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HARTLEY &
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Need help making decisions?

If you are worried about struggling to deal with your own affairs you can give someone else authority to help you by making a Lasting Power of Attorney.

If you care for someone who is no longer able to make decisions you can apply to the Court of Protection to become their Deputy and take over their affairs.

You may find that in the future you no longer wish to make your own decisions or sadly you could be unable to make decisions for yourself due to illness or injury. A Lasting Power of Attorney is a legal document which allows someone else to make decisions for you should this ever become necessary.

A Lasting Power of Attorney enables you to plan in advance which people you would like to make decisions for you. Those people are known as your Attorneys.

There are two types of Lasting Power of Attorney:

Property and Financial Affairs LPA

This document covers decisions relating to legal and financial matters such as managing your bank accounts and selling your house etc.

This type of LPA is useful to have in place for the future, for example, if it becomes necessary for you to move into residential care. In this situation your family could encounter problems as they would not be able to access your bank accounts or sell your property to raise funds to pay your accommodation fees if you had not given them the authority to do so.

Health and Welfare LPA

This document covers decisions relating to your medical treatment, living arrangements and day-to-day care etc.

This type of Lasting Power of Attorney cannot be used when you are able to make decisions for yourself.

The document would allow decisions to be made on your behalf should consent be needed for medical treatment or an operation and you were not able to give consent or refuse that treatment yourself.

Your Attorneys cannot act under either version of the Lasting Power of Attorney until it has been registered by the Office of the Public Guardian. The registration can take several weeks so it is a good idea to make and register your Lasting Power of Attorney now so that everything is in place should you need your Attorneys to make decisions for you at relatively short notice.

If you have already made an Enduring Power of Attorney the document is still valid. It does not, however, cover decisions relating to health and welfare matters so you could choose to make a separate Lasting Power of Attorney to cover those types of decisions.

If someone you care for has an illness or condition which affects their ability to make their own decisions and they have not made a Lasting Power of Attorney you can apply to the Court of Protection for an Order to allow you to deal with their matters for them.

The Order can appoint you to deal with property and financial affairs and health and welfare matters in a similar way to a Lasting Power of Attorney but you would be called a Deputy rather than an Attorney.

If you are appointed as a Deputy the Court can supervise your actions and ask for annual accounts to be filed with them. If possible, it is therefore preferable to have a Lasting Power of Attorney in place to avoid the need for a Deputy application later on.

We offer advice on the issues to consider when making Lasting Powers of Attorney and applications to the Court of Protection and can draw up the paperwork for you.

If you would like to discuss these matters please contact -

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