

Lasting Powers of Attorney (LPA)

Under an LPA you grant one or more Attorneys authority to make either **financial** or **personal welfare** decisions for you if you became incapable of making those decisions for yourself. The Attorneys would be people, friends or family, that you had chosen and whom you trusted to make appropriate decisions for you

Anybody going into hospital, a hospice, a residential care home or a nursing home should set up LPAs when they first go in. It may not be immediately obvious that the LPA could be required, but health can deteriorate quickly and if not done as early as possible the opportunity might not be there to set one up later.

Attorneys acting under an LPA have an obligation to act in your interest, which protects you, and there must be at least one other person, who is not himself one of the Attorneys, who must be notified when the Attorneys start to act for you.

Property & Affairs (PA)

A PA LPA enables carers or loved ones to make **financial or transactional** decisions on your behalf if you are not capable of making them for yourself.

It is essential, particularly for the elderly who may need hospital or nursing care at some point, to give somebody authority to deal with your Property and Financial Affairs. Some of the things that may be required include:

- ❑ Writing cheques to pay your bills
- ❑ Paying for care
- ❑ Signing contracts or agreements with care providers

- ❑ Dealing with entitlements to benefits
- ❑ Selling your house and other investments to pay for care

Personal Welfare (PW)

A PW LPA enables carers or loved ones to make **personal welfare** decisions on your behalf if you are not capable of making them for yourself.

Again, it is essential, particularly for the elderly, that somebody be given authority to give consent for treatment. Even quite mundane treatment can be withheld if you are unable to give consent and institutions may be unwilling or unable to accept consent from your next of kin. This means that vital treatment may be delayed or even withheld altogether, which can cause unnecessary suffering.

Consent is also required for the withdrawal of treatment, so if you feel that you would not want your life prolonged artificially then a PW LPA could give your loved ones the authority to terminate treatment at their discretion.

The Benefits of Setting Up LPAs

Everybody benefits by setting up an LPA:

- ❑ *you* benefit from the peace of mind of knowing that your loved ones won't be troubled by the difficulty of trying to deal with "the system" without proper authority and because you can have confidence that your bills will be paid and treatment given on time
- ❑ *your* loved ones benefit because they avoid the considerable distress of trying to deal

with banks, care homes and others who may otherwise be legally unable to recognise them

- *the care establishment* benefits because they know that somebody is appointed to pay their costs and to give consent for treatments.

The only alternative to an LPA is to invoke the Court of Protection (also known as the Public Guardian) who could appoint a “deputy” to make decisions on your behalf, but that is expensive and slow and most people would be less happy with a complete stranger making personal decisions, which can also be distressing for your nearest and dearest who would naturally want and expect to take that responsibility themselves.

How to Set Up LPAs

Setting up an LPA is simple. You can choose to set up either the PA or the PW or both. Either way, they can be done at home or in a hospital / home or you can come to our office if you prefer.

The cost can be as little as £149 and couples can get one each for no extra cost if set up at the same time.

Prices

LPA (PA)	£149
LPA (PW)	£149
Both At the Same Time	£248
Part B Certificate	£ 25*

* This is an additional charge, usually payable directly to your consultant, rather than to Gray's Ltd., for the consultant to provide the Part B Certificate, which is a requirement of setting up any LPA. This will also cover the cost of the

second visit, which will be required if the consultant is to provide the certificate for you.

There will be additional charges payable if and when the LPA needs to be registered with the Public Guardian. The Public Guardian charges £150 per document and we charge £37.50 per document if you ask us to assist with the registration process. LPAs can be registered with the Public Guardian at any time, but because of these additional costs most people opt not to register them until it becomes necessary (i.e. when the Attorney needs to begin to act for you).

It can take a few weeks to register an LPA with the Public Guardian so if you feel that your Attorney will need to act soon, or if there is some reason to feel that the Attorney would need to act urgently if anything happened to you unexpectedly, for example if you have a business, then it may be worth paying the extra to register your LPA immediately.



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