

A Lasting Power of Attorney (LPA) is a document which allows an appointed person (the Attorney) to legally act for the person who appointed them (the Donor) in a set of pre-defined circumstances during the Donor's lifetime. They are used should the unthinkable happen and due to an accident or health problem a person is unable to look after their own affairs. LPAs can only be made a Donor has full capacity, so it is important not to leave it too late to put them in place.

Generally LPAs are used by children when they have elderly parents and are an essential element in planning for the future within families. LPAs are also important for single people, as they will probably own most of their assets in their sole name and without an LPA, no-one would be able to assist if the single person was unable to manage their own affairs.

However, it is not just older people who should set up LPAs. Accidents happen at any age and should the person survive, but be unable to manage their own affairs, the devastation is exacerbated by being those close to them being unable to help in a practical way because they have no authority. The only alternative in these circumstances, is an application to the Court which is both costly and expensive, with annual oversight by the Court of Protection required.

If the circumstances allow, it is recommended for husbands and wives or partners to appoint each other as attorney in the first instance with adult children also appointed in case the spouse/partner cannot act or does not wish to act. For those without children, trusted friends may be appointed.

There are two types of Lasting Powers of Attorney;

- Property and Financial Affairs LPAs - (which enables the Attorney to deal with bank accounts, investments and pensions, Local Authorities regarding care fees and also sell property where necessary);
- Health & Welfare LPAs - those which deal with the health and well-being of a person (which includes being able to discuss medical issues, share health decisions and care issues and even make life sustaining decisions).

These are separate documents which must be prepared, and signed by all the relevant parties. Some people appoint different attorneys for each type of LPA – perhaps they have particular skills, such as financial acumen or they are happy carrying out admin type work, or maybe they have health related experience and a more caring nature and you would be happy to share personal information with them.

Once completed, the LPA must be registered with the Office of the Public Guardian and a fee of £82 paid for each one. The process takes around three months to complete. It is therefore advisable to put LPAs in place early, so that they are ready for instant use when required.

The Government have set up a website for people to set up LPAs online themselves. It is important that they are prepared very carefully. Errors in LPAs can cause a lot of delay and confusion with the possibility that fees paid will be lost.

If you would like assistance with the preparation of Lasting Powers of Attorney please contact:
Julie Cox at Alison Fielden & Co of The Gatehouse Dollar Street Cirencester GL7 2AN