A plain-English guide

The LPA Starter Guide

Choosing who can act for you if you can't

A clear, friendly walk through Lasting Powers of Attorney — what they are, why they matter, and the simple ways we can help you put them in place. No jargon, and nothing to decide today.

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WHAT AN LPA IS

What a Lasting Power of Attorney does

A Will looks after things after you're gone. A Lasting Power of Attorney looks after you — and your affairs — while you're still here.

A Lasting Power of Attorney — usually shortened to **LPA** — is a legal document that lets you choose people you trust to make decisions on your behalf, if there's ever a time you can't make them yourself. That might follow a stroke, dementia, a serious accident, or simply a spell in hospital. You put it in place now, while you're well; it then waits quietly in the background, and is only ever used if it's genuinely needed.

THE TWO KINDS — MOST PEOPLE SET UP BOTH

Health & Welfare	**Your care and treatment.** Covers day-to-day care, medical treatment and where you live. This one can only ever be used once you're no longer able to make these decisions for yourself — never while you still can.
Property & Financial Affairs	**Your money and property.** Covers paying bills, running your bank accounts, dealing with your pension, and managing or selling property. With your permission it can be used while you still have capacity, which many people find practical — for example if travel or illness makes day-to-day banking hard.

> **GOOD TO KNOW**
>
> The two LPAs are separate documents with separate jobs — one for your health, one for your money. Most people make both, so both the health side and the money side are covered.

WHY IT MATTERS

Why an LPA matters

The most common — and most costly — assumption is that a husband, wife or grown-up child could simply step in and take over. In fact, they can't.

Without an LPA, no one has an automatic right to manage your money or make decisions about your care — not even a spouse or civil partner, and not even for a jointly-run household. Accounts in your sole name can be frozen, bills can go unpaid, and important care decisions can stall, all at exactly the moment your family is already under strain.

WHAT CAN HAPPEN WITHOUT ONE

- A bank may freeze accounts held in your sole name, leaving household bills and care costs unpaid.
- Decisions about your care, treatment or where you live fall to health and care professionals acting in your best interests — not to someone you've chosen.
- Your loved ones may have to apply to the **Court of Protection** to be appointed to act for you.

That court application — to become what's called a *deputy* — is typically slower, more expensive and more stressful than an LPA. It can take many months, involves an application fee and ongoing supervision, and the court, not you, decides who is appointed. An LPA set up calmly in advance avoids all of it.

> **A COMMON MYTH, GENTLY CORRECTED**
>
> Being someone's next of kin, or named on a joint account, does **not** give you legal authority to act for them if they lose capacity. Generally, only a registered LPA — or a Court of Protection order — does. (An Enduring Power of Attorney made before October 2007 may still be valid, if you already have one.)

THE KEY PEOPLE

The people and words to know

A handful of terms come up whenever LPAs are discussed. Here they are in plain English — each one is simpler than it sounds.

Donor	You — the person making the LPA and choosing who to trust.
Attorney	A person you appoint to make decisions for you. They must always act in your best interests. (Nothing to do with the American sense of the word — here it simply means someone you've authorised to act.)
Replacement attorney	A back-up you name in advance, ready to step in if one of your original attorneys can no longer act.
Certificate provider	An independent person who confirms you understand the LPA and aren't being pressured into making it.
Office of the Public Guardian (OPG)	The government body that registers every LPA and keeps an eye on how attorneys behave.
Court of Protection	The court that can make decisions for someone who has lost capacity — for example appointing a *deputy* where there's no LPA in place.
Mental Capacity Act 2005	The law that protects you: it sets the rules attorneys must follow, and assumes you can make your own decisions unless it's clearly shown otherwise.

GOOD TO KNOW

You can appoint more than one attorney and name replacements too — so there's always someone you trust ready to act, and no single point of failure.

HOW IT WORKS

Making, signing and registering

An LPA becomes valid in three stages — and the order matters. Miss a step and it can be rejected, so it's worth getting right the first time.

1 Make it	**Set out your choices.** Decide which LPA (or both) you need, who your attorneys and replacements will be, and add any preferences or instructions you'd like followed.
2 Sign it — in order	**Signatures in the right sequence.** You sign first, then your certificate provider confirms you understand it, and only then do your attorneys sign. Signing out of order is one of the most common reasons an LPA is rejected — we make sure it's done correctly.
3 Register it	**It isn't usable until it's registered.** Every LPA must be registered with the Office of the Public Guardian before it can be used. There's a government registration fee payable to the OPG for each LPA, separate from our own charges — we'll confirm the current amount when we speak.

IMPORTANT

An LPA must be registered with the OPG before it can be used — even while you still have full capacity. It's wise to register straight away, so it's ready the moment it's ever needed.

YOUR SAFEGUARDS — THE MENTAL CAPACITY ACT 2005

The whole system is built to protect you. Under the Mental Capacity Act 2005, your attorneys must always act in your best interests, follow any instructions you've set out, and begin from the assumption that you can make your own decisions unless it's clearly shown that you can't. An LPA gives someone the power to *help* you — never the power to override you while you're still able to decide for yourself.

Choosing the right attorneys

Your attorneys are the heart of your LPA. It's worth a little thought — but it needn't be difficult, and we'll talk it through with you.

Who to trust	**Judgement matters more than expertise.** Choose people who are trustworthy, sensible with decisions and likely to be around when needed. Many people pick a spouse, an adult child, or a close friend.
Jointly, or jointly & severally	**How they make decisions.** 'Jointly' means your attorneys must always agree and act together; 'jointly and severally' means they can also act on their own. Most people choose jointly and severally, so things aren't held up if one attorney is unavailable.
Replacements	**A sensible back-up.** Naming a replacement attorney means someone you trust can step in if an original attorney can no longer act — so your LPA keeps working rather than falling away.
Preferences & instructions	**Your wishes, in writing.** You can add *preferences* (guidance you'd like followed) or *instructions* (rules your attorneys must follow) — for example about where you'd prefer to be cared for, or gifts you'd want continued.

HOW A.D.E HELPS

We take the worry out of getting it right. Choose our **Full Service**, where we prepare everything and handle the whole signing for you, or our lower-cost **Self-Sign** option, where we prepare and register it and you simply sign at home. Either way, we act as your certificate provider and register the LPA with the OPG for you. Your LPA is prepared by an accredited member of the Society of Will Writers, working to their Code of Practice. You'll find full details, and clear fixed fees, on our website.

A SIMPLE NEXT STEP

Ready when you are

The hardest part is often just starting. A short, friendly conversation is the easiest way to see exactly which LPAs you need — and to get them set up properly.

There's no obligation and no decision to make on the spot — just a warm, plain-English chat with one of our estate planners. Whenever you're ready, we're a phone call or an email away.

BEFORE YOU MAKE YOUR LPA, THINK ABOUT…

- ✓ Which type(s) you need — Health & Welfare, Property & Financial Affairs, or (as most people choose) both.
- ✓ Who your attorneys will be, and whether they'll act jointly or jointly and severally.
- ✓ Who you'd name as a replacement attorney, just in case.
- ✓ Who could act as your certificate provider — the independent person who confirms you understand it.
- ✓ Any preferences or instructions you'd like your attorneys to follow.

Home visits & online appointments

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