

## Giving Someone Power of Attorney

At The Right Home Care Team, we understand the importance of having peace of mind regarding your future care and financial decisions. Establishing a power of attorney allows you to appoint someone you trust to make decisions on your behalf if you become unable to do so.

### What is Power of Attorney?

A power of attorney is a legal document that grants someone the authority to make decisions for you. The person you appoint is known as the “attorney,” and you are the “donor.” This document is crucial for managing your affairs if you lose the ability to make decisions.

### Types of Power of Attorney

#### 1. Lasting Power of Attorney (LPA)

- **Health and Welfare LPA:** Grants the attorney power to make decisions about your daily routine, medical care, and life-sustaining treatment. This can only be used when you’re unable to make decisions yourself.
- **Property and Financial Affairs LPA:** Grants the attorney power to manage your finances, including your bank accounts, bills, and property transactions. This can be used as soon as it’s registered, with your consent.

#### 2. Enduring Power of Attorney (EPA)

- EPAs, which were replaced by LPAs in 2007, cover property and financial affairs. They remain valid if made before October 2007 but do not cover personal welfare.

#### 3. Ordinary Power of Attorney

- This is used for a temporary period and is only valid while you have the mental capacity to make your own decisions.



## **Applying for Power of Attorney**

We recommend setting up both types of LPA simultaneously. This can often be done when reviewing your will. You can apply for power of attorney online at GOV.UK or contact the Office of the Public Guardian for an application pack. Legal advice is recommended if you encounter any difficulties.

## **Registering the Power of Attorney**

An LPA must be registered before it can be used. The application can be made by either the donor or the attorney, and there is a four-week notice period for any objections. A fee is required, but exemptions or reductions may apply based on income or benefits received.

## **Cancelling Power of Attorney**

You can cancel an LPA at any time if you have the mental capacity to do so. Notify your attorneys and the Office of the Public Guardian to remove it from the register. Power of attorney also ends if the donor or attorney dies, becomes bankrupt (for property and financial affairs LPA), or if the donor and attorney's marriage or civil partnership is dissolved.

## **Advice for Attorneys**

### **Health and Welfare Attorneys:**

- You may need to make decisions about the donor's living arrangements and medical treatments.
- You must respect any advance decisions the donor made regarding medical treatment unless the LPA specifies otherwise.

**Property and Financial Affairs Attorneys:**

- Manage the donor's finances responsibly, ensuring their money and property are kept separate from your own.
- You are allowed to make certain gifts on behalf of the donor but must avoid conflicts of interest and maintain accurate records.

For more detailed information and personalised support, contact The Right Home Care Team. We are here to assist you in setting up and managing power of attorney to ensure your future care and financial needs are in trusted hands.

Call us on **01246 965265** or email [info@therighthomecare.co.uk](mailto:info@therighthomecare.co.uk)

