**Annual Lasting Power of Attorney Awareness Campaign**



**LPAs at 75% the usual cost between**

**(25% reduction)**

**1st October 2021 & 30th November 2021 – that’s up to £300 off!**

**Limited appointments - book early to avoid disappointment**

**Facts vs Fiction**

**My attorneys will take control of all my decision-making once the LPA is in place.**

No. An attorney’s role is to help the donor (the person who appointed the attorney) make as many of their own decisions as they can and can only overrule a donor once all practicable steps to involve them have failed.

**I won’t need an LPA until I lose capacity.**

Not strictly the case. A Finance LPA can be used at any time with the donor’s permission, which may make life much easier for the donor if important decisions need to be made when they are abroad, physically incapacitated or if they simply wish to temporarily or permanently step aside from handling their own affairs.

**An LPA can only be made at a time when a person has capacity.**

Yes. A donor must have the ability to understand the document they are signing. An LPA is an insurance policy you hope never to need but it is best to get it in place sooner rather than later.

**A dementia diagnosis means it is too late to put an LPA in place.**

Not necessarily. But additional time and checks will be needed to ensure the donor understands the document before it is signed. The donor’s GP may be asked their opinion with regards to capacity.

**My ‘next of kin’ can already make decisions for me if I lost capacity.**

There is actually no legal definition of the term ‘next of kin’ so only with an LPA in place can family members, including spouses, make decisions for the donor; and it is doctors, social workers, care providers etc who make decisions for someone who has lost capacity where there is no health attorney appointed.

**We hold all our assets in joint names, so we won’t need an LPA.**

No. Even joint accounts would be frozen once banks establish a joint owner has lost capacity and accounts will only be unfrozen on sight of an LPA or Court Order. Jointly owned property would only be sold with a Court Order.

**I may be forced to move care placement without an LPA in place.**

True. It could take anything between 6-18 months to access finances via the Court, during which time all bank accounts would be frozen. The care provider may not be willing to wait for payment.

**I have strong wishes that my relatives would need to relay for me.**

Quite possibly. Anything from preferring baths over showers; eating a vegan diet; listening to certain music; wearing certain clothes or following a favoured religion can all be voiced to care providers using a Health LPA.

**My business partners can carry on trading if I lose capacity.**

No. Sole traders, partners and directors need an ‘agent’ to act for them for trade to continue. Partnership Agreements and Company Articles must not fall foul of the Equalities Act 2010 by retiring incapable owners. LPAs would resolve this.

**Without an LPA anyone in the world can apply to access my finances.**

True. If family were not proactive in applying for a Court Order to access finances, other relatives, friends or even the Local Authority can apply instead, particularly if care providers and other essential creditors need paying.

**Granting an LPA puts me in a vulnerable position.**

Fortunately, not. With numerous court-imposed safeguards, checks and limits on spending and gifting in place, attorneys can only act within their statutory powers, or risk having their appointment revoked.

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| **Usual fees for preparing Lasting Powers of Attorney** |
| **1 x LPA** | **£400.00** | **2 x LPA** | **£700.00** | **4 x LPA** | **£1,200.00** |
| **Fees during the Annual Awareness Campaign** |
| **1 x LPA** | **£300.00** | **2 x LPA** | **£525.00** | **4 x LPA** | **£900.00** |

**Fees include:**

❖ meeting with you ❖ document completion ❖ document execution ❖ arranging attorney signatures ❖ OPG registration ❖ 2x certified copy documents ❖ storage

❖ we will also act as witness and Certificate Provider location dependent.

**If a Lasting Power of Attorney would meet your future needs, please call 01606 212291 or email info@howellgriffiths.co.uk to book your appointment and qualify for the discount\***

Jennifer Howell is committed to providing the highest quality legal advice and to raising awareness as to the dangers of not having adequate provision in place.

Jennifer is an affiliate member of STEP and a fully qualified member of Solicitors for the Elderly.



**Please contact Jennifer Howell at: J L Howell – Estate Planning Solicitor**

**Web: howellgriffiths.co.uk https://www.facebook.com/howellgriffithslaw**

\* Discount applies to J L Howell – Estate Planning Solicitor fees and excludes disbursements such as the OPG Registration Fee (currently £82.00 per LPA). If more complex issues arise, we reserve the right to charge additional legal costs. Our fees do not currently incur VAT. The discount applies to new instructions from new and existing clients booked throughout the campaign period (Oct - Nov). The campaign does not include Business LPAs.