Lasting power of attorney (LPA)

At some point, you might face a situation where you cannot make choices regarding your finances, health, and overall welfare. A lasting power of attorney (LPA) enables you to prepare for such circumstances, granting legal authority to the people you trust most to ensure your interests are protected and managed according to your wishes.

What is an LPA, and when is it used?

A lasting power of attorney (LPA) is a legal tool that you can use to appoint someone you trust to make crucial decisions on your behalf if you lose the capacity to make them yourself. The person you appoint is known as an 'attorney'.

There are two types of LPA: one for making financial decisions and another for making health and care decisions.

- **LPA for financial decisions -** If you create this type of LPA, your attorney can make decisions about your finances and property, for example, managing your bank accounts, paying your bills, collecting your benefits, and selling your house.

- **LPA for health and welfare decisions -** A health and welfare LPA lets the person you appoint decide your care and medical treatment, from where you live to the care and support you receive.

The two types of LPA are nearly always completed together, although you can make just one just one. You can choose the same person to be your attorney for both or have different attorneys.

Who should you appoint as your attorney?

Most people choose a family member or a close friend as their attorney. Your attorney will be responsible for making choices that reflect your wishes, so you should appoint someone you know well and trust to make these decisions.

- Spouse or partner
- Friend
- Professional, e.g. solicitor
- Relative

You can select as many attorneys as you wish, but if you appoint more than one, you must decide whether they'll make decisions jointly or separately.

Whoever you choose, they must be 18 or over, and they can't be your paid carer unless there are exceptional circumstances - for example, they are your only remaining relative.

What happens if you lose capacity and don't make an LPA?

You can only make a lasting power of attorney while you have mental capacity. If you don't make an LPA and later become unable to make decisions for yourself, there may come a time in the future when no one can legally make those decisions for you.

If this happens, someone may need to apply to the Court of Protection to become your deputy - giving them similar powers to an attorney. A family member or close friend can apply to be your deputy, or a professional like a solicitor may be appointed.

Deputyship is more time-consuming and expensive than an LPA, and the deputy is chosen by the court, not by you. A deputy must also do additional tasks, such as paying an annual fee and submitting a yearly report, meaning it is usually more straightforward for someone to be an attorney.

The benefits of making an LPA

Planning in advance means that you will be prepared for all eventualities, and an LPAs can help make things easier for you and your loved ones:

- **Adaptability:** Easily update or revoke the LPA as circumstances change.
- **Control:** Choose someone you trust to make decisions on your behalf.
- **Cost-efficient:** Less expensive than court-appointed deputies.
- **Flexibility:** Tailor the LPA to your specific needs.
- **Financial management:** Maintain financial stability.
- **Legal protection:** Provides a recognised legal framework.
- **Healthcare decisions:** Specify your medical treatment preferences.
- **Multiple attorneys:** Appoint more than one person if needed.
- **Peace of mind:** Ensure your affairs are managed according to your wishes.
- **Personalised care:** Receive care aligned with your preferences.
- **Timely decisions:** Enable quick decision-making.

Contact our solicitors for expert advice

Our solicitors draw on years of experience when advising individuals and families on LPA matters. We can advise you on how best to structure your LPA, tailoring the document to reflect your personal situation.

We support you and your appointed attorneys throughout the process, preparing the paperwork and registering the LPA with the Office of the Public Guardian.

If you would like to discuss LPAs with a member of our team, contact us at enquiries@solegal.co.uk