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# Lasting power of attorney: stand up for your rights

**Consumer affairs** Banks can be insensitive when it comes to dealing with family members trying to help their sick or dying parents — they deserve better

**T**he difficulty of jumping through the financial hoops laid by banks when you have power of attorney for an elderly or infirm relative is one of the biggest headaches for the sandwich generation.

Lasting power of attorneys (LPAs), which must be registered with the Office of the Public Guardian, appoint one or more people to manage the affairs of those who can no longer look after their own.

Yet even once they are in place, there is no guarantee that financial institutions will do their part to make such arrangements easy to cope with.

This week *The Times* columnist Janice Turner related her experience of dealing with a deeply unhelpful bank when trying to sort out a £300 fraud on her mother's account. "I find I am white-hot with rage at the thief and the idiot bank," she wrote. "But because they haven't yet registered my power of attorney, an Indian call-centre person tells me, they will only speak with my mother. I say she's busy dying."

Turner was told to go to her branch, but had to wait hours for service and left without a resolution.

The Financial Ombudsman Service states that organisations should treat customers in "a sensitive and sympathetic way". Turner may find it hard to agree that her bank met those particular requirements.

Harry Rose, the editor of *Which?* *Money*, says: "People with power of attorney should not have to jump through hoops when dealing with banks, and should be able to rely on them for accurate information and advice. Banks need to ensure staff are trained on power of attorney and have an efficient registration process."

UK Finance, which represents the banking industry, says its members follow guidance from the Office of the Public Guardian that aims for consistency. "The industry has undertaken significant work to streamline processes for registering powers of attorney, making it easier for approved third parties to manage customers' account."

Despite concerns about the lack of sensitivity with which banks are hand-

ling powers of attorney, the documents remain essential for many. There are 850,000 people living with dementia in the UK.

The best time to think about drawing one up is before you have to.

"Those who don't have an LPA risk causing extra stress and expense for their family and friends, while their own wishes about their finances or health might not be taken into consid-

(a welfare power of attorney in Scotland).

Bailey says it makes sense to have both. The financial LPA covers areas such as managing bank accounts, paying bills and collecting benefits. The healthcare LPA can cover your medical care and moving into a care home.

**■ Do they cost a lot to set up?**

LPAs can be set up through a solicitor, for about £500 to £700, or £1,000 for two. People with simple requirements who are good at filling in forms can set up their own LPA with an online or paper application. Guidance is provided and the cost is £82, or £41 for those earning less than £12,000 a year.

**■ Will I need to have awkward conversations with family?**

It is important that your family, friends, carers and advisers are aware of your decision to appoint an attorney. Ask those you want to appoint to make sure they are happy with the decision and that they understand their responsibilities.

Take care when selecting your attorney. Bailey says: "There have been cases of financial abuse, so it's important you trust your attorney explicitly."

You'll need to decide whether to have more than one attorney and whether they will act jointly, or severally, where each can make decisions on your behalf independent of the other.

**■ What if I have an LPA?**

Review it regularly to ensure that it meets your requirements. You can only take out an LPA when you are capable of making the decision for yourself. If you lose capacity, through ill health or an accident, it's too late to take one out.

**■ What is an ordinary power of attorney (a general power of attorney in Scotland and Northern Ireland)?**

This is a different document that allows you to transfer control of your financial affairs temporarily to another person — but they can only make decisions for you while you still have mental capacity. The power stops if you lose the ability to make decisions for yourself.

For more information go to [step.org](http://step.org). Mark Atherton

**Janice Turner Notebook**

**There's no one at the bank to call to account**

**T**here is a small but growing number of people who are white-hot with rage at the thief and the idiot bank. I find I am white-hot with rage at the thief and the idiot bank, she wrote. "But because they haven't yet registered my power of attorney, an Indian call-centre person tells me, they will only speak with my mother. I say she's busy dying."



**“I am white-hot with rage at the idiot bank”**

eration," says Robin Bailey, an adviser with Chase de Vere, a financial planner.

**■ Do I need a power of attorney?**

Many people think that they need a large estate to make setting one up worthwhile, but this isn't the case, Bailey says. LPAs can benefit the rich and poor, and financial decisions could be as simple as who can operate your bank account or pay your bills.

**■ Are there different types?**

There are two types of LPA — health or financial affairs. You can choose to have one or both. Many people have set up an LPA for financial affairs (known as a continuing power of attorney in Scotland and an enduring power of attorney in Northern Ireland), but not an LPA for health and care decisions