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**QualitySolicitors**  
**Parkinson Wright**

# Lasting Powers of Attorney

Whether you are getting married, starting a business, have a young family, older family or are a sports person it can be hard to discuss with loved ones what you want to happen should your circumstances change.

Having a Lasting Power of Attorney in place ensures that your wishes regarding your health, welfare and finances are carried out as you would like.

At QualitySolicitors Parkinson Wright we can help with all aspects of creating a Lasting Power of Attorney (LPA) - from choosing an attorney and deciding what type of LPA is right for you, to correctly registering the documentation.

If you would like to discuss making a Lasting Power of Attorney please contact us on 01905 721600 for a first free advice meeting.



# What are the different kinds of Power of Attorney?

There are various forms of a power of attorney. These are:

- A Lasting Power of Attorney for Health and Welfare allow a trusted person to look after your best interests. They can follow your wishes as to whether you would prefer to remain in your home or go into a care home if the need arises. They can also discuss with medical staff your views as to what medical decisions or procedures you would or would not agree to. Your attorney can only make decisions when you cannot make them yourself.
- A Lasting Power of Attorney for Property and Financial Affairs specifically deals only with your property and finances. It will allow a trusted person or relative to access your bank accounts to pay bills, collect your pension and deal with your property matters and investments on your behalf.
- An Enduring Power of Attorney would have been signed prior to October 2007 and no changes can be made to them now. They should, therefore, be reviewed to ensure that they meet your current circumstances. Also, if you lose your ability to make your own decisions they must be registered with the Court of Protection. They only cover your financial affairs and do not assist with health or welfare decisions.
- A General Power of Attorney is a short term granting of power and can only be used whilst you are able to make decisions. They would normally be used for example if you are going on holiday at a crucial stage of a house sale or purchase. Your attorney can manage your affairs with your consent.

## Did you know?

If you are married and one of you loses capacity you will have to apply to the Court to be able to access your spouses finances. This can be particularly relevant if your spouse is a business owner. All bank accounts and investments can be frozen if you do not have a Lasting Power of Attorney in place to allow the smooth running of the business to continue without interruption.

## Lasting powers of attorney for business owners

You put your energy into running your business. When and if you do take time out it should not be to worry about what might happen if you become incapacitated.

If you were in hospital and unable to give instructions or make decisions who could do this for you? Could anyone? Who could decide what treatment you should have and where?

The answer is to complete a Lasting Power of Attorney – both for Property and Financial Affairs and for Health and Welfare. You could then appoint up to 4 people who can take those decisions on your behalf. You can have a separate LPA for your personal affairs and a separate LPA for your business affairs appointing different people as your attorneys.

# LPA'S for young people with special education needs or disabilities

What happens if you are a young adult that needs that extra support from a parent or trusted friend? If you are a young person with special educational needs or disabilities for example, it is important that you have ongoing support available once you have passed the age of 18, because before that age a parent can always speak on behalf of their child. After 18, it may become more difficult.

A Lasting Power of Attorney allows an adult parent to help their adult child with financial issues and paperwork, and this is important to a young person who may find those things stressful or anxiety inducing. It may be that a young person needs an attorney for a period of time and as they get older they become more confident in dealing with their affairs, in which case the LPA is no longer needed. Conversely, a young person may consider putting an LPA in place for the future if they know that later on in life they will need that extra help. Either way, it is a powerful and useful document.

## Did you know?

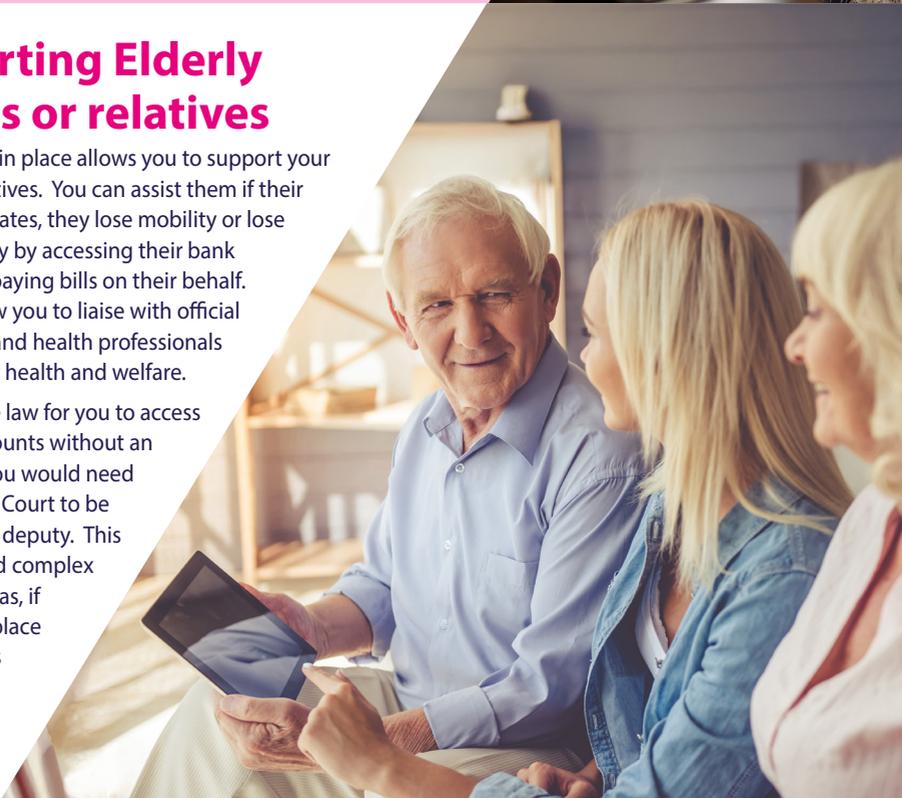
You can only make a Lasting Power of Attorney if you have Mental capacity. Should someone become mentally incapable before they set up an LPA then a family member will need to apply to the Court of Protection to become a deputy. This can be a difficult process and can be very expensive.



# Supporting Elderly parents or relatives

Having an LPA in place allows you to support your parents or relatives. You can assist them if their health deteriorates, they lose mobility or lose mental capacity by accessing their bank accounts and paying bills on their behalf. It will also allow you to liaise with official organisations and health professionals regarding their health and welfare.

It is against the law for you to access their bank accounts without an LPA in place, you would need to apply to the Court to be appointed as a deputy. This is a lengthy and complex process, whereas, if an LPA was in place access to funds would be very quick.





## Why use a Solicitor to make your Lasting Power of Attorney?

There is so much more to making your own Lasting Power of Attorney (LPA) than completing the online forms, it can be beneficial to have a regulated advisor assist you.

It is always advisable to speak to the person /persons (generally up to 4 people) who you would like to nominate as your attorney. Becoming an attorney is a big responsibility and although they may accept to be your attorney in the first instance do they realise exactly what will be expected of them and do they have the commitment and expertise to action your wishes when you are no longer able to.

A solicitor can help you to appoint attorneys who you feel comfortable to manage your affairs, this may not necessarily be a family member you could appoint a solicitor, financial advisor or another member of a professional body.

A regulated firm will also list the reasons why you made the decision to appoint those attorneys. (These reasons may be private and confidential and should there be any challenge by/to your attorneys your wishes will be documented evidence).

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