



Should you be thinking about Power of Attorney?

This is one of those issues that people sometimes feel uncomfortable contemplating, such as making a will. But a lasting power of attorney (LPA) is something that you should at least think about.

An LPA is a legal document that lets you (the 'donor') appoint one or more people (known as 'attorneys') to help you make decisions or to make decisions on your behalf. They are usually a trusted friend or close relative and must be over the age of 18. It needs to be arranged while you still have the mental capacity to do so, as it can't be done afterwards. There are two sorts of LPA - one covers personal issues (health and welfare) and the other covers financial issues (property and financial affairs).

These documents don't mean that you suddenly lose all control of your decision making and there is no specific age when you should consider making an LPA. You can choose when the LPA comes into play – either before or only when you lose mental capacity, such as through dementia, a stroke, severe mental health problems, brain injury, alcohol and drug misuse or a serious accident. It can also apply on a temporary basis, such as if you are admitted to hospital and need help paying bills etc while you are there.

Without previously organising an LPA before any issues arise, the situation could become a lot more difficult for your family and loved ones. They will instead have to apply to the Court of Protection to be appointed as deputies and this can be a long and much more expensive process.

There are three stages to arrange an LPA:

1. First, you must choose your attorney – the person who will have control over your affairs – and you can have more than one. If appointing more than one attorney you must decide if you want them to act 'jointly' (always together) or 'jointly and severally' (together and also independently if need be).
2. Secondly, you will need to complete the relevant forms to appoint them as an attorney, and finally
3. Register your LPA with the Office of the Public Guardian (this can take up to 10 weeks).

It costs £82 to register an LPA unless you get a reduction or exemption.

You will need to register both types of LPA if you want to cover all your risks, so the costs are therefore doubled. Alternatively you can hire a solicitor to handle your application as this can prevent mistakes which can cause the application to be rejected - but this will obviously lead to higher costs.

If you want to find out more about the process visit: www.gov.uk/government/organisations/office-of-the-public-guardian or phone the Office of the Public Guardian on 0300 456 0300.

Published in the Chorley Guardian – 23rd January 2018