





PWR TECH GUIDE – LASTING POWER OF ATTORNEY

[Guidance Notes - Roles & Responsibilities Attorneys]



Property and financial affairs attorneys

As a property and financial affairs attorney, you make (or help the donor make) decisions about things like:

-  **money, tax and bills**
-  **bank and building society accounts**
-  **property and investments**
-  **pensions and benefits**

You can use the donor's money to look after their home and buy anything they need day to day (for example, food).

Discuss decisions that affect the donor's living arrangements, medical care or daily routine with their health and welfare attorney, if they have one.






If you decide to sell the donor's home, discuss where the donor will live with their health and welfare attorney.

Looking after money and property

You must keep the donor's finances separate from your own, unless you've already got something in both of your names like a joint bank account or you own a home together.

Managing bank accounts

Before you can manage the donor's account, you must show the bank the original registered lasting power of attorney (LPA) or a copy of it signed on every page by the donor, a solicitor or notary. You'll also need to give proof of:

-  your name
-  your address
-  the donor's name or address if they're not the same as on the bank account

The bank might ask for additional types of proof.

Spending money on gifts or donations




Unless the LPA states otherwise, you can spend money on:

gifts to a donor's friend, family member or acquaintance on occasions when you would normally give gifts (such as birthdays or anniversaries)



donations to a charity that the donor wouldn't object to, for example a charity they've donated to before

You must apply to the Court of Protection for any other type of gift or donation, even if the donor has given them before.

These include:

-  **paying someone's school or university fees**
-  **letting someone live in the donor's property without paying market rent (anything they pay below market rent counts as a gift)**
-  **interest-free loans:** You must check that the donor can afford the gift or donation, even if they've spent money on these types of things before. For example, you can't donate their money if that would mean they couldn't afford their care costs. Read the guidance for more information on giving gifts or donations.

Buying and selling property: You'll need to get legal advice if:

-  **the sale is below the market value**
-  **you want to buy the property yourself**
-  **you're giving it to someone else**

Making a will: You can apply for a statutory will if the donor needs to make a will but can't do it themselves.






You can't change a donor's will. You can be ordered to repay the donor's money if you misuse the LPA or make decisions to benefit yourself.

Health & Welfare attorneys: As a health and welfare attorney, you make (or help the donor make) decisions about things like:



-  **daily routine, for example washing, dressing and eating**
-  **medical care**
-  **where the donor lives**

You might need to spend the donor's money on things that maintain or improve their quality of life. This can include:

-  **new clothes or hairdressing**
-  **decorating their home or room in a care home**
-  **paying for extra support so the donor can go out more, for example to visit friends or relatives or to go on holiday**

You must ask for money from the person in charge of the donor's funds.



Refusing or consenting to treatment: Check the Lasting Power of Attorney (LPA) for instructions about refusing or consenting to treatment. You'll need to:

-  **show the LPA to care staff**
-  **sign medical consent forms**
-  **make decisions in the donor's best interests**

You can't always make decisions about the donor's medical treatment, for example if the donor's made a living will or has been sectioned.

Living wills ('advance decisions'): This is a legal statement from the donor about which medical treatments they don't want. You'll need to give this to care staff along with the LPA. NHS Choices has information about advance decisions.

Apply for a one-off decision: You may need to apply for a one-off decision from the Court of Protection to decide about a medical treatment if:

-  **the living will and LPA give different instructions**
-  **the medical staff or the donor's friends and family disagree about whether the treatment should be given.**



FURTHER QUESTIONS?

Hopefully the above information has given you some insight into some of your responsibilities.

However, if you feel overwhelmed with the responsibility or require support advice and guidance then please do not hesitate to get in contact.

-  **01245 967118**
-  **info@portcullisretention.com**
-  **www.portcullisretention.com**
-  **Goldlay House, 114 Parkway,
Chelmsford, CM2 7PR**

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