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**Understanding Lasting  
Power of Attorney**

# Understanding Lasting Power of Attorney

At OneFamily, we appreciate that life isn't always predictable and circumstances can change quickly.

We understand it can be hard finding time, and money, to think about sorting out the legal side of things.

There may come a time when you can no longer manage your affairs, but by putting a Lasting Power of Attorney in place enables you to decide who manages your affairs for you in the future.

## What is a Lasting Power of Attorney?

A Lasting Power of Attorney (LPA) is a legal document where you can give another person the authority to make certain decisions on your behalf. The person making the LPA is called the **donor** and the person being given the authority is the **attorney**.

## What decisions can be made with a Lasting Power of Attorney?

The decisions someone can make for another person depends on the type of Lasting Power of Attorney (LPA) that has been set-up.

There are **Property and Financial Affairs** LPAs and **Health and Welfare** LPAs. You can choose to prepare just one or both types.



### Property and Financial Affairs LPA

Allows your attorney to deal with any decisions relating to your property or financial affairs. This can cover paying bills, dealing with the bank, collecting benefits, selling your house, or giving instructions to solicitors. This type of Lasting Power of Attorney is used if you are not able to manage your financial affairs. However, with your permission, it can be used at any time after its registered even if you can still make your own decision but just need some support.



### Health and Welfare LPA

Allows your attorney to make decisions about treatment, care, medication, where you live, the care home you live in, and can even extend to whether you would like your attorney to make decisions relating to life sustaining treatment or not. This type of Lasting Power of Attorney can only be used when you're unable to make your own decisions.

## Who to appoint as an attorney?

The attorney is the person you choose to make decisions on your behalf. They should be trustworthy, be competent to make decisions and you should have complete confidence that they will always act in your best interests.

If you appoint more than one attorney, you can appoint them to act 'independently', 'jointly' (to agree and act together on all matters) or 'jointly and severally' (where they can make decisions together or on their own). You can even instruct your attorneys to act in different ways on different matters.

## When can decisions be made?

In order for an LPA to be valid it must be registered with the Office of the Public Guardian (OPG). Once registered, the LPA for Financial and Property Affairs can be used immediately, even if you still have the mental capacity to manage your affairs. On the other hand, the LPA for Health and Welfare can only be used by your attorney once you have lost the mental capacity to make your own decisions.

## What happens if you don't have a Lasting Power of Attorney?

If you can no longer make your own decisions (this is often called losing capacity) then it may be necessary for an application to be made to the Court of Protection so they can appoint a suitable person to make decisions on your behalf. This person is known as a Deputy.

## How to set up a Lasting Power of Attorney

You can prepare a Lasting Power of Attorney without the help of a solicitor. To do this, you will need to download the LPA forms from the OPG website.



[www.gov.uk/government/organisations/office-of-the-public-guardian](http://www.gov.uk/government/organisations/office-of-the-public-guardian)

Alternatively, a solicitor or financial advisor can help set-up your LPAs.

## How much does it cost?

Most solicitors will offer you an initial consultation free of charge and then tell you how much the whole process will cost.

If you are preparing the LPA yourself the Office of the Public Guardian (OPG) will charge for registering it. You may not have to pay the full cost if you have a low income or are exempt because you receive certain benefits. See LPA fees, reductions and exemptions on **Gov.uk**.



We hope you've found this information useful. If you have any questions, or would like to speak to us about your Lifetime Mortgage account, please get in touch with our friendly support team on **0800 802 1645\***, or by email at **OFLMprocessorsmailbox@onefamily.com**. Please quote your mortgage account number in all correspondence.



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**Please contact us  
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any questions**

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