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What's the difference between Lasting Power of Attorney and Deputyship?

Lasting Power of Attorney	Deputyship
Made by you A legal document where you appoint people you trust to be your attorneys and make decisions on your behalf.	**A court order** A deputyship order is given by the Court of Protection (COP) to enable decisions on behalf of vulnerable or mentally incapacitated people.
Wider powers You can make two types of Lasting Power of Attorney: Property & Financial Affairs and Health & Welfare. Both are important for complete protection.	**Restricted decision making** In most cases, deputyship orders relate to property and financial decisions only. The COP decides what permissions are given to the deputy. Health and welfare deputyships are rare as applications need permission of the COP.
Faster Registering a Lasting Power of Attorney takes 4-6 months on average. Once registered, it can be used immediately.	**Slower** 6-12 months for a simple case. If the COP decides a hearing is needed, it will take much longer. During this time, your loved ones will be stuck and unable to help you.
Choice You choose people you trust to be your attorneys/ replacement attorneys. Your chosen attorneys must sign your LPA and agree to the role before it is registered. This is a good opportunity to discuss your wishes with your attorney(s).	**No choice** Almost anyone over 18 can apply to be your deputy – whether you like them or not! The local authority or legal professionals may also apply to be a deputy (e.g. to enable access to funds to pay for your care) if there is no one suitable identified.
Less Expensive In addition to the important factors above, Lasting Power of Attorney costs significantly less than a deputyship order. Speak to us about our fees. For most people, there are no ongoing costs and attorneys can manage day-to-day decisions within the powers available to them. There are some situations, however, where attorneys may need to seek legal advice or make applications to the Court of Protection e.g. if an attorney wants to make a large gift or borrow money or undertake inheritance tax planning.	**More Expensive** The cost of a property and financial affairs deputyship varies but at a minimum typically includes: • Deputyship application £950+VAT (£1140) • COP3 Medical report £600 • Court of Protection application fee £408 • **£2148 plus other ongoing / potential fees** • £494 Court hearing fee • £500+VAT (£600) Application to sell property • £100 New deputy assessment fee • £320 Annual supervision fee • £ variable Security bond / Insurance. • £ variable Legal advice/support for deputies If court orders are needed for health issues, this will involve additional court fees, legal and medical expenses. **Remember these fees apply to one person so the cost will double if two applications are needed e.g. both spouses are incapacitated.**

LPA v Deputyship

Compare our real-life stories

When there is an LPA in place.
Stan had a stroke. Although his family still had to deal with the shock and upset of the situation, the benefit of having a Lasting Power of Attorney in place was immediate.

His attorneys (partner and nephew) were able to make the arrangements they needed with the hospital and residential care home to ensure Stan was cared for as he would have wanted. They were able to use his money (savings, investments, pensions) to pay for the care he needed and were also able to insure and maintain his home.

His attorneys felt a great sense of relief that they could do the things they needed to because Stan had the wisdom to make a Lasting Power of Attorney when he was well enough to do so.

When there is no LPA in place
Carole suffered a head injury after a fall. She thought about making a Lasting Power of Attorney some years ago but did not think she would need it yet.

As Carole could no longer consent to an LPA, her daughters had to apply for deputyship. During this time, they could not access Carole's bank accounts and personally had to find the money to pay for the deputyship application, Carole's care and usual bills.

What hurt them most was their lack of power to decide upon their mother's care. The care home stated that as they did not have a Lasting Power of Attorney, they could not make decisions on behalf of their mother.

A Health and Welfare LPA would have legally enabled Carole's daughters to do this and make decisions on medical treatment.

When Carole's daughters eventually obtained a deputyship order, this was limited to property and financial decisions. In addition to the set-up costs, it meant paying insurance and annual fees and submitting supervision reports to The Office of the Public Guardian every year.

"I wish mum had sorted out her LPA's years ago. She would never have wanted us to have the hassle and expense of going through the Court of Protection if she had known. It took ages to get the deputyship order, so finding money while her bank accounts were frozen was very stressful. It's just not practical for us to get a health and welfare deputyship order because of the time and expense it would take going back and forth to court. It feels like we have one arm tied behind our back by not having the health and welfare lasting power of attorney."

Want to avoid the time, stress and expense of the Court of Protection?

Contact us today to make a Lasting Power of Attorney

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