



Power of Attorney

What is a Power of Attorney and why do I need one?

Powers of Attorney are legal documents that allow you to nominate someone you know, for example a member of your family, a close friend or loved one, a business associate or a professional person, (e.g. a Solicitor), to act on your behalf. **A Power of Attorney will be needed if, due to illness, a degenerative condition (e.g. dementia) or injuries caused by an accident, you become unable to make decisions for yourself in relation to your finances and/or your health and welfare.** You can appoint someone to make these decisions on your behalf and this is done by using a Power of Attorney. The person or persons appointed will become your Attorney(s). There are two types of Power of Attorney - one is for decisions relating to your finances and property and the other is for decisions relating to your health and welfare.

What happens if I don't have a Power of Attorney?

Clients or their families often find that they have **left it too late to make a Power of Attorney.** If you don't have a Power of Attorney in place and you become unable to make decisions for yourself in relation to your health and finances, the only option for your family and loved ones would be to make an application to the **Court of Protection for a Deputyship Order.** This means that a member (or members) of your family or a loved one would be appointed by the court to be your Deputy i.e. a person or persons who are entitled to deal with your health and financial decisions. This is a **complex, lengthy and expensive process.** In the meantime, your family and loved ones would be unable to make decisions about your health or finances, for example to cover everyday costs, including your bills and payments. You may never need to have a Power of Attorney in place, but it is better to have one and not need it than to need one and not have it.

How do I make a Power of Attorney?

We would always recommend drafting a Power of Attorney, or any legal document, including a Will, with the help and expertise of a fully qualified, experienced Solicitor. If you draft the document yourself, you cannot be sure that it has been drafted correctly, you understand the full implications of making one or that it meets your needs. When you use a Solicitor to draft your Power of Attorney, you will have the peace of mind to know that it is correct and that it works in the right way for you.

To make a Power of Attorney with Leech & Co will be a straightforward and stress-free process. We will discuss your needs with you on the telephone, we will then come to see you in your home or at your workplace (we will always come to you, there is no need to make an appointment to come to our office) and we will then draft your Power of Attorney documents. We will then arrange for the documents to be correctly signed and witnessed and then registered and stored.

[I want to make a Power of Attorney - what things do I need to think about?](#)

When making your Power of Attorney, the main things you need to think about will be:

- Whether you want to make a Power of Attorney for your **finances and property and/or your health and welfare**. To have both will cover all situations, but you may feel you only need one. We can discuss this with you and advise you as to what is best for you;
- **Who you would like to act as your Attorney(s)**. These can be family members or close friends (they must be aged 18 or over) who you trust to act and make decisions in your best interests. Many people also choose to appoint a professional, such as a Solicitor, as an Attorney so that your loved ones receive expert, independent advice and assistance when dealing with your financial and/or health issues. You can have more than one Attorney;
- **How you would like your Attorneys to make decisions for you**. You can specify whether you want your Attorneys to make all decisions together or whether one Attorney can take some decisions, usually minor or everyday decisions, on their own;
- Whether you have any **preferences or instructions** about the decisions to be taken on your behalf. For example, in relation to your Health and Welfare Power of Attorney, you can specify the type of treatment, including end of life care, you wish to receive or where you would prefer to live;
- Who you would like to witness and validate the documents. You will need a **witness** to sign the documents and you will need a person, called the **Certificate Provider**, to confirm that you have capacity to complete and sign the documents. In relation to the Certificate Provider, this can be your GP or a medical professional, but if there are no concerns about your capacity to complete the documents, this can be your witness or another person as long as they have known you for over 2 years. **As part of our service, Leech & Co can act as Certificate Provider where we feel it is appropriate.**

These are the main points you need to consider before making your Power of Attorney, but don't worry if you need help or advice about certain things. We will discuss all points with you and provide you with advice and assistance before any decisions are made so you can be confident that your Power of Attorney fully reflects your wishes.

[How long will it take to make my Power of Attorney and what happens it has been made?](#)

We expect the timescale for preparation of your Power of Attorney to be in the region of two to three weeks from the time of the first appointment, but if the matter is more complex, it may take more time. We will advise you of the likely timescale when we have confirmed your instructions. When the documents have been drafted, agreed by you and correctly signed and witnessed, we will provide a copy to you and register it with the Office of the Public Guardian. We will advise you in more detail as to the application process during your appointment.

[How much does it cost to make a Power of Attorney?](#)

Our standard fees are as follows (all fees include VAT / registration fee can be reduced depending on your income):

Property and Financial - £500.00 plus registration fee (£82.00)

Health and Welfare - £500.00 plus registration fee (£82.00)

Both types of LPA (per person) £750.00 plus registration fees (£164.00)

Both types of LPA (per couple) - £1,250.00 plus registration fees (£328.00)

Full details about all of the above can be found on our website - www.leechandco.co.uk - or simply call us on 0161 749 9000. We're more than happy to talk things through with you and answer any of your questions.

Leech & Co Solicitors have prepared this factsheet to help you make your Power of Attorney. It contains general advice only. The content of this factsheet should not be used to make a decision or take an action without further legal advice.