



Lasting Powers
of Attorney

What is a Lasting Power of Attorney?

A Lasting Power of Attorney (LPA) is a document which lets you choose one or more people you trust to help you make decisions or to make decisions for you.

Why do I need a LPA?

600,000 – 800,000 people in the UK have dementia and this is expected to rise to over one million by 2025.

However, loss of capacity can happen at any time from an accident, substance abuse, age-related disease, temporary incapacity or other illness.

If you do not have a LPA in place your family or friends will need to make a formal application to the Court of Protection who will decide who to appoint to make these types of decisions for you (**Deputyship**).

A Deputyship application can take time (at least six months), is expensive and can also be stressful for those involved. There is also the ongoing administrative burden and additional costs of a Deputyship such as the annual Court supervision fee and insurance bond.

It is important to put in place a LPA whilst you are able to choose who you would like to make decisions and help support you when needed.

There are two types of LPA which are:

- **Property and Financial Affairs** – this allows your attorneys to deal with your property and finances; and
- **Health and Welfare** – this enables your attorneys to make decisions about your health, medical care and ongoing general welfare.

I already have an Enduring Power of Attorney. Do I need a LPA?

An Enduring Power of Attorney (**EPA**) made validly before 1 October 2007 can still be used but only for your property and financial affairs. You may need to review it to:

- check you are happy with who you have chosen as your attorneys
- consider how attorneys can act and if there are any restrictions placed on them
- review the EPA so that it is in line with up-to-date guidance e.g. if you hold a discretionary managed investment
- consider whether you need to appoint **Replacement Attorneys** (e.g. children)

What is the difference between the two types of LPA?

Property and Financial Affairs LPA

Under a Property and Financial Affairs LPA your attorneys can:

- ✔ Buy, sell and maintain your home or other properties
- ✔ Pay your rent, mortgage and household expenses
- ✔ Open, close and use your bank, building society or other accounts
- ✔ Manage, buy or sell your investments
- ✔ Claim, receive and use on your behalf benefits, pensions and allowances
- ✔ Deal with your tax affairs
- ✔ Pay your care fees and apply for any entitlement to funding

Your attorneys can help you with these activities whilst you have capacity with your consent.

Health and Welfare LPA

Under a Health and Welfare LPA your attorneys can make the following decisions if you are unable to:

- ✔ Where you live e.g. whether you should stay in your own home and receive help and support or move in to residential care
- ✔ Day-to-day matters such as what you wear, your diet and how you spend your day
- ✔ Whether or not you should receive medical treatment
- ✔ Whether or not you are given life-sustaining treatment (subject to your express instructions in your LPA)
- ✔ The facilities offered by, and the type of care received from, a residential care home or nursing home
- ✔ Who can visit and have contact with you

If you lose capacity your attorneys are there to make these decisions on your behalf in your **best interests**.

It is also important to consider your wishes in relation to decisions your attorneys will make for you. We can discuss with you how best to document these. For example, the Health and Welfare LPA can be used to detail your wishes ranging from where you live and your daily routine to organ donation and CPR.

How to reach us

Please contact us to discuss your Powers of Attorney and how we can help you.

We can meet you online, in one of our three main offices or by appointment only at the Long Barn in Cobham.

Kingston office

Riverview House
20 Old Bridge Street
Kingston upon Thames
KT1 4BU

+44 (0)20 8546 6111

PCKNEnq@russell-cooke.co.uk

Putney office

2 Putney Hill
London
SW15 6AB

+44 (0)20 8789 9111

PCPNEnq@russell-cooke.co.uk

Holborn Office

8 Bedford Row
London
WC1R 4BX

+44 (0)20 7405 6566

[russell-cooke.co.uk/Kingston](https://www.russell-cooke.co.uk/Kingston)