

# Lasting Power of Attorney (LPA)

What happens if I cannot make decisions by myself?

A power of attorney enables others to make decisions on your behalf should you be unable to do so. Different options are available dependent on your circumstances. Ensure that you choose the most appropriate and it is then written to suit your needs.

Thinking about what could happen in the event of lack of mental capacity is uncomfortable, but planning what to do if you did have an accident, or suffer a stroke or dementia, makes sense and can assist those around you.

There are two types of LPA, finance and property and health and welfare. There is a key difference in that health and welfare can only be used after the person loses capacity. If you lose mental capacity, unless you have already completed an LPA then loved ones will need to apply to be a deputy, which can be long and expensive. So setting up an LPA makes sense for all concerned.

If you do not have an LPA in place and later become incapacitated, friends and relatives may face a long face long delays, and high costs in applying to the court of protection to get access to and have control of your finances and assets. This could in some cases run into thousands of pounds.

You can nominate anyone that you wish and trust as your attorney, to act and make decisions on your behalf, they do need to be over 18 and understand the role they would perform for you. They must also follow the principles of the Mental Capacity Act.

## What is mental capacity?

The Mental Capacity Act of 2005, gives guidance as to what defines this, and relates to items such as being able to understand information, retain information, balance a decision or communicate their understanding.

Consider the facts on dementia, which causes 60,000 deaths a year, and is calculated that there are around 850,000 people with dementia in the UK currently. It's also predicted that by 2025 more than 1 million people in the UK will have dementia as the population ages.

You can chose to set up an LPA yourself, the process can take up to three months and costs £110 per LPA, so would cost £230 if you wish to set up both types. There may be exemptions available dependent on your circumstance (e.g on benefits or low income).

You can also if you wish to involve a solicitor to set up one for you, there may be some complex issues that you wish to be clear on, or you have specific requests on the role of attorneys. This could be a benefit if you feel the LPA is difficult to draft the form, that could cause issues for your attorneys in the future. In this instance ensuring a solicitor is a member of SFE (solicitors for the elderly) will ensure that you are dealing with someone expert in this specialised area.



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