note that it is an essential requirement of this project that they be able to pass these checks and receive clearance to be able work with the OPG. The candidate will receive appropriate training and guidance in relation to the completion of any necessary research ethics approval. Empirical data collection underpinned by a qualitative approach will take place in years 2 and 3 of the project and will involve conducting focus groups and interviews with relevant community groups and practitioners in the East and West Midlands (primarily in Leicester and Birmingham). The supervised writing up of the PhD thesis will be completed in year 4. During this time the candidate will also work with their supervisors to develop suitable additional legal outputs (e.g. peer reviewed article in general or specialist legal journal, monograph), collaborative outputs (e.g. executive summary, policy brief) and to organise dissemination and engagement</p>			

projects (e.g. workshops, symposia, outreach events), including a large public outreach event in the Midlands area.

The successful candidate will spend one day a week at the OPG offices in Birmingham during their first year of study and a 3-6 month placement during their second year. They will have monthly supervision meetings with the lead and second supervisors and at least quarterly meetings with the whole supervision team. They will benefit from working alongside the University's interdisciplinary teams, building relationships and networks to expand their contextual understanding, and from being a part of Leicester Law School's thriving medico-legal research community. The placement at the OPG offices in Birmingham will allow them to gain invaluable experience, skills, practical knowledge and contacts for their future career.

This project provides an exciting opportunity for a suitably qualified PhD candidate to work with the OPG, conducting original research into an important and timely topic, which offers considerable potential for impact.

HOW TO FIND OUT MORE

Lead HEI Supervisor:	Dr Tracey Elliott
Lead HEI Supervisor Email:	te41@le.ac.uk