Why should I choose Thomas Dunton to help?

We have been helping people make informed decisions about planning for the future for over 40 years.

Our friendly, experienced and sympathetic team are regulated by the Solicitors Regulation Authority and adhere to enhanced standards of professional conduct. We are also proud to be Dementia Friends.

But what does that mean for you? It means we only have your best interests at heart. We will dedicate the time to listen and understand your circumstances and needs, to help make the best decisions for you and your loved ones.

But don't just take our word for it, here is a summary of just some of the things our clients have said about us…

"You have been utterly brilliant when we needed you most."

"Wonderful and understanding. Guided me through the process and presented all the options in a way I could understand."

"Extremely helpful and efficient. Service provided was faultless from start to finish."

"Been a customer for years. Wouldn't go anywhere else."

"Informative, patient, understanding and most helpful."

"Knowledgeable and efficient. You provided helpful and practical advice. A pleasure to deal with."

"In this day and age of impersonal internet services, we feel lucky to have dealt with a firm which operates at the human level."

What else can Thomas Dunton help you with?

Our solicitors are here to talk to you about even the most complex legal matters, to listen to your needs and offer practical solutions.

- Buying & Selling a Property
- Dispute Resolution
- Personal Injury
- Family & Children
- Employment Law
- Mediation
- Powers of Attorney
- Probate
- Contested Probate
- Wills
- Business Law

THOMAS DUNTON SOLICITORS

Accredited LEXCEL Practice Management Standard – The Law Society

Solicitors Regulation Authority

Accredited Children Law – The Law Society

Accredited Personal Injury – The Law Society

Accredited Conveyancing Quality Scheme (CQS) – The Law Society

Association of Personal Injury Lawyers – apil Accredited Practice

resolution first for family law

fsb Experts in Business

Contracted with the **Legal Aid** *agency*

reviewsolicitor

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THOMAS DUNTON SOLICITORS

Your guide to

Lasting Powers of Attorney

Lasting Powers of Attorney

Everyone wants to have peace of mind, knowing that, if the need arose, their affairs and welfare would be looked after by a person they know and trust.

What would happen if, through illness or accident, you were to become unable to make decisions for yourself?

- Who would look after your property and finances?
- Who would make decisions about your care and welfare?

If these issues concern you, you should think about Lasting Powers of Attorney (LPA).

What is an LPA?

It is a legal document in which you appoint someone of your choice (your 'attorney') who would be able to act on your behalf and make decisions in your best interests if you should ever be unable to do so yourself.

There are two types of LPAs:

- **For Property and Finance** – which gives your attorney/s the legal authority to manage your property and financial affairs e.g. accessing your bank or savings accounts to pay for your day-to-day needs and helping to maintain, let or sell your property if required.
- **For Health and Welfare** – enabling your attorney/s to make personal decisions on your behalf; for example, where you should live or what medical treatment you should have.

Together, they allow your attorneys to deal with key aspects of your life, and ensure that important decisions are left to those you trust, and not to chance.

For more information, please contact our Wills and Probate Department on **01689 822554**, via email at **wills@thomasdunton.co.uk**, or visit **www.thomasdunton.co.uk**

Who should think about making a Lasting Power of Attorney?

While older people are more at risk of suffering from illnesses like dementia, an accident or serious illness which affects mental capacity can happen to anyone.

Everyone who wants to have peace of mind, knowing that, if the need arose, their affairs and welfare would be looked after by a person they know and trust, should think about Lasting Powers of Attorney.

As long as you are over the age of 18, and have full mental capacity to understand the use and effect of an LPA, you can make one.

What would happen if I didn't have an LPA?

If you were to become mentally incapable, no one would have authority to deal with your property and finances. This means accounts may not be paid and money would not be available to pay for your day-to-day needs. If your property needed to be maintained, let or sold, no one would be able to do so.

An application would need to be made to the Court of Protection to appoint someone as a deputy to look after your property and affairs.

The disadvantages are:

- An application to court for the appointment of a deputy is likely to cost a lot more than an LPA would have.
- The application will take a few months to finalise and the delay can cause problems for you and your family.
- The person who is appointed as deputy may not be the person who you would have chosen yourself.

If any decisions needed to be made about your personal welfare, when you have lost mental capacity, then usually people looking after you such as carers, social workers and medical professionals would be able to make decisions on your behalf, as long as they acted in your best interests.

However the situation can become very difficult if there is disagreement. For example, Social Services can make decisions about where you should live even if your family disagree. If there is a serious dispute, your family would have to apply to the Court of Protection for an order. The court is very unlikely to appoint a deputy to take charge of decisions about your health and welfare generally, and so it is possible that more than one application must be made to the court as circumstances arise.

In the absence of a welfare LPA you are at risk of having strangers making decisions about all kinds of issues relating to your personal welfare, even if your friends or relations know what your wishes would have been. Giving a welfare LPA to someone you trust means that this risk is greatly reduced.

How do LPAs differ from wills? Do I need both?

Unlike a will, which deals with your assets on your eventual death, LPAs protect you while you are still alive. So, it is important to consider both for your own protection.

Why should I use a solicitor to make an LPA?

It is possible to make an LPA by yourself; however, it can be quite a complex process. To ensure you fully understand the aim and outcomes of your decisions, to avoid any mistakes and to make certain your LPA is legally valid, it's often best to ask a solicitor to help you.

A solicitor will put your mind at ease, by offering their experience and advice on:

- Who your attorneys should be and what is expected of them;
- If you have the protection you need for your personal circumstances;
- What is required to ensure your wishes cater for all eventualities;
- Your wishes regarding end-of-life treatment;
- Other steps/actions required to protect your business interests;
- How to ensure your application is both registered and legally valid;
- Any other ways you can protect yourself.

It is important to note that this guide is not a full statement of the law. The information in this leaflet is of a general nature and may not reflect your individual circumstances. You should receive individual advice before taking any action.