

Government consultation in respect of Lasting Powers of Attorney



The government has launched a consultation into the Lasting Power of Attorney (LPA) system, which has been criticised for being slow and hard to use.

The current process is largely paper based, involving the Office of the Public Guardian (OPG) processing LPAs amounting to 19 million pieces of paper in 2019/20. The consultation is looking at digitisation of the process to help speed up applications and cope with the management and storage of documents.

What is a Lasting Power of Attorney?

An LPA allows you to appoint a trusted relative or friend to deal with your affairs should you ever become unable to manage them yourself. It means they can deal with issues such as management of your finances, payment of your bills, arrangement for care and consent to medical treatment on your behalf.

Without an LPA, no-one will legally be able to step in and deal with matters for you, and your loved ones would have to make an application to the Court of Protection for a deputy to be appointed. This is a far longer process as well as being more complicated. It also involves an ongoing requirement to report to the Court of Protection every year.

By contrast, an LPA is very simple to arrange and use and means you can choose the person whom you would like to represent you yourself.

Proposed reforms

To speed up and modernise the process, the Office of the Public Guardian says: 'Our ambition is to use technology to improve our LPA services, without compromising safety or limiting access for people who aren't online, and the launch of our consultation

marks an important next step in making LPAs safer, simpler and fit for the future.'

Proposals include the following:

Reforming the witnessing process to allow remote witnessing or alternative ways of verifying the execution of the LPA.

Improving the registration process, to include reducing the incidence of applications being rejected. Creating digital storage facilities for LPAs to be kept prior to registration.

Giving the OPG more powers to check LPAs and stop or delay registration when checks are not completed satisfactorily.

Streamlining the process for raising an objection to an LPA and reducing the amount of time taken to make and register an LPA.

Looking at the possibility of creating a fast-track service for emergency applications, when an LPA is needed urgently, for example, where someone has had a sudden change in their health meaning they need an attorney to step in at once.

Improving access to the service and introducing new safeguards against fraud and abuse.

Making an LPA

Putting an LPA in place will give you the security of knowing that, should you ever become unable to manage your affairs, your trusted representative will be able to take over on your behalf and look after everything for you.

If you would like to speak to Helen Algar contact Suffolk Will Services today by email to info@suffolkwillservices.co.uk or by telephone 07415 135449 or 01473 808499.