



Lasting Powers of Attorney



FCLPA

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Introduction

About US

First Choice LPA is part of the First Choice Group of companies, based in Manchester, being originally established in 2010 as a legal and financial solutions provider to business owners within the UK with an emphasis on business protection.

FCLPA work transparently in conjunction with The Office of The Public Guardian and, when necessary, the Court of Protection to deliver protection to individuals, couples and or business owners.

The Group, including FCLPA, pride themselves on delivering with the utmost confidentiality and integrity and in a timely manner with a view to ensuring that our private and commercial clients receive a professional and expedited service.

Background



The Office of The Public Guardian

The OPG was established as a regulatory body following the introduction of the Mental Capacity Act 2005 opening it's doors on the 1st October 2007 with a view to providing protection to all individuals executing a LPA by ensuring that all such executed LPA's are registered with them before they can be acted upon.



Experience

We have many years experience in dealing with private individual and business owner protection both before the Mental Capacity Act and since the introduction of this legislation.



The Court of Protection

COP's primary role in this legal area is to protect an individual and their assets in the event that they lose the capacity to do so themselves temporarily or permanently in such instances where that individual has not executed a LPA and appointed an Attorney to act under the same.

HEALTH & WELFARE

we use this LPA to give an attorney the power to make decisions about things like:

- your daily routine, for example washing and dressing
- what you should eat
- medical care
- where you should live or moving into a care home
- life-sustaining treatment
- with whom you should have contact
- what type of social activities you should take part in

It can only be used when you are lack the capacity to make your own decisions.

PROPERTY & FINANCE

We use this LPA to give an attorney the power to make decisions about money and property for you, for example:

- managing a bank, building society or post office account
- paying bills such as your mortgage, rent, council tax and utilities
- collecting benefits
- receiving equity release or pension payments
- paying the costs of education and or maintenance
- selling and buying a new home
- paying professional fees for the protection of disabled and vulnerable children
- managing investments
- helping to manage and protect business interests

It can be used as soon as it is registered with the OPG, with your permission.

LPA Process

1. Initial Engagement

- Client signs “Client Engagement Letter” confirming their instructions and accepting our terms of business.

2. Client Review

- Completion of LPA Questionnaire dealing with and noting any health issues and or financial, property & business protection requirements.

3. Cognitive Test

- It is important to establish that an individual is lucid and has the capacity to execute a LPA.
- Capacity is based on the following four components:
 1. Communicating a choice
 2. Understanding
 3. Appreciation
 4. Rationalization & Reasoning

4. LPA's Explained

- Health & Welfare
- Property & Finance

8. Registration with the OPG

- Once executed, all LPA applications must, without exception, be registered with the OPG before they can be relied upon and acted under by your appointed Attorney(s)
- Registration typically takes 16 weeks

7. Execution

- The signing & execution of an application for a LPA must be made by a lucid and consenting donor witnessed by an adult who is not the Attorney.

6. Completion of Application Paperwork

5. Parties explained

- Donor – You
- Attorney(s) – joint or several authority to act
- Certificate Provider – by choice & understand

COURT OF PROTECTION

COP's primary role in this legal environment is to protect an individual who has lost the capacity to manage their own affairs but who has not executed a LPA.

It is a common misconception that your spouse, partner and or children will be allowed to manage your affairs for you. Whilst their opinions may be considered, a further complication is that your affairs will be managed by COP who will appoint a High Court Deputy to act on your behalf and in your perceived best interests. Again, this individual has no idea about your family dynamics, business interests and, more importantly, the contents of any will that you may have already executed. They will simply look to manage your affairs and look to protect you whilst you are still alive and potentially undo everything that you intend to happen under your will and may lead to individuals whom you do not wish to benefit from your estate doing just that.

This also means that your spouse or partner will no longer have access to your financial resources even if the said resources are held in a joint bank account. They will be frozen by the bank and placed under the control of the Deputy.

Your spouse or partner will, at an already extremely distressful time, have to make an application to COP. This is a High Court application and is extremely expensive taking many months for the removal of the Deputy and their appointment.

