



.....Bringing affordable peace of mind for you and your loved ones!

LASTING POWER OF ATTORNEY

The government recommends everybody sets up a Lasting Power of Attorney (LPA) and appoints people (Attorneys) to make decisions regarding their finances and/or their welfare in case they're unable to make such decisions for themselves.

Over the age of 50? Own property? [These documents are highly important for you!](#) 'Can you afford not to have a Lasting Power of Attorney?'

Property and Financial Affairs LPA:

Sample scenario: Mr and Mrs Jones own a property jointly together. They have an account each in their sole names and a joint account together. Mr Jones has a critical illness policy and provides the main income for the household. Mr Jones unexpectedly has an accident at work and is unfortunately left in a coma as a result. This is an extremely stressful and emotional time for Mrs Jones and to make it worse – Mr Jones never set up a Lasting Power of Attorney! Mr Jones' income stops coming into the house because he can no longer work. He may be entitled to benefits but Mrs Jones is unable to claim them for him on his behalf, and if he is able to be granted them she will have no access to them. Their joint bank account may be frozen in line with the banking code of practice and she has no access to his sole accounts. He is entitled to claim on his critical illness policy but Mrs Jones cannot access the funds. She sees no solution but to sell the house or release equity from it – only to find she cannot do this either as she has no rights to do so. Why? This has all come about because her husband's assets are being protected, to ensure he is not taken advantage of now he is in such a vulnerable condition, having lost capacity. His wife now faces a lengthy and costly court process. She will be limited in what she can and can't spend, if she is granted authority at all to act on her husband's behalf. - In real life scenarios people who have gone through this have stated 'I wouldn't want anybody to go through that, if they could avoid it'. How do you avoid this potential nightmare being a

reality for your loved ones? – Set up a Lasting Power of Attorney! They're worth every penny for the peace of mind that they bring.

Similar problems come about whether someone lives alone, is in a partnership, is married, owns a property solely or owns it jointly. The fact is it creates a nightmare situation, at a time that is already hard enough to deal with. Everyone ideally should have a Lasting Power of Attorney!

Consider: If you become mentally incapacitated - How would your loved ones/ your marriage mate cope? How would they pay the bills?

So the situation is that you're needing caring for because you've become mentally incapacitated. With this added strain your loved ones also face:

- Your joint account is possibly frozen so the joint co-owner has no access to these funds. (Banking code of practice says a joint account should be frozen if an owner becomes mentally incapacitated)
- No one can access any accounts in your sole name
- Any account in your sole name ie the telephone bill; could not be cancelled or altered as they would need the account holder.
- Your financial assets are all frozen.
- No one, not even a co-owner on a jointly held property can sell the house or release equity from it.
- No one can claim your critical illness policy pay out, even though you may be entitled to it.
- No one can claim any government benefits you're entitled to.
- Your income likely stops coming in because you can no longer work.

Surely this just applies to older people? – Many people think this, but it is not true. Unfortunately many people each year become mentally incapacitated, at various ages and for various reasons. Anyone of any age can get a sudden onset of an illness that renders them mentally incapacitated. Anyone of any age can have an accident of some kind; perhaps a car accident and be rendered mentally incapacitated. Old age is just one reason that people sometimes become mentally incapacitated.

Fundamentally this document helps you keep control, even if you find yourself in a position where you have no capacity to have control. Choose who you trust, set whatever limits you want to and offer whatever guidance you feel you need to regarding how and who handles your financial matters for you, if you can't.

Health and Welfare:

This version of the Lasting Power of Attorney is there to protect your health and your welfare, it's there to protect you personally.

Scenario: Consider a family of 4. The family is made up of Mr and Mrs Wright (the parents) and Eva and Jack (the 'of age' children). Mr and Mrs Wright are in their 80s and have been married for over 50 years. Unfortunately, Mr and Mrs Wright are both struggling with their faculties and the children exercise their rights that they hold within Mr Wright's Health and Welfare Power of Attorney where they have been appointed as Attorneys. After considering all the discussions they had with their father regarding his long term care, his preferences as noted in the LPA and discussed verbally and weighing that with the fact that it is not safe for Mr Wright to be at home any longer caring for himself, they decide to move him into a care home and opt for the one that he has requested in his LPA. Mum also needing care unfortunately never made a LPA. Eva and Jack have no rights to decide where mum would live or what care she would receive. They feel she would be best being in the same care home as dad but the decision is not theirs to make. Social services will make this decision as mum cannot make her decision for herself due to the decline in her mental health. Social services do their best but they place her in a home 50 miles away, that would not have been her preferred option. She is suffering as she is separated from her husband for the first time in over 50 years and the children are struggling as they need to see dad in the morning and then travel 50 miles to see mum in the afternoon. They are not happy with the level of time and attention mum is receiving at this care home and want to move her but have no rights to do so. The only way they could take control would be if mum had made a Lasting Power of Attorney while she had capacity to do so. There is very little that they can now do and almost a year later they have still not been able to move mum and unfortunately she passes away. If the mother had made a Lasting Power of Attorney as dad had, then in this scenario, the children would have been able to ensure that both mum and dad's wishes were cared for. They could have placed them both in the same care home so they would be together and the family would have enjoyed mum's last few months spending time together, rather than stressed and using precious time trying their best to attend to such matters..

Would you rather have people you trust, people you've named in a Lasting Power of Attorney making your health and welfare choices for you? These choices could include:

- *Deciding where you live*
- *Day-to-day decisions including what you will eat or clothes you wear*
- *Decisions about medical care and treatment you will receive*
- *Deciding when and where you will go on holiday*
- *Deciding what social activities you might participate in*

You can place restrictions in these LPAs and/or offer guidance on what you would want or not want to happen in certain circumstances.

Without a Lasting Power of Attorney:

Heavy financial burdens, limited authority, no control over who receives the authority, can take months to come through, spot checks by social services, need to produce evidence of spending- Heather Bateman said 'I shake as a large white envelope slips through the letterbox. My trembling fingers pull at the flap. I'm a grown woman with a family. I have done nothing wrong yet these letters make me feel like a criminal or a helpless child.'- The letters are from the Court of Protection.

Please look up the Heather Bateman story on you tube. It is a clip from 'The One Show' hosted by Dominic Littlewood and highlights some of the problems that can arise when no Lasting Power of Attorney is in place. Please also look up Martin Lewis' review of these documents.

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This firm is compliant with the IPW's code of practice and the SWW's code of practice.