

Parents & Carers Network

Do you have the Power?

A personal account

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Lasting Power of Attorney is ...

A legally enforceable tool

allowing you (the ‘donor’) to appoint one or more people (the ‘attorneys’) to make decisions in future on your behalf

- subject to conditions that you determine yourself
- often (but not always) based on ‘mental capacity’
- overseen by the **Office of the Public Guardian**, an agency of Ministry of Justice

Lasting Power of Attorney is ...

A **legally enforceable tool**, covering

- Property and financial affairs and/or
- Health and welfare

giving considerable flexibility over what happens, when, by whom...

You can also regard it as a **plan of action** and an **insurance policy**

Success ...

- A predictable situation
- Enduring Power of Attorney set up and registered
- Control over finances
- Note: EPA was equivalent provision, superseded by LPA in 2007.
Simpler, but also less flexible.

Disaster ...

- An unpredictable situation
- No LPA (or other planning)
- Court of Protection
- Considerable initial and ongoing costs

Setting up an LPA (1)

- Can be DIY, via solicitor, or third way (such as Allied Services Trust)
- Good info on GOV.UK website including forms and guidance
- Property & Finance and Health & Welfare separate

Setting up an LPA (2)

- Give yourself time ... read up on, and talk through the options
- Decide what you would want to happen in future and in what conditions
Simplest may be best!
- Choose your attorney(s) and replacement(s)
- Ensure that they understand and agree to what they may have to do in future

Setting up an LPA (3)

Fill out the forms

- ‘Notice of intention to register’
- Evidence of donor’s mental capacity
- Get all the relevant signatures including witnesses

This part can be time-consuming!

Setting up an LPA (4)

Submit for registration

- Advisable to do sooner rather than later
- May take up to 10 weeks
- Cost is £110 per LPA, reductions for people on low incomes.

Other things to consider (1)

Make things easier for family or carers:

- Make a will
- List financial assets and other things of value
- Store information in one place with any living will, requests for funeral etc
- Review periodically and ensure everything is up-to-date

Other things to consider (2)

Make things easier for family or carers:

- Have house key held by trusted neighbour
- Not strictly necessary, but check with bank etc that they are aware LPA is in place

Have a long, healthy and happy life!

Sources of information

GOV.UK including Office of the Public Guardian
and Court of Protection

<https://www.gov.uk/power-of-attorney/overview>

Allied Services Trust

<http://www.alliedservicestrust.org/>