

POWER OF ATTORNEY

Factsheet

A Power of Attorney is a legal document that allows someone to make decisions for someone; if they are not able to, or no longer wish to make them for themselves. The role involves a lot of power and responsibility for the person who agrees to act on someone's behalf.

This factsheet will help you to understand the different types of Power of Attorney and their purpose.

Why is Power of Attorney important?

What happens if someone is no longer able to manage their own affairs? Many people assume that their spouse will automatically be able to deal with their bank account and pensions, and make day to day decisions about their healthcare and medical treatment, but this is not the case. A Power of Attorney is a legal document where someone nominates a trusted third party to act on their behalf, and in certain circumstances to look after their financial affairs and welfare.

It is not possible to set up a Power of Attorney for someone who has already lost mental capacity. Instead, members of their family will have to apply to the Court of Protection to be appointed as their deputies.

Types of Power of Attorney

There are two main types of Power of Attorney:

Ordinary Power of Attorney

An Ordinary or General Power of Attorney (OPA) is a legal document which enables a person (called the "donor") to appoint one or more persons (known as the "attorney") to deal with their property or financial affairs. It is usually limited in its scope and is effective for a limited period of time, but it is possible to make a Power of Attorney that gives the attorney very wide powers.

An Ordinary Power of Attorney does not need to be registered with anyone, and is fully effective as soon as the donor signs it.

Lasting Power of Attorney

There are two types of Lasting Power of Attorney (LPA):

Property and Financial Affairs LPA

This type of LPA gives an attorney the power to make decisions about money and property for the donor, for example:

- managing a bank or building society account
- paying bills
- collecting benefits or a pension
- selling the donor's home

The donor can give permission for it to be used at any time after it is registered. The attorney must keep accounts and provide information on how much money has been spent.

Health and Welfare LPA

This type of LPA gives an attorney the power to make decisions about things such as:

- the donor's daily routine, for example; washing, dressing, eating
- medical care
- moving into a care home
- life-sustaining treatment

It only comes into effect once the donor has lost mental capacity and is unable to make their own decisions.

Enduring Power of Attorney

The Enduring Power of Attorney (EPA) was replaced by the LPA in October 2007. However an EPA signed before 1 October 2007 should still be valid. An EPA covers decisions about property and financial affairs, and it comes into effect if the person loses mental capacity, or if they want someone to act on their behalf.

Find out more

The following list is a small selection of the wide range of organisations which publish information on Power of Attorney. *The MCF does not endorse or recommend any of the organisations listed.*

- **Age UK**
Advice for older people and their carers, with resources and guides on Power of Attorney.
www.ageuk.org.uk
- **Alzheimer's Society**
Leading dementia support and research charity.
www.alzheimers.org
- **Citizens Advice**
Free, independent, confidential advice to everyone on their rights and responsibilities.
www.citizensadvice.org.uk
- **Court of Protection**
Official site for body that makes decisions on financial or welfare matters for people who can't make decisions at the time they need to be made, including appointing deputies to make ongoing decisions for people who lack mental capacity.
www.gov.uk/courts-tribunals/court-of-protection
- **Gov.uk**
Government site providing information on making, registering or ending a Lasting Power of Attorney.
www.gov.uk/power-of-attorney
- **Law Works**
A charity which connects people in need of legal advice, who are not eligible for legal aid and cannot afford to pay, with volunteer lawyers.
www.lawworks.org.uk
- **Mind**
Advice and support for people experiencing a mental health problem.
<https://www.mind.org.uk/>
- **Money Advice Service**
Free and impartial money advice service set up by the Government.
<https://www.moneyadviceservice.org.uk/en>

- **Money Saving Expert**
Information prepared in conjunction with Age UK and Alzheimer's Society and focusing on financial aspects of Power of Attorney.
<https://www.moneysavingexpert.com>
- **Office of the Public Guardian**
Government sponsored agency providing advice on making a Power of Attorney.
www.gov.uk/government/organisations/office-of-the-public-guardian

Other information

Masonic Charitable Foundation

The MCF provides grants and support for Freemasons and their family members. A wide range of help is available for daily living costs; health, care and wellbeing; and education-related costs for children and young people.
Call 0800 035 60 90 or visit www.mcf.org.uk

You may also be interested in the following Masonic Charitable Foundation resources.

- **Dementia**
- **Respite Care**
- **A Good Death**
- **Intermediate Care**

Scan the QR code below or visit mcf.org.uk/resources/almoner-resources



Whilst every care has been taken to verify accuracy, the information in this factsheet is for guidance only.

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