

Wollen Michelmore

SOLICITORS

LIFE LONG PEACE OF MIND

According to the Office of National Statistics Dementia including Alzheimer's disease has overtaken heart diseases as the leading cause of death in 2015 with more than 1 in 10 deaths attributed to the same.

As we live increasingly longer lives we must become increasingly more aware of susceptibility to mental incapacity even if this is something uncomfortable or even embarrassing to come to terms with.

If there is any suggestion that you have symptoms of Dementia you should of course seek appropriate medical advice but you should also consider the practical issues of how others may be able to look after you should you receive such a diagnosis.

A Lasting Power of Attorney (LPA) is a legal document which allows you to decide who should make decisions on your behalf if you are unable to make them yourself. Such person or people are known as attorneys. There are two types of LPA; Health and Care Decisions and Financial Decisions. Both LPA's can only be used once they have been registered with the Office of the Public Guardian, part of the Ministry of Justice, who protect people that may not have the mental capacity to make decisions for themselves.

A Health and Care Decisions LPA can allow your attorney to decide your treatment, your living accommodation (for example if you move into a care home) and even decide whether you receive life sustaining treatment. It is important to note that in order not to restrict your ability to make such decisions yourself, your attorneys may only act, if you cannot make such decisions yourself.

A Financial Decisions LPA allows your attorneys to make decisions including selling your house and other assets, dealing with tax affairs, operating bank accounts and claiming benefits on your behalf. This type of LPA can be used as soon as it has been registered (if you chose this) even where there are no issues with your mental capacity so that your attorney may just practically or physically assist you.

Creating and registering LPA's can be difficult and so it is recommended they are set up in advance of any concern over whether you may have Dementia or any other mental impairment. If you have not set LPA's up but have been diagnosed with a mental impairment it is usually not too late to put such a document in place but it is sensible to visit a solicitor as soon as possible who can advise you appropriately and ensure that there is

minimal risk of any mistakes being made on the document that could mean that you lose mental capacity before the LPA's have been set up and registered correctly.

If you wish to set up LPA's, have any questions about what may happen to your Health and Care or Financial needs if you leave things too late or just do not have anyone you consider trustworthy enough to be your attorney please contact Tom Calder on 01626 332266 or email: Tom.Calder@wmlegal.co.uk.