Power of attorney

Planning for the future

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Information written with you in mind.

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What this guide is about

There might come a time when you're no longer able to make your own decisions. Having a power of attorney set up in advance can make things much easier – so it's worth considering now.

Setting up a power of attorney gives someone you trust – your 'attorney' – the legal authority to make decisions on your behalf if a time comes you can't make them yourself.

All of the information in this guide applies in England and Wales. If you're in Northern Ireland, contact Age NI for advice. If you're in Scotland, contact Age Scotland.

This guide explains how to set up a lasting power of attorney (LPA) and how to choose an attorney (or attorneys, if you'd like to appoint more than one). It also explains some additional ways you can communicate your future wishes.

It also gives a brief overview of other kinds of power of attorney (see page 17) – but the focus is on LPAs, which are the relevant option for most people.

"My mum set up a lasting power of attorney after I explained how important they can be. It feels like we have one less thing to worry about now."
Sandy, 67

Good to know

We refer to the Office of the Public Guardian (page 26) throughout this guide, so it's a good idea to keep their contact details handy:
Tel: **0300 456 0300**
www.gov.uk/government/organisations/office-of-the-public-guardian

Mental capacity

The term 'mental capacity' appears throughout this guide. Having mental capacity means having the ability make a certain decision at the time it needs to be made.

You lack mental capacity for a decision if you're unable to do one or more of the following:

- understand the information relating to the decision
- weigh up that information
- remember that information for long enough to make a decision
- communicate your decision (whether by saying it, using sign language, or by other means).

A power of attorney gives your attorney(s) the authority to make decisions on your behalf if you ever lose mental capacity. There are also ways you can enable someone to make decisions on your behalf – with your permission – while you still have mental capacity. See pages 8 and 17 for more information about this.

Whether you have mental capacity can change depending on timings and circumstances. For example, you might be able to make decisions about certain things but not others – or you might be able to make a decision at a certain time but not at others.

This means that anyone judging whether or not you have mental capacity needs to consider whether you're able to make a specific decision at the time it needs to be made.

Taking time to weigh up or communicate a decision shouldn't be mistaken for a lack of mental capacity. Nor should having a certain condition, such as dementia. Someone may still have capacity to make certain decisions for some time following a diagnosis.

You should be given as much help as possible to make and communicate a decision before anyone judges that you lack mental capacity. And if there comes a time when you lose mental capacity, any person making a decision for you must make sure they're acting in your best interests (see pages 14-15).

Good to know

Judging whether someone has mental capacity to make a certain decision at a certain time isn't always straightforward. A decision that's simple to one person may be complex to another. Circumstances that help one person make a decision may make it more difficult for another. It all depends on the individual.

If you want to find out more about mental capacity and what the law says about making decisions, visit **www.gov.uk/make-decisions-for-someone**.

Lasting power of attorney

There are 2 types of lasting power of attorney (LPA): one for financial decisions and one for health and care decisions. You can make either type of LPA or both. For each LPA, you can appoint one or more attorneys (see page 13).

You can only make an LPA if you have mental capacity. As part of the process of setting one up, a 'certificate provider' checks that you understand what the LPA is and that you haven't been pressured into making it.

LPA for financial decisions

If you set up this type of LPA, your attorney(s) can make decisions about things such as:

- selling your home
- paying your mortgage and bills
- arranging repairs to your home.

Key facts:

- You decide when you want this type of LPA to start. This might be while you still have mental capacity – or it might only be if and when you lose mental capacity.
- You choose whether your attorney(s) can make all financial decisions on your behalf or only certain types of decisions.
- Your attorney(s) must usually keep your money separate from theirs and keep accounts to show this.
- You can ask for regular updates on how much money you have and how much has been spent. If you'd like, these updates can also be sent to your solicitor or a family member.

LPA for health and care decisions

If you set up this type of LPA, your attorney can make decisions about things such as:

- where you live
- your medical treatment
- the care and support you receive
- who you have contact with
- what kind of social activities you take part in.

Key facts:

- Unlike an LPA for financial decisions, your attorney(s) can only use this LPA if you no longer have mental capacity.
- When you set up this LPA, you need to choose whether to give your attorney(s) the authority to make decisions about life-sustaining treatment (see page 18).
- If you lose mental capacity and don't have this type of LPA in place, any decisions about your health or care will be made by the professionals relevant to your situation – such as your doctor or your local council's social services department. If appropriate, they must consult your family (or anyone else with an interest in your welfare) – but the final decision of what's in your best interests lies with them.

How to set up an LPA

These pages give an overview of the process of setting up an LPA. For more information, visit GOV.UK (page 26) or contact the Office of the Public Guardian.

- Get LPA forms and an information pack from the Office of the Public Guardian. You can download the forms or fill them in online at **www.gov.uk/lasting-power-of-attorney** – but it's important to note that they need to be printed off to be signed. Alternatively, you can have them sent to you in the post by calling **0300 456 0300**.

- If you're happy to, you can fill out the forms yourself. It's important to be careful because mistakes might mean your LPA is rejected and you need to pay a fee later to reapply.

  The Office of the Public Guardian have a step-by-step guide to completing the forms on their website, or you can call them for assistance. You might want to ask a trusted family member or friend to help you. Alzheimer's Society (page 25) also provide a service to help with LPA forms – if you don't feel comfortable completing the forms yourself or don't have access to the internet, for example.

- While you don't need to use a solicitor to set up an LPA, it could prevent problems later on – especially if you're unsure of the process or your affairs are complex. It's more costly than filling out the forms yourself, but you might find that the reassurance of having professional advice is worth it. The costs for setting up an LPA can vary a lot from solicitor to solicitor, so it's a good idea to call several firms for quotes before choosing one.
- The application process includes having the LPA signed by a 'certificate provider' – someone who confirms that you understand what the LPA is and that you haven't been put under any pressure to sign it. This person must be either someone you've known well for at least 2 years or a professional such as a doctor, social worker or solicitor. Certain people aren't allowed to be your certificate provider – such as your partner or other family members.
- Once the LPA form is completed and signed, it must be registered with the Office of the Public Guardian before it can be used. The registration process can take several weeks.

"I was worried about setting up a power of attorney as I don't have close friends or family. But I was able to appoint a solicitor instead."
Jean, 93

Registering an LPA costs £92 as of November 2025. If you're registering LPAs for both financial decisions and health and care decisions at the same time then you need to pay £92 for each LPA. However, if you're on a low income (under £12,000 a year) you might be eligible for a 50% discount – and if you're receiving certain benefits you won't have to pay anything at all.

If you make an LPA while you still have mental capacity but lose capacity before registering it, your attorney can register it for you. Contact the Office of the Public Guardian for more information.

It's important to consider registering your LPA as soon as possible after making it. If you lose mental capacity before it's registered, it won't be possible to correct any mistakes on it – and if there are mistakes on it, the Office of the Public Guardian won't be able to register it and it can't be used.

Next steps

To find out more about registering LPAs, see our factsheet **Arranging for someone to make decisions on your behalf**.

Choosing your attorney

Your attorney will have a lot of power over your affairs, so make sure you choose someone you trust completely.

You could choose someone you're close to, such as a family member or a friend, or you could choose a professional, such as a solicitor. It's important to choose someone who can be trusted to act in your best interests (see pages 14-15).

Whoever you choose, they need to be 18 or over, and they can't be a professional care worker apart from in exceptional circumstances – for example, if they're your only relative.

Give the person you ask to be your attorney time to think properly about whether they're prepared to take on the responsibility.

Choosing more than one attorney

It can be a good idea to appoint more than one attorney – but you need to decide whether they'll make decisions 'jointly' or not. Making a decision jointly means all your attorneys must agree, otherwise the decision can't be made. You can also appoint replacement attorneys in case someone you've chosen becomes unable to act on your behalf – for example, if they die or lose mental capacity.

For more information on who can be an attorney and choosing more than one attorney, see our factsheet **Arranging for someone to make decisions on your behalf.**

Good to know

A non-professional attorney can only claim expenses in their role (like travel costs), but a professional attorney can also charge for their time – so consider the costs carefully before you choose.

How should my attorney make decisions?

All attorneys need to understand and follow certain principles, which are set out in the Mental Capacity Act 2005 and its code of practice.

They must:

- **assume you have mental capacity.** Your attorney must only make decisions on your behalf if it can be shown you don't have mental capacity (see pages 6-7).
- **help you make a decision.** You must be given as much practical help as possible to make your own decision before anyone decides you're unable to. For example, if you're better able to understand things at a particular time of day, you should be helped to make a decision then. Or if you're better able to understand or communicate using pictures or sign language, then that method should be used.
- **avoid making assumptions based on 'unwise decisions'.** No one should decide that you lack mental capacity just because you make a decision others might consider unwise or eccentric.
- **make the least restrictive decision.** Your attorney should consider all available options and choose the one that restricts your rights and freedoms the least.
- **act in your best interests.** Your attorney must consider a range of factors and reach a balanced conclusion about what decision is the right one for you. There's more detail about this on the next page.

Your best interests

Your attorney must always make the decision that's in your 'best interests'. This means that they have to:

- do everything possible to enable you to express your preferences
- consider your past and present wishes and feelings – especially any wishes you put in writing (see pages 18-19)
- consider feelings, beliefs and values you have that may influence the decision
- talk to other people – such as family, friends or carers – who know about your feelings, beliefs and values, and who might be able to suggest what would be in your best interests
- respect your right to privacy at all times, recognising that it might not always be appropriate to share information about you with people
- under a health and care decisions LPA, take into account any advance decision to refuse medical treatment that you've made. Your attorney may not be able to make a decision about the treatment covered in the advance decision – see pages 18-19 for more information about this.

Your attorney must weigh up these factors in order to reach a balanced decision about what is in your best interests.

Next steps

The Office of the Public Guardian provide guidance about being an attorney online at **www.gov.uk/government/publications/how-to-be-an-attorney**.

If you're concerned about an attorney

Contact the Office of the Public Guardian if you're concerned that your attorney isn't acting in your best interests – or that someone else's isn't acting in their best interests.

The Office of the Public Guardian are responsible for maintaining a register of attorneys. They can investigate allegations of mistreatment or fraud and, if necessary, report concerns to the police or social services.

The same applies if you have concerns about a deputy. For more information about deputies, see page 21.

If you have concerns about an appointee for benefits, contact the Department for Work and Pensions (DWP). For more information about appointees, see page 20.

If you have any concerns that abuse or neglect is taking place, or that someone is at risk of abuse or neglect, contact the local council's safeguarding team. If you want to talk to someone confidentially about abuse or neglect, contact Hourglass (page 26).

If you're worried that you or someone else is in immediate danger, contact the police on **999**.

Next steps

For more information, see our factsheet **Safeguarding older people from abuse and neglect**. Age Cymru has its own version of this factsheet.

Other types of power of attorney

If you want to set up a power of attorney in case you ever lose mental capacity, then you need to set up a lasting power of attorney (LPA). However, there are 2 more types.

Enduring power of attorney (EPA)

LPAs have now replaced EPAs, so you can't make a new EPA. However, if you set one up before October 2007 then it's still valid – and you can still register it if you haven't already.

If you have mental capacity, your EPA doesn't need to be registered before your attorney uses it. If you lose mental capacity, your attorney needs to register the EPA with the Office of the Public Guardian before they can make any decisions on your behalf.

Ordinary power of attorney (OPA)

An OPA is only valid while you have mental capacity, and it's for financial decisions only. You can limit the power you give to your attorney – for example, you could allow them to deal with your bank account but not your property.

It can be useful if you need someone to look after your finances temporarily – because you're going into hospital or away on holiday, for example – or if you find it difficult to get to the bank or post office and being able to send someone else would be helpful.

If you want to set up an OPA, contact your local Citizens Advice (page 25) or get advice from a solicitor – there isn't a standard form to complete, but there's particular wording that must be used. To find a solicitor, contact of the Association of Lifetime Lawyers (page 25) or the Law Society (page 26).

But while you may find an OPA useful in certain situations, it's usually best to set up an LPA so your attorney can continue to act for you if you ever lose mental capacity.

Your future wishes about medical treatment

As well as setting up a power of attorney, you can make decisions in advance about medical treatment you don't want. This is known as an advance decision (or 'living will'). You can also make an advance statement of your preferences about care and treatment.

Advance decisions

You can make an advance decision to refuse certain medical treatments. It's a good idea to put your advance decision in writing, but you don't have to – you can set up a valid advance decision simply by telling your doctor which treatments you don't want.

However, if your advance decision is to refuse life-sustaining treatment, then it must be in writing and signed both by you and a witness. Life-sustaining treatment depends on the situation, but it can include major operations, some cancer treatments, and artificial nutrition or hydration.

In England and Wales, an advance decision is legally binding – so, as long as it meets certain requirements, health professionals must follow it. To find out more about these requirements, see our factsheet **Advance decisions, advance statements and living wills**. Let your family and any medical professionals know that you have an advance decision and review it frequently to check it still reflects your wishes.

Before making an advance decision, you might find it helpful to talk to your doctor about treatments you might be offered in the future, and what refusing them might mean. The NHS website (page 26) has more information about making advance decisions.

Advance decisions and LPAs

If you make an advance decision **after** setting up an LPA for health and care decisions, your attorney can't agree to any treatment you've refused in the advance decision.

If you make an advance decision **before** setting up an LPA for health and care decisions, the LPA will make your advance decision invalid – but only if you've given your attorney the authority to make treatment decisions that are the same as those covered by the advance decision.

Advance statements

An advance statement covers your preferences and values when it comes to any future care.

For example, it might cover your religious beliefs, what you like to eat, or whether you prefer baths or showers. It isn't legally binding – but it's a helpful record of your wishes for anyone involved in looking after you.

"I set up an advance statement to let my family know what kind of care I want. It was a real weight off my mind."
Andrew, 79

If you lose mental capacity

If you lose mental capacity and you have a lasting power of attorney (LPA) or an enduring power of attorney (EPA) set up, then your attorney will be able to make decisions in your best interests. If you don't, anyone who wants to act on your behalf will need to consider other options.

LPAs and EPAs need to be registered before an attorney can make decisions for someone lacking mental capacity. For more information, see pages 6-7.

What if I haven't set up a power of attorney?

If there comes a time when you can't make a particular decision because you've lost mental capacity and you haven't set up a valid LPA or EPA, someone wishing to act on your behalf may need to apply to the Court of Protection to be appointed as your 'deputy'.

The Court will consider whether the person applying is suitable for the role. This can be a lengthy and costly process, so it's best to set up an LPA in advance.

Good to know

Someone can apply to the Department for Work and Pensions (DWP) to become your 'appointee'.
An appointee has the authority to claim, manage and spend your benefits, including your State Pension, if you've lost mental capacity. For more information, see the DWP website (page 25).

What is a deputy?

A deputy has similar responsibilities to an attorney. They can only act within the authority set out by the Court, and they have a duty to act in good faith. They must follow the same principles as attorneys (see pages 14-15), doing everything possible to help you make your own decisions and making sure that any decisions they make on your behalf are in your best interests.

Like lasting powers of attorney, there's one deputyship for property and financial affairs and another for personal welfare. Personal welfare deputies are usually only appointed in rare circumstances though – for example, when decisions might not be made in someone's best interests because their family disagree about their care.

Being a deputy is a lot of responsibility, so anyone asked to take on the role should consider carefully whether it's something they're comfortable doing – or whether there may be someone more appropriate.

Your deputy must act in your best interests. If you're concerned that they aren't acting in your best interests – or that someone else's deputy isn't acting in their best interests – contact the Office of the Public Guardian.

Next steps

Contact the Office of the Public Guardian for more information about becoming a deputy. You might also find it helpful to read the online guide **How to be a property and affairs deputy** at GOV.UK or our factsheet **Arranging for someone to make decisions on your behalf.**

What if no one can speak for me?

If you're ever unable to make certain important decisions and there's no one who can speak on your behalf other than health and care staff – such as a family member or friend – an independent mental capacity advocate (IMCA) must be appointed to support and represent you.

The decisions your IMCA might be involved in could relate to things such as serious medical treatment, a long-term hospital or care home stay, or a care review. The NHS organisation or local council providing your care are responsible for appointing an IMCA.

Next steps

To find out more about the role of IMCAs, see our factsheet **Arranging for someone to make decisions on your behalf**.

Protecting your rights in a care home or hospital

If you lack mental capacity, there may be times when your freedom or independence needs to be restricted to keep you safe.

For example, if you have dementia, you may not be allowed to leave a care home or hospital by yourself – or you might need to be closely supervised at all times.

The Deprivation of Liberty Safeguards, which form part of the Mental Capacity Act 2005, exist to protect people in care homes or hospitals who lack mental capacity. The aim is to make sure that your freedom or independence is only restricted when necessary and in your best interests, taking into account the harm you may experience if restrictions on your freedom aren't put in place.

Next steps

See our factsheet **Deprivation of Liberty Safeguards** for more information.

Useful organisations

Age UK

We provide information and advice for people in later life through our Age UK Advice Line, publications and website.

Age UK Advice: 0800 169 65 65
Lines are open 7 days a week from 8am to 7pm.
www.ageuk.org.uk

In Wales, contact Age Cymru Advice: **0300 303 44 98**
www.agecymru.wales

In Northern Ireland, contact Age NI: **0808 808 7575**
www.ageni.org

In Scotland, contact Age Scotland: **0800 124 4222**
www.agescotland.org.uk

Alzheimer's Society

Offers a digital assistance service to help people with the LPA application process.
Tel: **0333 150 3456**
www.alzheimers.org.uk

Association of Lifetime Lawyers

Legal experts who specialise in a wide range of legal issues affecting older people. Contact them for help in finding a solicitor.
Tel: **020 8234 6186**
www.sfe.legal/public

Citizens Advice

Network of centres offering free, confidential and independent advice.
In England, call Adviceline: **0800 144 8848**
In Wales, call Advicelink: **0800 702 2020**
www.citizensadvice.org.uk

Court of Protection

Responsible for appointing deputies and for making decisions on financial or welfare matters if someone lacks mental capacity and doesn't have an LPA or EPA in place.
Tel: **0300 456 4600**
www.gov.uk/courts-tribunals/court-of-protection

Department for Work and Pensions (DWP)

Responsible for welfare and pensions. Provides information about being an appointee for benefits.
www.gov.uk/government/organisations/department-for-work-pensions

GOV.UK

Provides information on public services and lets you set up a power of attorney online.

www.gov.uk

www.gov.uk/power-of-attorney

Hourglass

Offers advice and support to anyone with concerns about the abuse or neglect of an older person.

Tel: **0808 808 8141**

www.wearehourglass.org

Law Society

Representative body for solicitors in England and Wales. You can find a solicitor using their database.

Tel: **020 7320 5650**

www.lawsociety.org.uk

NHS

Provides information on advance decisions and advance statements.

www.nhs.uk/conditions/end-of-life-care/planning-ahead

Office of the Public Guardian

Provides information about making an LPA or applying to the Court of Protection, and investigates concerns about attorneys and deputies.

Tel: **0300 456 0300**

www.gov.uk/government/organisations/office-of-the-public-guardian

Help us be there for someone else

We hope you found this guide useful. When times are tough, it's so important to get some support. You can help us reach everyone who needs us:

1. **Tell us your story.** If Age UK's information and advice has helped you, we'd love to hear about it. Email **stories@ageuk.org.uk**.

2. **Donate to us.** We rely on donations to support older people when they need us most. To make a donation, call us on **0800 169 8787** or go online at **www.ageuk.org.uk/donate**.

3. **Volunteer with us.** Our volunteers make an incredible difference to people's lives. Find out more at **www.ageuk.org.uk/volunteer** or contact your local Age UK.

4. **Campaign with us.** We campaign to make life better for older people, and rely on the help of our strong network of campaigners. Add your voice at **www.ageuk.org.uk/campaigns**.

5. **Remember us in your will.** A gift to Age UK in your will is a very special way of helping older people get expert support in the years to come. Find out more by calling **020 3033 1421** or visit **www.ageuk.org.uk/legacy**.

What should I do now?

You might want to read some of our relevant information guides and factsheets, such as:

- **Living with dementia**
- **Thinking about end of life**
- **Wills and estate planning**

You can find all of our guides and factsheets on our website, along with lots more useful information. Visit **www.ageuk.org.uk** to get started.

You can order free printed copies of any guide or factsheet by emailing **orders@ageuk.org.uk** or calling our Advice Line on **0800 169 65 65.** Our friendly advisers can also help with any questions.

All of our publications are available on request in large print and audio formats.

If contact details for your local Age UK are not in the below box, call Age UK Advice free on **0800 169 65 65**.

Let's change how we age

0800 169 65 65
www.ageuk.org.uk

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