

Talking Point chat room 11 Sept Q&A with Information Officer Sam  
answering questions about Lasting Powers of Attorney

SerenaS	Hi everyone, welcome to the chat room :)
SerenaS	We're going to be starting our live Q&A session in just a few minutes - today's guest is Sam, an Information Officer and she's here to answer questions relating to Lasting Powers of Attorney
SerenaS	Hello Sam :) Welcome to the chat room today.
sam cox	Hello
SerenaS	Hi Sam, what is your role at Alzheimer's Society?
sam cox	I am the Information Officer for Legal and Welfare Rights - this involves working on our legal factsheets, training staff on legal issues as well as working with key stakeholders such as the Office of the Public Guardian amongst many other things
SerenaS	Thanks for letting us know - so you've written and updated some of the factsheets that are on Alzheimer's Society website and answer staff questions on tricky questions that arise in their jobs :)
andrea n	My father and I have financial LPA for my mother, who now has severe dementia. She owns a quarter of my house and I would like to buy her out to avoid issues in the future with the county council when she runs out of money to pay her fees. We've been told by a solicitor that we have to apply to the court of protection for permission to sell her share. Is this correct, and what's the point of having LPA when you're not allowed to use it when you need to?
sam cox	I think the solicitor is saying this as you are the one that wishes to buy the share of the house - and the concern is the conflict of interests this raises. There are ways round this, and you may want to speak to the Office of the Public Guardian who should be able to help - 0300 456 0300
Tony	Hi Serena I have enduring power of attorney which was done through a solicitor in September 2007 I take it this only comes into force when registered at a Court
sam cox	Hi Tony It depend on how it was set up, this is as some Enduring Power of Attorneys (EPA) allow them to be used before being registered, so it's always worth checking
sam cox	If not then you will need to register it with the Office of the Public Guardian, there is a set form and we can put a link on the transcript for you
sam cox	In terms of checking it should say on the document itself
SerenaS	Hello Tony, it's good to see you in the chat room :)
Tony	Hi Serena yes been away for a few days couldn't get to use a computer
SerenaS	Hi everyone who's popped in to the chat room :) Today's session is a live Q&A on the topic of Lasting Powers of Attorney. :)
SerenaS	Sam, you'd mentioned Enduring Power of Attorney - is that different from Lasting Powers of Attorney? What do these documents do?
sam cox	Thanks Serena, yes they are different, this is Enduring Power of Attorney (EPA) are the older version, and have since been replaced by Lasting Powers of Attorney (LPA), but all valid and signed EPAs created before October 2007 are still valid and so can still be used
sam cox	The main differences are that EPAs only cover decisions about property and financial affairs

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sam cox	Whereas there are 2 types of LPA - one for finances and property, the other for health and welfare
sam cox	Other differences are around how they are created, and also the fact that all LPAs must be registered with the Office of the Public Guardian for them to be used
SerenaS	That's helpful, thanks Sam. So, why could it be helpful for people to arrange for an LPA?
sam cox	LPAs allow us to choose someone we trust to manage our finances, or make decisions for us in the future if there was ever a time we could not do this for ourselves
sam cox	The purpose is to be empowering and to give us that freedom of choosing the person or people we want
Bill Owen	Hi I'm Bill new to all of this this there anyone out there who wife has lewy body and how are you dealing with it.
SerenaS	Hello Bill, thanks for popping in to the chat room. I wondered if you'd spoken to our Helpline? They could help to put you in touch with people in your area? The number is 0300 222 11 22
SerenaS	Also, if you look just above the chat box and see 'Forum Home' you can click on it and find our forums, including one for people whose partner or spouse has dementia :)
SerenaS	If you've just popped in to today's session, we're answering questions about Lasting Powers of Attorney (LPAs) - do you have a question about them? If so, just type on the white box at the top and click 'OK'
Tony	hi Serena & Sam I take it there is no expiry date on the E.P.E mine was September 2007 because the cost was going to increase
sam cox	Hi Tony There are no expiry dates on the EPA as long as it was made before October 2007 - which yours was then it's fine
jeany123	I have put of doing LPA even though everyone advises you to I have always looked after the finances and my husband's money is paid into my bank account and I deal with anyone even though some bills are in his name would I still benefit by doing this,
sam cox	Legally I would have to yes there would be a benefit, this is as you are relying on the companies and organisations to agree to speak to you - and not all will and will quote the Data Protection Act at you also...
jeany123	Also we do not have much savings and live in a council bungalow,
sam cox	If there was a time when your husband could not manage his own bank account and the bank was to find out then they could choose to freeze the account until someone with a legal power comes into the bank
sam cox	The legal power here would be an LPA - but if there isn't one it would be a court appointed Deputy
jeany123	He has not got a bank account
sam cox	Sorry - didn't realise that bit
sam cox	I would suggest having a look at our factsheet on LPAs as it does list the pros on there but the LPA would give you more rights to make financial decisions for him in the future as well as speaking to companies and managing his affairs

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jeany123	So is it worth it just to talk to sky and BT and the catalogue or should I just change the names on them now,
sam cox	The health and welfare type would also give you the right to make decisions about his care and treatment - so this might also be worth looking at
jeany123	ok thank you I will do that
sam cox	It is difficult as everyone's circumstances are different, and so some people choose not to make one and the family find later that they could do with it, others make one and then find that they don't need it, so have a look at the factsheet I mentioned and as you have done consider what you would need it for and what decisions you may wish to be able to make for your husband
sam cox	I hope that helps a little
jeany123	Thank you Sam you have been very helpful,
Tony	Sam my E.P.A has two appointed attorneys my Son& Daughter I assume they couldn't act independently and everything has to be done together
sam cox	Hi Tony, it will depend how it was set up. This is as both EPAs and LPAs can be set up to only allow the attorneys to act together, i.e. they would have had to have made every decision together - alternatively...
sam cox	it could have been set up to make them make decisions 'jointly and severally' - this means that they can make decisions either together or independently, most people choose this option as it's the most practical
sam cox	someone can set up a mixture of the 2 options so that big decisions must be made together and everyday decisions separately
sam cox	It should say in the EPA - or those with LPA in there
Tony	Sam it reads : jointly and ***** to be my attorneys(s) for purpose of the E.P.A act 1985 (next line ) with general authority to act on my behalf
sam cox	If the ***** are just ***** and not words (hope that makes sense) then it has been set up that they are to act jointly when making decisions on your behalf
Tony	Sam the word ***** has been blanked out
sam cox	Ok - so the option chosen was jointly
sam cox	therefore they will have to act together to make all decisions
Tony	Hi sam yes it did make sense there is a word but been blanked with black marker pen so can't read it
Tony	thanks Sam that is what I want obviously I think that's safer for me that way
Tony	Serena whilst I been here on Chat Room today I have been talking on Radio Cornwall re: Alzheimer's / Dementia so busy bee
sam cox	great - glad it's what you want, it was very common to black/blot/cross out bits of the EPA forms in that way - you said a solicitor did it for you so they would have followed the right way of doing it
SerenaS	Hi Tony, that's fantastic. A great piece of multi-tasking!
sam cox	Great to hear you have been on the radio Tony
SerenaS	Before I close the chat room, many thanks to Sam who kindly gave an hour to answer questions today :)
sam cox	Thank you all for welcoming me :)

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Thanks for reading the transcript from our chat room session on 11 September.

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Some helpful resources:

Alzheimer's Society factsheet about Lasting Powers of Attorney (LPAs)

[http://www.alzheimers.org.uk/site/scripts/documents\\_info.php?documentID=154](http://www.alzheimers.org.uk/site/scripts/documents_info.php?documentID=154)

Forms and guidance on the UK government website to register an enduring power of attorney (EPA)

<https://www.gov.uk/government/publications/register-an-enduring-power-of-attorney>

The UK government website on LPAs - including the official forms, information and relevant contacts

<https://www.gov.uk/power-of-attorney>

The Office of the Public Guardian website - including information and contacts)

<http://www.justice.gov.uk/about/opg>

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If you have questions about our chat room, please contact us by emailing

[talkingpoint@alzheimers.org.uk](mailto:talkingpoint@alzheimers.org.uk)

You can view the chat room here: <http://forum.alzheimers.org.uk/chatroom.php>