A.D.E WILLS · ESTATE PLANNING, OXFORD

The LPA Checklist

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The single most useful thing you can do before we meet.

This checklist follows the order of your Lasting Power of Attorney meeting, question by question. Thinking things through beforehand means you can come to the meeting feeling prepared, with the names and details to hand, and with more of our time together free for the decisions that matter most to you. **You don't need to complete it all**, and nothing here is binding. Gaps are expected, and if a section doesn't apply to you, skip it. If you're unsure about something, leave it and ask us on the day — that's what we're here for.

How your meeting runs

three parts, in this order

PART ONE

Your Property and Financial Affairs LPA

Who looks after your money and property, how they make decisions together, when they can start, and any wishes or instructions you'd like them to follow.

PART TWO

Your Health and Welfare LPA

The same questions again for your health and care — plus one decision only this LPA asks: who should have the final say on life-sustaining treatment. If your answers are the same as in Part one, a single tick carries them across.

PART THREE

Registration details

The registration fee, whether you might pay less, and any power of attorney you've made before. Signing your LPAs is a separate step, after this meeting.

One checklist each

If you're a couple making LPAs together, please **fill in a separate checklist each**, even where your answers will be identical. Each LPA belongs to one person alone, and we take instructions from each of you in your own right.

Full names and addresses

For **everyone** you want named — attorneys and replacements — we need their **full name including any middle names**, their **current address with postcode** and their **date of birth**, written as they appear on official documents.

Ask them first

Please **speak to your attorneys before you name them**. They will sign the LPA themselves and are entitled to decline. It's also the right moment to tell them what matters to you.

WHEN YOU'VE FINISHED

Fill it in on screen, save it, and email it back to edward@adewills.co.uk. That is the easiest way, and it means we can read it before we meet and spend our time together on the things that need your judgement. If you'd rather print it and bring it with you, that's absolutely fine too.

THIS CHECKLIST BELONGS TO

DATE OF YOUR MEETING

The words you'll hear

a two-minute read before you start

Lasting Power of Attorney (LPA) — and why there are two

A legal document that lets you choose people to make decisions for you if you can't make them yourself. There are two kinds, and most people make both. A **Property and Financial Affairs LPA** covers your bank accounts, bills, pensions, investments and your home. A **Health and Welfare LPA** covers your medical treatment, your care, where you live and your daily routine.

One won't stand in for the other — a bank won't accept a Health and Welfare LPA, and a hospital won't accept a financial one. Neither is the same as a Will: an LPA works *during your lifetime* and ends when you pass away, when your Will takes over.

Donor

That's **you** — the person making the LPA and giving others the power to act. You must be 18 or over and have mental capacity at the time you make it.

Attorney

Someone you trust to make decisions for you. Nothing to do with lawyers — usually family or close friends. They must be **18 or over**, have mental capacity, and must always act in your best interests.

Replacement attorney

A back-up. They step in only if one of your attorneys can no longer act — for example if they die, lose capacity, stand down, are no longer legally your husband, wife or civil partner, or (for a financial LPA) are made bankrupt or subject to a Debt Relief Order.

Jointly and severally, jointly

How several attorneys make decisions. **Jointly and severally**: together or on their own. **Jointly**: always all together. You can also mix the two. Section 03 explains each.

Certificate provider

An independent person who confirms you understand the LPA and aren't being pressured into it. **Edward acts as your certificate provider**, so there's nothing for you to arrange.

Mental capacity

The ability to understand, retain and weigh up information to make a particular decision, and to communicate it. It's judged **decision by decision, at the time** — you can lack it for one thing and still have it for another.

Life-sustaining treatment

Care, surgery or medicine a doctor says is needed to keep you alive. Only the Health and Welfare LPA covers it, and you choose whether your attorneys or your doctors have the final say. Section 12 explains.

Preferences and instructions

Preferences are wishes your attorneys should bear in mind. **Instructions** are rules they must follow. Both are optional. We've included tried and tested examples you can simply tick.

Office of the Public Guardian (OPG)

The government office that registers LPAs. **An LPA can't be used at all until the OPG has registered it**, so it's best registered soon after it's signed rather than left until it's needed.

PART ONE

Your Property and Financial Affairs LPA

Remember: for anyone you'd like named, we need their full name *including middle names*, their current address and their date of birth.

01 You

exactly as your name appears on official documents

YOUR FULL NAME, INCLUDING MIDDLE NAMES

DATE OF BIRTH

HOME ADDRESS, INCLUDING POSTCODE

TELEPHONE

EMAIL

ANY OTHER NAMES YOU'VE BEEN KNOWN BY

PARTNER ALSO MAKING LPAS? THEIR FULL NAME

02 Your attorneys

please ask them first — they can decline

Choosing your financial attorneys

Choose people you trust completely with your money, who are organised and who'll keep good records. They must be **18 or over**, and for this LPA they must **not be bankrupt or subject to a Debt Relief Order**. They can be family, friends or a professional, and they can also inherit under your Will.

Many people name two or three. One is simplest, but if they can't act there's nobody to step in unless you name a replacement. Couples often name each other first, then their children as replacements.

	FULL NAME (INCL. MIDDLE NAMES)	RELATIONSHIP TO YOU	DATE OF BIRTH	ADDRESS, INCLUDING POSTCODE
1				
2				
3				
4				

More than four? Carry on in the notes box on the last page.

03 How your attorneys should act

only if you're naming more than one

☐ **Jointly and severally**
They can act together or on their own. The most flexible arrangement, and the one most people choose — everyday matters don't grind to a halt because someone is away, and if one attorney can no longer act, the others carry on.

☐ **Jointly**
Every decision must be agreed by all of them. It sounds the safer option, but if one attorney can no longer act, the LPA stops working — unless you've named a replacement. It can also be slow in practice.

☐ **Jointly for some decisions, and jointly and severally for others**
Certain decisions — selling your home, say — need everyone's agreement; the rest don't. Tell us which below, and we'll word it carefully: the wrong wording can make an LPA unworkable.

☐ **I'm only naming one attorney**
Nothing to decide here — move on to replacements.

IF JOINTLY FOR SOME DECISIONS — WHICH DECISIONS SHOULD NEED EVERYONE'S AGREEMENT?

04 Replacement attorneys

back-up, if an attorney can't act

How replacements normally step in

A replacement only steps in if one of your attorneys can no longer act. Naming one costs nothing extra, and it helps keep your LPA working for years to come. The same rules apply: 18 or over, and not bankrupt or subject to a Debt Relief Order.

The standard arrangement is this. If your attorneys act **jointly and severally**, a replacement steps in as soon as any one attorney can no longer act, and works alongside the attorneys who remain. If your attorneys act **jointly**, the replacements take over from the original attorneys. If you name more than one replacement, they all step in at the same time — and where they take over completely (for example from a single attorney), **they'll normally have to act jointly**, agreeing every decision together, unless you tell us otherwise.

Some people prefer something different — for example, replacements stepping in only once *none* of the original attorneys can act, or one at a time. That needs careful wording, so we'd talk it through with you.

	FULL NAME (INCL. MIDDLE NAMES)	RELATIONSHIP TO YOU	DATE OF BIRTH	ADDRESS, INCLUDING POSTCODE
1				
2				

Are you happy with the standard arrangement explained above — including replacements acting jointly when they take over completely?

☐ Yes ☐ I'd like something different — let's discuss it

05 When your attorneys can start

this LPA only — the health LPA has no choice

As soon as it's registered, or only once you've lost capacity?

As soon as it's registered. Your attorneys can help straight away — with your permission while you can still make your own decisions, and on your behalf if you ever can't. Useful if you're unwell, in hospital or abroad, or would simply like help with paperwork.

Only if you lack mental capacity. Feels more cautious, but it can make your LPA much less useful: banks sometimes want written confirmation that you can't make the decision before they'll deal with your attorneys, which can cause delay just when help is needed most.

Whichever you choose, you stay in charge of your own affairs while you can make your own decisions.

- ☐ As soon as it's registered, with my permission
- ☐ Only if I lack mental capacity
- ☐ Let's discuss it

06 Online accounts and digital assets

increasingly where everyday life is run

Why we ask

So much is now online — banking, bills, pensions, photos, email. If you'd like your attorneys to be able to deal with these, we can add wording to your LPA making your wishes clear. Banks and online providers still set their own rules — most will want your attorneys to register the LPA and get their own access, rather than log in as you. Please don't write passwords down here.

Should your attorneys have access to your digital assets and online accounts?

Email, photos, subscriptions, social media, anything stored or paid for online.

☐ Yes ☐ No ☐ Let's discuss it

Should they also be able to use your online and mobile banking?

☐ Yes ☐ No ☐ Let's discuss it

07 Your Will

so your attorneys don't undo your plans by accident

Why your attorneys might need to see it

If your attorneys ever need to sell your home or move your savings, knowing what your Will says helps them avoid accidentally upsetting a gift you've made in it. We can add an instruction allowing your Will to be released to your attorneys if they ask.

Should your Will be released to your attorneys if they ask for it?

☐ Yes ☐ No ☐ I don't have a Will yet

IF YOU HAVE A WILL — WHO WROTE IT, AND WHERE IS THE ORIGINAL KEPT?

08 Preferences and instructions

optional — your financial LPA

Tick any you'd like included

These examples are drawn from the Office of the Public Guardian's own guidance. A **preference** is a wish your attorneys should bear in mind; an **instruction** is a rule they must follow. Where an example names a person, a charity or an amount, tell us the one you want in the space below. Nothing ticked? That's perfectly normal.

PREFERENCES *things you'd like your attorneys to bear in mind*

- ☐ **FP1** "I like to reinvest all interest from each year's investments into next year's ISA allowance."
- ☐ **FP2** "I would like to maintain a minimum balance of £1,000 in my current account."
- ☐ **FP3** "I prefer to invest in ethical funds."
- ☐ **FP4** "I'd like my attorneys to consult my doctor if they think I don't have the mental capacity to make decisions about my house."
- ☐ **FP5** "I would like to donate £100 each year to Age UK."
- ☐ **FP6** "I would like my attorneys to continue the charitable donations I have been making."

INSTRUCTIONS *things your attorneys must do*

- ☐ **FI1** "My attorneys must consult a financial adviser before making investments over £10,000."
- ☐ **FI2** "My attorneys must not sell my home unless, in my doctor's opinion, I can no longer live independently."
- ☐ **FI3** "While I have mental capacity, my attorneys must not make any decisions about selling my house."
- ☐ **FI4** "My attorneys must not make any gifts."
- ☐ **FI5** "My attorneys must send annual accounts to my brothers and sisters."
- ☐ **FI6** "My attorneys must instruct a tax accountant to prepare my annual tax return."

THE NAMES, CHARITIES OR AMOUNTS YOU'D LIKE — OR ANYTHING ELSE, IN YOUR OWN WORDS

Where our advice stops

We prepare your LPA so your attorneys have the **authority** they'll need. We are **not financial advisers**: we don't advise on investments, pensions, savings or tax, nor on what your attorneys should do with your money. If your situation calls for that kind of advice, we'll say so plainly and refer you to someone properly qualified and regulated.

Investments managed by an adviser. If an adviser or investment manager makes decisions on your portfolio without asking you each time, please tell us. Some of these arrangements end if you lose capacity, and your LPA may need specific wording to let one continue.

Gifts. Attorneys can only make modest gifts on customary occasions, such as birthdays and weddings, and donations to charities you'd normally support. Anything larger usually needs the Court of Protection's approval. An instruction *requiring* gifts isn't allowed, which is why FP5 and FP6 are written as preferences.

PART TWO

Your Health and Welfare LPA

Decisions about your medical treatment, your care, where you live and your daily routine. It can only be used once it's registered *and* only when you can't make the decision yourself. If your answers are the same as in Part one, just tick the box and move on.

09 Your attorneys

please ask them first — they can decline

☐ **The same attorneys as my Property and Financial Affairs LPA**

Tick and skip the table below. Most people choose the same people for both.

Choosing your health and welfare attorneys

Choose people who know you well, who you'd trust to speak to doctors and carers for you, and who'd respect your wishes even where they'd choose differently themselves. Living nearby can help. They must be 18 or over.

	FULL NAME (INCL. MIDDLE NAMES)	RELATIONSHIP TO YOU	DATE OF BIRTH	ADDRESS, INCLUDING POSTCODE
1				
2				
3				
4				

10 How they should act

only if you're naming more than one

☐ **The same as my Property and Financial Affairs LPA**

The options are explained in section 03.

☐ Jointly and severally ☐ Jointly ☐ Jointly for some decisions ☐ Only one attorney

IF JOINTLY FOR SOME DECISIONS — WHICH ONES?

11 Replacement attorneys

back-up, if an attorney can't act

☐ **The same replacements as my Property and Financial Affairs LPA, stepping in the same way**

Tick and skip the table below. How replacements step in is explained in section 04.

	FULL NAME (INCL. MIDDLE NAMES)	RELATIONSHIP TO YOU	DATE OF BIRTH	ADDRESS, INCLUDING POSTCODE
1				
2				

12 Life-sustaining treatment

the one decision only this LPA asks

Who should have the final say?

Life-sustaining treatment means care, surgery or medicine a doctor says is needed to keep you alive — a major operation, cancer treatment, a transplant, or food and water given other than by mouth. Whether a treatment counts depends on the situation: antibiotics for pneumonia can be life-sustaining.

Option A — my attorneys can decide. Your attorneys can give or refuse consent to life-sustaining treatment on your behalf, in your best interests and taking your wishes into account.

Option B — my doctors decide. Your doctors make the decision in your best interests. They'll take your attorneys' views and your written wishes into account, but your attorneys can't make the decision.

Neither choice is right or wrong, and **you don't need to settle it before we meet**. It's a heavy thing to think about, and we'll talk it through together.

☐ Option A — my attorneys ☐ Option B — my doctors ☐ I'd like to talk this one through

IF YOU CHOOSE OPTION A *optional wording to guide your attorneys*

☐ **LS1** Preference — "If I were in the last days of a terminal illness, I would only want treatments to make me comfortable. I wouldn't want treatments to prolong my life or that meant I couldn't die at home."

☐ **LS2** Preference — "If I am in a vegetative state, then I wish for my attorneys to refuse consent to life-sustaining treatment. However, I would like my attorneys to consider whether I have a chance of regaining consciousness and being in a state of paralysis. If there is a chance of me regaining consciousness, then I would like my attorneys to consent to life-sustaining treatment. However, if I am to be in a state of permanent or long-term paralysis after regaining consciousness, then I would like my attorneys to refuse life-sustaining treatment."

☐ **LS3** Instruction — "My attorneys must not agree to life-sustaining treatment if I am in a persistent vegetative state."

Have you made an Advance Decision (sometimes called a Living Will)?

An Advance Decision refuses specific treatment in advance. Which one wins depends on the order they're made: an LPA made after it, covering the same treatment, can override it, while an Advance Decision made after your LPA takes priority. So we need to know about it to make sure the two work together.

☐ Yes ☐ No ☐ Not sure

IF YES — WHEN WAS IT MADE, AND WHERE IS IT KEPT?

13 Preferences and instructions

optional — your health and welfare LPA

Helping your attorneys know what you'd want

Tick any examples you'd like included, and change the details to suit you — the sister, the distance, the food. Your attorneys must follow an instruction, and should take a preference into account. Wording that **refuses a particular treatment outright**, such as HI3, overlaps with an Advance Decision, so if that matters to you, please mention it on the day rather than relying on a tick.

PREFERENCES *things you'd like your attorneys to bear in mind*

- ☐ **HP1** "I prefer to live within five miles of my sister."
- ☐ **HP2** "I'd like to be prescribed generic medicines where they are available."
- ☐ **HP3** "I would like to take exercise at least three times a week whenever I am physically able to do so. Whether or not I am mobile, I would like to spend time outdoors at least once a day."
- ☐ **HP4** "I'd like my pets to live with me for as long as possible – if I go into a care home, I'd like to take them with me."
- ☐ **HP5** "I'd like to have regular haircuts, manicures, and pedicures."

INSTRUCTIONS *things your attorneys must do*

- ☐ **HI1** "My attorneys must not decide I am to move into residential care unless, in my doctor's opinion, I can no longer live independently."
- ☐ **HI2** "My attorneys must ensure I am given only vegetarian food."
- ☐ **HI3** "My attorneys must not consent to any medical treatment involving blood products, as this is against my religion."

CHANGES TO THE DETAILS ABOVE — NAMES, PLACES, ANYTHING ELSE

ANYTHING ELSE, IN YOUR OWN WORDS — WHERE YOU'D LIVE, YOUR FAITH OR CULTURE, WHO YOU'D WANT CONSULTED

PART THREE

Registration details

Your answers here apply to both LPAs unless you tell us otherwise.

Signing comes later, as a separate step

We don't sign anything at this meeting. Once your LPAs are prepared, they're signed in a set order: **you first**, then your certificate provider, then your attorneys and replacements. Each signature needs a witness aged 18 or over: yours by someone who isn't one of your attorneys or replacements, and your attorneys' by someone other than you. On our Full Service we arrange a separate signing meeting; on Self-Sign we'll guide you through each step. Signing in the wrong order is a common reason an LPA is sent back, so we'll make sure everyone knows when it's their turn.

14 The registration fee

paid to the Office of the Public Guardian, not to us

Who will pay the fee, and how?

There's a separate fee for each LPA. We'll confirm the current amount when we meet. If paying by card, the Office of the Public Guardian will phone to take payment.

☐ Me ☐ Someone else, on my behalf ☐ By card ☐ By cheque

FEE PAYER'S NAME, IF NOT YOU

FEE PAYER'S PHONE NUMBER

COULD YOU PAY LESS, OR NOTHING AT ALL?

*Only **your own** benefits and income count — not your partner's or your attorneys'. Tick anything that applies; if nothing does, just leave it blank.*

☐ **I receive one of these benefits**
Pension Credit (Guarantee Credit), Housing Benefit, Council Tax Reduction or Support (not the single person discount), Income Support, income-based Employment and Support Allowance, income-based Jobseeker's Allowance, Local Housing Allowance, or Working Tax Credit together with Child Tax Credit or a disability element.
You may not need to pay at all (rare exceptions apply).

☐ **I receive Universal Credit**
You may pay a reduced fee.

☐ **My income before tax is under £12,000 a year**
Count everything — pensions, earnings, savings interest, rent, and benefits such as Attendance Allowance or PIP.
You may pay half.

☐ **None of these, but paying would be a real hardship**
You can ask for the fee to be waived — we'll explain how.

If you tick one, we'll confirm whether you qualify and what proof is needed — for benefits, a letter from the provider showing it was being paid to you when we apply; for low income, documents such as a P60, pension letter or tax return (bank statements aren't accepted for this). A hardship claim does need bank statements.

15 Any existing power of attorney

an older one isn't cancelled automatically

Why we ask

A new LPA doesn't automatically cancel an older LPA or an Enduring Power of Attorney (EPA — the kind made before 1 October 2007), so we need to look at them side by side and decide whether to keep, replace or revoke the old one. Please bring the original along if you can.

☐ None ☐ An EPA ☐ A financial LPA ☐ A health and welfare LPA ☐ Not sure

WHO ARE THE ATTORNEYS, AND WHERE IS IT KEPT?

IS IT REGISTERED?

16 Worth a thought

tick anything that applies — we'll talk it through on the day

- ☐ I haven't asked my attorneys yet
- ☐ One of my attorneys lives abroad
- ☐ I'd like a professional as an attorney
- ☐ I own or part-own a business
- ☐ I'm a trustee for someone else
- ☐ I'm worried about care fees
- ☐ I have a health condition I should mention
- ☐ My attorneys might not agree with each other
- ☐ One of them isn't confident with money
- ☐ I'm making a Will at the same time
- ☐ I own property or assets abroad
- ☐ I receive care, or I'm a carer myself
- ☐ There's someone I'd want kept out of decisions
- ☐ I'd like a quiet word on my own at some point

YOUR BUSINESS AND ANY ROLE AS A TRUSTEE

A **business** may need its own arrangements — a company's rules or a partnership agreement can limit who may step in for you, and a separate business LPA can sometimes help. If you're a **trustee**, your attorneys may not be able to act for you in that role. Tick either box and we'll explain what applies to you.

17 Notes and questions

extra names, anything at all

Use this for attorneys who wouldn't fit earlier, questions you'd like to ask us however small, or anything you'd like us to have in mind before we meet.

That's everything

Gaps are completely normal — we'll go through it together and turn it into LPAs that say what you mean. We'll also ask a few questions on the day about your health and who's with you; that's routine, and nothing to prepare for.

CALL
01865 507174
EMAIL
info@adewills.co.uk
REQUEST A CALL BACK
adewills.co.uk/contact-ade-wills

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