

Planning ahead...

Margaret Day, the synod legal adviser, looks at the importance of arranging a power of attorney.

IT ISN'T very pleasant to think that you might one day lose the ability to make your own decisions, but who can honestly say that they don't know at least one person in that position? The problems faced by many care home residents (and their families) are very much in the news at present.

You could save your family and friends a huge amount of time and anxiety – not to mention money – by granting “power of attorney” now, so people hand-picked by you could act on your behalf if you later wanted or needed help managing your affairs.

A “continuing” power of attorney would authorise your nominated representative or representatives to deal with the financial side of your life, for example, operating bank accounts, paying bills or even selling your house if it were no longer appropriate for your needs. On the other hand, a “welfare” power of attorney would enable someone you trust to make personal decisions for you if this became necessary. Examples might include arranging the best care for you or consenting to medical or dental treatment. It is worth bearing in mind that, if you have not granted a welfare power of attorney, the right to decide where you live is likely to rest with your local council's social work department.

Everyone over the age of 16 should be encouraged to grant powers of attorney, even though they might never need to be used. The risk in delaying is that, if you later lost capacity – whether through an accident, illness or simply old age – it would be too late to put one in place and a “guardian” may need to be appointed by a court instead. These applications can cost thousands of pounds and take several months to complete, during which time your assets could be frozen and unavailable to meet bills and other liabilities. There is also no guarantee that the person eventually appointed as guardian would have been your preferred choice.

Peace of mind isn't easy to put a value on, so why not contact your own solicitor to find out how easy it is to put a power of attorney in place?