

# What is...

## A lasting power of attorney, and do I need one?

A Lasting Power of Attorney (LPA) is a legal document that lets you appoint one or more people (called Attorneys) to help you make decisions or look after financial matters for you if at some time in the future you can't do this yourself. With an LPA in place you stay firmly in control of your affairs, as you decide what and when your Attorney can do for you and what conditions are attached, if any.

### There are two types of LPA:

**A Property and Affairs LPA** This gives your Attorney permission to deal with your property and financial affairs. Even when you have made an LPA you can still do these things yourself, so your day to day arrangements don't have to change, but it gives you the flexibility to let your Attorneys do things for you if ever you can't or choose not to do so yourself. This is a list of the sort of things that your attorney can do for you:

- Open, close and operate bank accounts including setting up a standing order for residential care;
- Deal with pensions, benefits, allowances etc.;
- Sort out your household bills and deal with the utility companies;
- Deal with the tax office and other government agencies for you;
- Deal with the buying and selling of any property including a house.

### A Personal Welfare LPA

This can only be used if you have lost mental capacity. It lets your Attorney deal with things about your personal welfare such as what care you might need and decisions about whether or not you should move into a care home and, if so, which one. Your Attorneys must be involved by Social Services if any major decisions are being made about you, so you do not need to worry that Social Services can make decisions about you without involving your family. There is also an option about consenting to life sustaining medical treatment, but you do not have to include this.

### Choosing your attorney

Your Attorney should be someone you know and trust who is over 18. You can have more than one Attorney and you decide if they must act together at all times or if they can act independently (e.g. if one of them is on holiday). You can also choose a replacement Attorney in case the Attorney you have chosen becomes unable or no longer wants to continue acting for you. Things that you should consider in choosing an Attorney include:

- How well you know them;
- How well they look after their own financial affairs;
- Whether or not you trust them to make decisions in your best interest;
- Whether they would be willing to make decisions for you.

### Registering the LPA

Both financial and personal welfare LPAs must be registered with the Office of the Public Guardian (OPG) before they can be used. The procedure currently takes about 6-10 weeks. If anything needs to be done urgently before then, we can set up a temporary power of attorney to use until the main one is registered. The personal welfare LPA can only be used when it has been registered and the person who made it has lost mental capacity.

### Changing your mind

You can cancel your LPA even after it has been registered as long as you have the mental capacity to do so. So, if you fall out with your chosen attorney or feel that they are not doing their job properly you can cancel the LPA. You need to sign a document to do so.

### What happens if i don't make an LPA?

No one likes to think that a time might come when they can't sort things out for themselves, but sadly sometimes this happens.

This can be because of illness or an accident. In this situation things still need to be sorted out. Unless an LPA is already in place, then someone (usually a family member but sometimes Social Services) has to apply to the OPG for a Court Order appointing themselves as Deputy to deal with your affairs. The procedure takes up to 6 months and is expensive. It also involves taking out compulsory annual insurance and filing annual accounts with the Court. The Court also has to give permission for any major items of expenditure or if the house has to be sold for example.

### Summary

#### The benefits of setting up an LPA include:

- Peace of mind that if ever you can't do things for yourself, someone that you have chosen will make these decisions for you. This prevents a stranger, or someone you may not trust or even know, having this power.
- To make things easier for your family. No one knows what is around the corner, but if you have not made arrangements in advance it can cause all sorts of difficulties for your family.

Thinking and talking about what would happen if we lost our faculties is uncomfortable. It is important to think about how much worse the situation would be if, for example you had a stroke or an accident or developed dementia/Alzheimer's without sorting things out first.

These notes are only a brief summary of how an LPA works. For more information or to arrange an appointment please call...

**01229 811811**

and ask to speak to a member of the Probate Team.



**POOLE  
TOWNSEND**

Legal

Legal  
Property  
Financial



[www.pooletownsend.co.uk](http://www.pooletownsend.co.uk)