



# The Hidden Cost of DIY LPAs

## SFE report



**With thanks to:**

**Gary FitzGerald, Chief Executive, Action on Elder Abuse**



“Once a Lasting Power of Attorney has been registered, there is little to stop a determined attorney from financially abusing an incapacitated or vulnerable donor. We believe the OPG’s online tool does not sufficiently address, warn against, and prevent the misuse of Powers of Attorney, thereby leaving older and vulnerable people open to accidental or intentional abuse.”

**Jane Ashcroft CBE, Chief Executive, Anchor**



“A Lasting Power of Attorney is an essential tool for many of our customers and their families. From choices around health, housing and care arrangements, to helping people pay for care fees, LPAs are one of the best ways to protect older and vulnerable people later in life. Decisions like these have huge implications for individuals and they can’t always be answered with online forms, which is why we think it’s crucial that people do plenty of research and seek professional advice where possible.”

**Mary Rance, Chief Executive Officer, Contact the Elderly**



“Through our work to tackle loneliness and isolation, we know first-hand that protecting older people who may be vulnerable is of the utmost importance. While we do not position Contact the Elderly as a charity giving advice or legal expertise, having a legally binding document like an LPA is clearly sensible and so should not be undertaken lightly. The right safeguards must be in place to ensure everyone can fully consider their wishes and the repercussions of what they are signing. This is easily done through a conversation with a trained expert, but almost impossible through an internet page designed solely for the tech-savvy. I question whether the push towards online and DIY legal documents offers the right level of protection.”

**Tish Hanifan, Founder & Jt Chair, Society of Later Life Advisers (SOLLA)**



“The complexities of the many financial decisions donors and their families face when creating an LPA require careful and considered advice. We believe legal tools such as the OPG’s online platform may fail to properly inform individuals about the various financial issues and solutions available in later life. When it comes to peace of mind and assurance, there is no substitute for specialist advice.”

# Glossary of terms

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- **Attorney** – a person appointed to act on behalf of another individual or business
- **Court appointed deputy** – a person appointed by the Court of Protection to make on-going decisions for someone who lacks mental capacity
- **Court of Protection (CoP)** – the superior court which makes decisions on financial or welfare matters for people who can't make decisions at the time they need to be made
- **Deputy** – a person appointed by the Court of Protection to make decisions on someone's behalf if they lack mental capacity
- **Donor** – the person who appoints someone else (an attorney) to act on their behalf
- **Incapacitated** – when a person is unable to make their own decisions due to a temporary or permanent mental and/or physical deficiency, disability or illness
- **Lasting Power of Attorney (LPA)** – a document that gives a person legal authorisation over someone else's health and welfare and/or property and financial affairs
- **Lawyer** – a professional who practices law (also known as an advocate, attorney, barrister, chartered legal executive, counsel, counselor, or solicitor)
- **Office of the Public Guardian (OPG)** – an executive agency sponsored by the Ministry of Justice to protect people in England and Wales who may not have the mental capacity to make certain decisions for themselves, such as about their health and finance.
- **SFE (Solicitors for the Elderly)** – a membership organisation for solicitors, barristers and chartered legal executives who are specialists in advising older people and those considering plans for later life
- **Solicitor** – a qualified, regulated legal practitioner

# Executive summary

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Have you ever considered creating a legal document by yourself?

With a plethora of information available, there is a rapidly growing market for DIY legal forms that allow people to create legally binding documents themselves through shop-bought kits and online tools.

**But can these methods replace the role of a qualified legal professional? And are we really aware of the gravity of these documents and the potential risks we are exposing ourselves to without seeking specialist legal advice?**

A Lasting Power of Attorney (LPA) is a powerful legal document that allows a person (or 'donor') to choose one or more individuals (or 'attorneys') to handle their affairs in the event that they can no longer do so themselves, for example if they lose mental capacity. Attorneys are able to make important decisions on behalf of the donor, involving their property, money, medical treatment and end of life wishes. As such, an LPA is an extremely important document with serious implications for all involved.

All LPAs must be registered by the Office of the Public Guardian (OPG), an executive agency of the Ministry of Justice. While it is possible to create an LPA using an off-the-shelf kit (available in some high street shops), applications are traditionally made through a solicitor. However, in 2014, the OPG launched an online service to allow people to create their own LPAs without the help of a solicitor. This has led to a 35% rise in the overall number of applications, with over 500,000 LPAs being registered in 2015/16 alone.<sup>1</sup> A significant proportion of applications for LPAs over the last two years have been made using the new online service, and the OPG has recently set a target for 30% of applications to be made in this way.<sup>2</sup>

The perceived benefit of using a 'DIY' method over using a solicitor is primarily financial, as the DIY methods are cheaper in the short-term. However, SFE is concerned that by encouraging people to create 'bargain-bucket' LPAs without taking specialist legal advice, the OPG is potentially exposing them to unacceptable levels of risk and in doing so may be compromising its ability to safeguard those who are most vulnerable.

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<sup>1</sup> OPG Annual Report 2015/16

<sup>2</sup> FOI request, OPG Reference number 107744



This report outlines the results of our study into the various methods of creating an LPA. During the study, we compared participants' experiences of using a DIY method (either an off-the-shelf kit or the OPG online service) with their experiences of using a specialist solicitor. The study also assessed the legal robustness of the LPAs created using a DIY approach.

Our study shows that DIY methods carry a great deal of risk through potential repercussions of weaknesses or flaws in the document itself, and a lack of consideration or checks to safeguard for vulnerable donors. The participants in our study all agreed that they would not feel comfortable submitting an application made using a DIY method without first discussing it with a solicitor. After receiving a consultation with a specialist solicitor, all participants said they felt more confident about their ability to make informed and appropriate choices, and most of them made significant changes to the decisions expressed in their LPAs.

We conclude that while not everyone will need to seek help from a solicitor, for the vast majority of people this remains the most effective, safe, and legally robust option for creating an LPA. Without specialist legal advice, there is a real risk that the person creating an LPA does not adequately express their wishes and preferences, leaving them with a document that is not fit for purpose.

### About SFE

**SFE (Solicitors for the Elderly) is an independent, national organisation of over 1,500 lawyers, such as solicitors, barristers, and chartered legal executives, committed to providing the highest quality of legal advice for older and vulnerable people, their families, and carers. The extensive experience and qualifications required of SFE-accredited lawyers make them the gold standard for solicitors and chartered legal executives advising on LPAs and other legal services for older and vulnerable people.**

# Introduction

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## **What is an LPA?**

A Lasting Power of Attorney (LPA) is a powerful legal document, which allows a person (or ‘donor’) to choose one or more individuals (or ‘attorneys’) to handle their affairs in the event that they are no longer able to do so themselves, for example if they lose mental capacity. The attorneys do not need to be legal professionals; they can be trusted family members or friends. There are two types of LPA, which cover the donor’s property and financial affairs, and health and welfare respectively. With both in place, the attorney(s) will be able to make important decisions on behalf on the donor, such as the management of property, bank accounts, bill payments, and choices around care plans, medical treatment, and end of life wishes.

All LPAs must be registered with the Office of the Public Guardian (OPG), an executive agency sponsored by the Ministry of Justice. The registration process requires both the donor and their attorney(s) to complete and submit several forms, to create a legally-binding LPA document. There are many issues to consider when creating an LPA (with the OPG receiving over 1,000 calls to its contact centre every day, it is clear that LPAs are complex)<sup>3</sup>, and its potentially serious implications mean that great care must be taken when creating one.

## **The rise of DIY LPAs**

Traditionally, LPAs are made through a qualified solicitor. A small number are also made using off-the-shelf kits, which can be picked up on the high-street and usually contain guidance notes so that individuals can create and register the documents without the help of a solicitor. A third way of creating LPAs has recently been made available, with the launch of an online service from the OPG itself. Using this digital service, which includes the OPG’s own set of guidance notes, individuals can also create and register an LPA without taking legal advice.

The ability to complete an LPA application online via the OPG became available in July 2013, with the online service being officially launched in May 2014, accompanied by extensive promotional activity through the OPG’s digital channels.<sup>4</sup>

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<sup>3</sup> FOI request, OPG Reference number 107387

<sup>4</sup> OPG Business Plan 2014/15



**Its launch has led to a significant rise in the number of LPA applications received by the OPG, with over 500,000 LPAs registered in the year following its introduction, an increase of 35% on the previous year.<sup>5</sup>**

This trend has continued with a record number of LPAs created in January to March 2016, up nearly 20% on the same quarter for 2015.<sup>6</sup>

The stated purpose of the online service is to encourage more people to create an LPA, with a core aim of the OPG's business plan to 'promote digital services as the preferred method of LPA application'.<sup>7</sup> The strategy appears to be working, with over a quarter of all applications in 2015/16 being made using the online service.<sup>8</sup>

**The OPG has recently set itself a target for digital applications to comprise 30% of all applications in future.<sup>9</sup>**

### **The dangers of DIY LPAs**

The primary perceived benefit of using either the OPG's online service or an off-the-shelf kit is a financial one, with DIY methods being low or no-cost (aside from the standard application fee charged by the OPG), and the fee for a specialist solicitor typically being several hundred pounds. However, there are a number of risks associated with any DIY method of LPA application.

Firstly, the resulting document may not be legally robust. The application forms are complicated to complete, and even with extensive guidance notes, it is easy to make mistakes. This can incur unforeseen costs – if the forms are not completed correctly, they can be rejected by the OPG and a further charge made for re-submission.

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<sup>5</sup> OPG Annual Report 2015/16

<sup>6</sup> Family Court Statistics Quarterly, England and Wales: January to March 2016 – Ministry of Justice Statistics bulletin (June 2016)

<sup>7</sup> OPG Business Plan 2014/15

<sup>8</sup> OPG Annual Report 2015/16

<sup>9</sup> FOI request, OPG Reference number 107744

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**For the dates 1st August 2015 to 31st August 2016, there were over 13,000 cases with a rejected status.<sup>10</sup>**

In the event of the OPG rejecting an LPA application, donors may have to pay a repeat application fee of £55, or even submit a whole new application for an additional £110 per document.

Alternatively, even if mistakes pass through the checking system, the LPA may be rejected in future by banks, utility providers or medical professionals. Rectifying mistakes once an LPA has been granted is not only expensive but can also be time-consuming and stressful.

Secondly, the individual making the application can more easily become a victim of fraud or coercion if a DIY method is used. A legal professional acts as an important safeguard when creating an LPA, and their removal from the process can lead to an LPA being falsified, or the donor being persuaded to sign something they do not fully understand or are not comfortable with.

Finally, there is a real risk with DIY methods that the person creating an LPA does not adequately express their wishes and preferences. It can be extremely daunting to think about what might happen if you lose the ability to make decisions for yourself, and there are many important factors to consider when creating an LPA, which may be overwhelming. A vital part of a solicitor's role is to provide counsel for an individual about their options and choices. Without this support, it is easy for someone to create an LPA that does not accurately reflect the way in which they want their affairs and welfare to be handled in the future. By doing so, they may also inadvertently open themselves up to the risk of fraud and financial abuse.

There are many people for whom these risks are considerable, particularly if their affairs are complex or if they lack confidence with legal processes.

At SFE, we believe that by promoting its online service as a universally suitable way of creating an LPA, the OPG is potentially exposing many donors and their families to unacceptable levels of risk. As such, we believe that the OPG may be compromising its ability to safeguard those who are most vulnerable.

To further investigate the pitfalls of completing an LPA application without the help of a solicitor, we conducted a small comparative study into the various methods of application. As our study shows, consultation with a specialist solicitor has many advantages over DIY methods when it comes to creating an LPA, and all the participants in the study agreed that using a solicitor was by far the best option.

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<sup>10</sup> FOI request, OPG Reference number 107387

# The study

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## **About the study**

Participants from a range of backgrounds, all of whom had previously been considering creating an LPA, were asked to complete an LPA using either an ‘off-the-shelf’ kit or the OPG’s online service. The resulting documents were analysed by legal professionals to identify any issues. Participants then received a consultation with a qualified SFE solicitor, and were asked to compare this experience with that of using a DIY method.<sup>11</sup>

The off-the-shelf kit used in this study was the ‘Power of Attorney’ kit from Law Pack, a private publishing company. Described as a “Solicitor-approved kit providing access to Lasting Power of Attorney forms”, it is available on the Law Pack website either as a hard copy or ‘e-kit’ for less than £15 (excluding the OPG application fee of £110).<sup>12</sup>

The OPG’s online LPA service is available on its website to anyone registering an account. It is a free service, although the standard application fee applies.<sup>13</sup>

## **The experts**

**The participants’ LPA applications were reviewed by one of two expert solicitors and members of SFE: Stephanie Rose, Partner at Clifton Ingram, and Claire Davis, Partner at Howells Legal.**

**Consultations to create LPAs for all participants were held with another one of two qualified legal professionals and members of SFE: Karon Walton, Senior Associate for Tollers LLP, and Richard McDermott, Associate, Farrer & Co.**

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<sup>11</sup> The study took place between 4th–11th July 2016.

<sup>12</sup> <http://www.lawpack.co.uk/power-of-attorney/product713.asp> - accessed July 2016

<sup>13</sup> <https://www.lastingpowerofattorney.service.gov.uk/home> - accessed July 2016

## Participants



**June McSparron** is 75 years old, and lives alone in Cambridgeshire. She has three children and several grandchildren and step-grandchildren. She completed an 'off-the-shelf' Law Pack kit, to apply for both types of LPA (Health & Welfare and Property & Finance).

**Brian and Joy Ward** are 73 and 69 years old and live in Suffolk. They have two daughters but no grandchildren. They also completed an off-the-shelf Law Pack kit to apply for both types of LPA.



**Maxine Palmer** is a 45-year-old single mother, and lives in Cambridgeshire with her 7-year old daughter. She completed the application process for both types of LPA using the OPG's online service.

**Anne and Greg Guthrie**, a retired teacher and civil engineer, are both 64 years old and live in Lincolnshire. They have three children and three grandchildren. They also completed the application process for both types of LPA using the OPG's online service.



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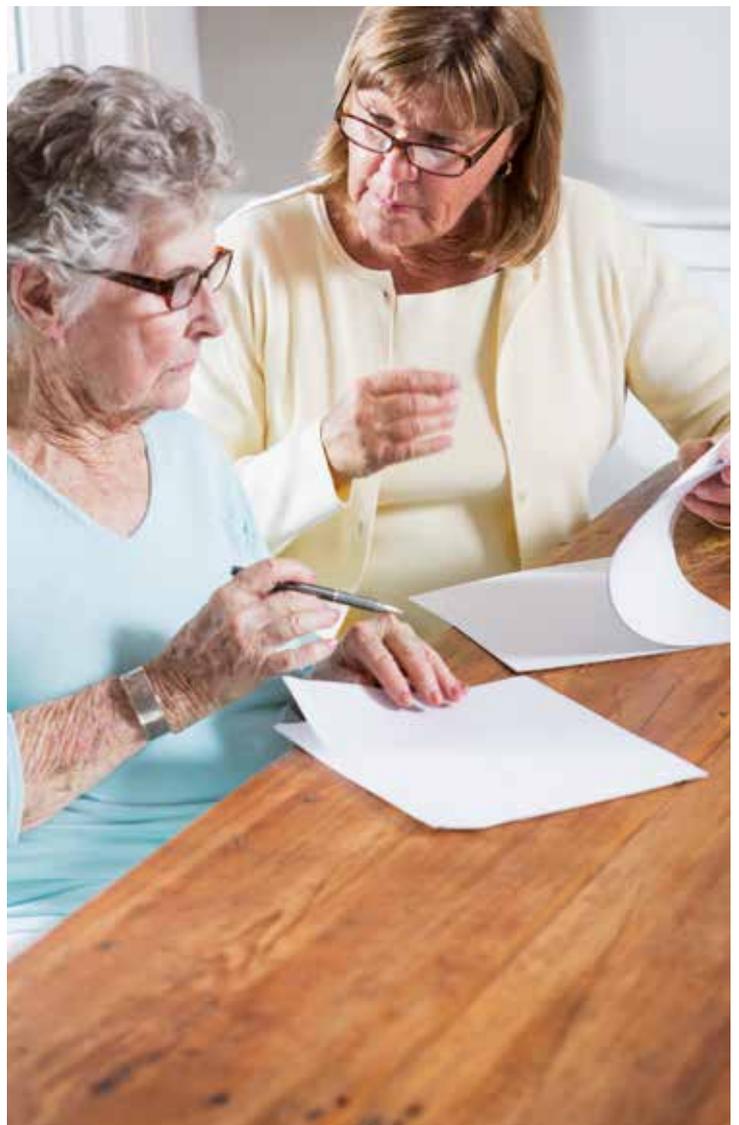
### **Off-the-shelf kit**

All participants in this group commented on the complexity of the forms and the time taken to digest the copious amount of background information in the guidance notes.

“I went as far as I could go with it, but I couldn’t finish it,” said June McSparron. “There is so much jargon in the forms, and I didn’t understand all the legal terminology. It was also a very, very long process – it took my son and me an entire day to read through all the information, and we still couldn’t complete the application. We both found it really frustrating.”

“We were fairly confident about filling in the application – there’s always that element of doubt though, as it’s such an important document,” said Brian and Joy Ward. “It took us about five hours to read through all of the supporting information, so we were surprised at how time-consuming it was. It’s certainly not something anyone should undertake lightly.”

The solicitors reviewing the applications identified several issues, ranging from minor points like legibility, to major flaws, including mistakes in the section outlining legally-binding instructions to attorneys.





“The applicant left the ‘preferences and instructions’ section blank – this is a key part of the document as it outlines the donor’s wishes around how they would like their attorneys to act on their behalf,” said solicitor Claire Davis. “For example, does the donor want their attorney to agree to life-sustaining treatment in the event of a medical crisis? As a solicitor, I talk these issues through with my clients, allowing them to think about what they would want to happen in various circumstances.”

The solicitors also emphasised how the DIY process removes important safeguards against coercion of vulnerable clients.

**“I am concerned that if they were to use these off-the-shelf kits to create a real LPA, the applicants would face an increased risk of fraud and financial abuse,” said solicitor Stephanie Rose.**

“I usually take several opportunities to go through these forms with my clients to ensure that they have understood them, have the necessary capacity to sign them, and are not being forced to submit them – I always see the client alone, which may not happen with a DIY option.”

### **OPG online service**

Despite being regular internet users, the participants in this group found the online application process overwhelming. They all commented on the gravity of some of the questions, and the potential repercussions of their answers to these.

“The questions about life-sustaining care definitely took me by surprise, as it’s not something I’d considered before,” said Maxine Palmer.

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**“I don’t think that it was possible to give these questions enough thought when filling in a form online, and I had serious concerns about making any decisions without discussing them with a solicitor first.”**

I think the online option is only suitable for someone who is already 100% certain about what their wishes are. I realise that not everyone has the money to see a solicitor, but to me it is more than worth the fee for the peace of mind it would give me about my daughter’s future.”

“We were fairly confident filling the forms in ourselves, but an LPA is such an important document, it’s crucial to get it right,” said Anne and Greg Guthrie. “We would definitely want a solicitor to at least review our application to ensure that we hadn’t missed anything out.”

The solicitors reviewing the applications made using the online service had particular concerns around the nomination of attorneys.

“I wonder whether the applicant has considered what would happen in the event of their single named attorney pre-deceasing them or becoming incapacitated themselves,” says solicitor Claire Davis. “This is something that I would have advised any client on, and would have strongly recommended adding a replacement attorney to ensure that their LPA remains valid.”

“The applicant has nominated a family member that lives abroad as an attorney,” says solicitor Stephanie Rose. “It may not be as practical for people living abroad to be involved, both for the purposes of signing the documents, and in terms of the practicalities of managing the donor’s day-to-day affairs when living so far away. Obviously the decision ultimately lies with the donor, but I would go through issues like this with any client to ensure they fully understood the implications.”

### **Solicitor consultation**

June McSparron was delighted with the service she received during the consultation. “It was such a relief to go through the application with a solicitor, after the terrible experience I’d had with the DIY kit,” she says. “The solicitor explained everything so well and in a way that I could understand. She advised me to include my daughter as an attorney as well as my son, as well as nominating two back-ups – it hadn’t even dawned on me to have more than one person listed. Adding my daughter ended up being really useful, because it prompted her and my son to have a proper discussion about what each of them were able to do to help me in future.”

“When the solicitor told me exactly what authority I’d be giving up, I realised how powerful the LPA is,” added June. “Talking it through really made it hit home, and I wouldn’t have been able to make the same decision about my wishes if I had gone down the DIY route.”



Brian and Joy Ward found that the solicitor provided invaluable reassurance. “As it turned out, we didn’t make any changes and we could have registered the applications ourselves,” they said. “But ‘could have’ and ‘would have’ are very different – there’s no way we would have felt comfortable doing so without talking it through with a legal professional. The forms can appear daunting and are time-consuming, so unless your affairs are very simple, using a solicitor is well worth the cost.”

Maxine Palmer said the clear explanations that the solicitor gave were important to how confident she felt about the process.

**“I got quite stressed doing it online – the solicitor was able to explain each section much more clearly, so I felt much happier with my answers”.**

“Using an expert instead of doing it myself took the pressure off, and I would definitely recommend this option to others instead of using the OPG website.”

Anne and Greg Guthrie found that having a solicitor to help them talk through their wishes together was very helpful. “When we spoke to the solicitor we found that we had interpreted various sections differently from each other – he helped us to come to decisions that we were both happy with,” they said. “He also took the time to understand our situation fully before giving us any advice, so we were satisfied that his guidance was relevant.”

“As a result of our consultation with the solicitor, we have had some very interesting conversations with our children about our end-of-life wishes,” they added. “We wouldn’t have considered the need for this if we had created our LPAs online, but it’s been absolutely crucial for informing the decisions our children may one day make for us.”

# Conclusion

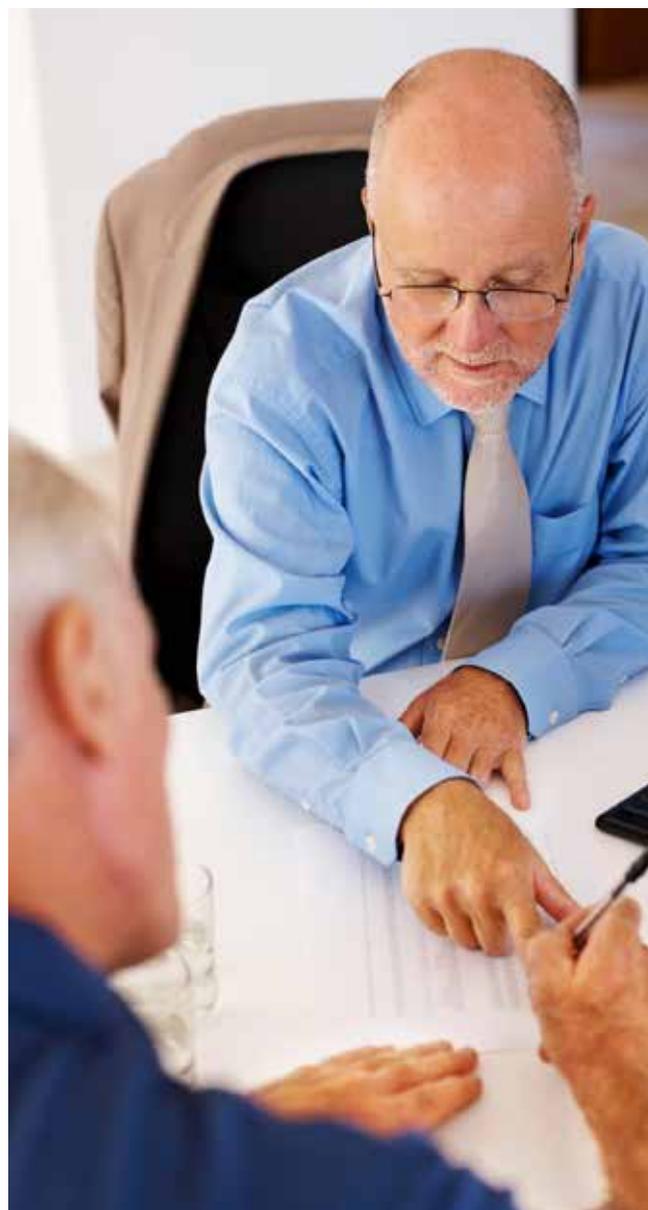
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## **The pitfalls of a DIY approach**

As our study shows, creating an LPA without taking legal advice carries a number of risks, regardless of whether it is done using the OPG's online service or an off-the-shelf kit.

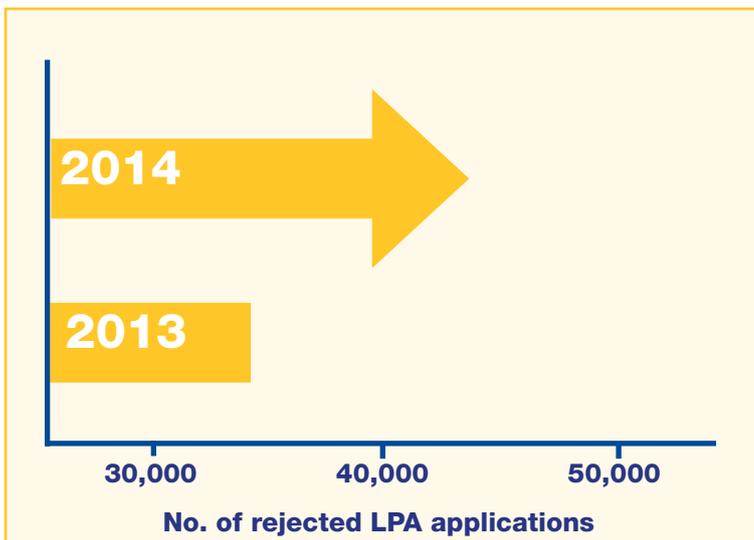
Firstly, there is an increased likelihood of technical errors being made on the forms. Mistakes with donor or attorney details, failure to sign and date the forms correctly and misunderstanding of the wording of the forms can all lead to LPA applications being rejected by the OPG. This is likely to prolong the application process and incur further costs, particularly where re-submission of an application is required. In the event of the OPG rejecting an LPA application, donors may have to pay a repeat application fee of £55, or even submit a whole new application for an additional £110 per document.

Unsurprisingly, the OPG has seen an increase in the number of errors made on LPA applications since launching its online service. Following the introduction of the service in May 2014, the number of applications where it was necessary for the OPG to contact the applicant for further information or documentation prior to an approval decision being made rose from 34,245 (2013) to 45,343 (2014).<sup>14</sup>



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<sup>14</sup> MoJ FOI request reference number 97860 (June 2015)



Graph illustrating the increase in rejected LPA applications since the introduction of the online service

Errors made on the forms may also reduce the legal robustness of the resulting LPA. For example, failure to correctly record an attorney’s details may lead to banks, hospitals and other institutions refusing to follow their instructions. Errors such as this may not be picked up by the OPG during the registration process, leaving the donor and their attorney(s) with an ineffective LPA document.

In the event that an LPA is rejected or rendered ineffective for some reason and the donor loses capacity, it may be necessary for a deputy to be appointed by the Court of Protection to make decisions on their behalf. An application for deputyship is time-consuming, stressful, and expensive – potentially costing families thousands of pounds in legal and court fees. An application typically takes around four months to be approved by the Court, but can take much longer. Meanwhile, decisions over an individual’s long-term care and finances are frozen.

**Creating an LPA using a DIY method can also significantly raise the risk of a donor becoming a victim of fraud or coercion.**

There are two ways in which this could happen – either by a donor being pressured to sign or agree to something that they do not understand or are not comfortable with, or by a completely fraudulent LPA being registered in a donor’s name without their consent.

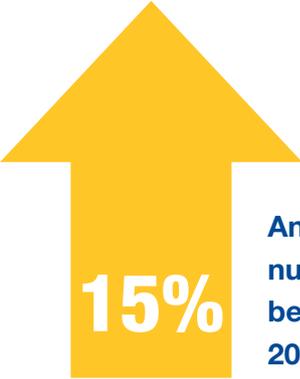
Pressure on a donor is a serious risk with DIY applications – as our study shows, even highly competent participants found the process complicated and confusing without legal advice. The scope for a donor to be coerced is significant, as many donors will complete the forms in consultation with their chosen attorneys, in whom they must place a great deal of trust. It is also generally older and vulnerable people who apply for LPAs, with the majority of new donors being between 81 and 90 years old.<sup>15</sup>

<sup>15</sup> Family Court Statistics Quarterly, England and Wales: January to March 2016 – Ministry of Justice Statistics bulletin (June 2016)



26%

**Annual increase in the number of safeguarding referrals received by the OPG in 2015/16**



15%

**Annual rise in the number of cases being investigated in 2015/16**

Both coercion and outright fraud can result in serious financial abuse once a donor loses mental capacity, so their avoidance should be a priority for the OPG, whose primary remit is to protect the public. However, the heavy promotion of their online service suggests that the OPG is more concerned with encouraging more people to take out LPAs, rather than safeguarding those that do.

The OPG is actively trying to convince more people to use its online service, having set themselves a target for the service to comprise 30% of all applications.<sup>18</sup>

**In its latest Annual Report, the OPG even admits it is willing to take ‘risks’ in striking a balance between ‘empowering and safeguarding’.**<sup>19</sup>

The risks of outright fraud are traditionally low, but have risen as a result of more people attempting to create LPAs themselves. Currently, a ‘wet signature’ is still required to complete the online application, however the OPG has recently announced plans to launch a consultation with a view to removing this requirement, allowing a fully digital ‘e-LPA’ to become available in future.<sup>16</sup> This is despite warnings from the Law Society about the risks associated with such a move. In a response to the OPG’s 2013 consultation around the future of their digital services, the Law Society emphasised that “the removal of physical signatures removes an essential safeguard against abuse of a highly vulnerable sector of society, containing those people who are the most susceptible to fraud and duress.”<sup>17</sup>

Concerns about this attitude are not unfounded, with the launch of their online service (and the subsequent rise in the number of LPA applications) being accompanied by a 26% increase in the number of safeguarding referrals received by the OPG, and a 15% rise in the number of cases being investigated since last year.<sup>20</sup>

With cases including such serious matters as donors’ homes being sold to attorneys and suspiciously large financial sums being transferred to private accounts, any increase in the number of safeguarding referrals and investigations is extremely concerning.

<sup>16</sup> OPG Annual Report 2015/16

<sup>17</sup> Response of the Law Society of England and Wales (November 2013) to ‘Transforming the Services of the Office of the Public Guardian: Enabling Digital by Default’

<sup>18</sup> FOI request, OPG Reference number 107744

<sup>19</sup> OPG Annual Report 2015/16

<sup>20</sup> OPG Annual Report 2015/16



From rejected documents to the possibility of fraud, the emotional costs that can arise from submitting an LPA without seeking specialist advice are potentially devastating, not just for vulnerable donors, but also for wider family members and loved ones involved.

### **The importance of choosing an expert**

The cost of using a solicitor is the primary reason given for taking a DIY approach to an LPA, along with a belief that the process is easy.<sup>21</sup> As our study shows, the process is far from straightforward even for confident applicants, and there is a risk of incurring unforeseen financial costs as a result of errors in the forms, as well as a risk of the applicant failing to properly express their preferences and wishes.

Our study highlights the importance of discussion ahead of creating an LPA, both with a professional and with family or close friends. Many of the participants found that their choices changed (often dramatically) after such discussions, and had they created their LPAs without first talking it through, they would have been left with a document that was not fit for purpose.

While DIY LPAs may be suitable for a very limited demographic, such as those with very straightforward financial situations or with considerable legal experience, for most people, seeking professional legal advice is the best way of ensuring that an LPA is effective, legally robust and safe. It is clear that despite the plethora of guidance materials made available through the online tool and off-the-shelf kit, there is a big difference between this set material and the way in which a solicitor can apply their knowledge and offer advice according to clients' individual situations.

A specialist solicitor can ensure that an LPA application is completed correctly and fully, and that there is no scope for misunderstanding on the part of either the donor or the attorney(s). They also act as an important safeguard against fraud and coercion, ensuring that the donor is fully aware of and comfortable with what they are signing.

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<sup>21</sup> Legal Services Board Evaluation: Changes in the legal services market 2006/07-2014/15

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It is clear that for the vast majority of people creating an LPA, the cost of using a specialist solicitor is insignificant when compared with the potential social, emotional and indeed financial costs of taking a DIY approach.

At SFE, we only accredit those legal professionals who are committed to providing the highest quality of legal advice for older and vulnerable people, their families, and carers. Our solicitors are therefore the gold standard when it comes to creating an LPA.

To find out more about LPAs, or to find an SFE-accredited solicitor, visit the SFE website at <http://www.sfe.legal>.

You must not rely on the information in this report as an alternative to legal advice. If you have any specific questions about any legal matter you should consult an appropriately qualified professional.

Published November 2016.

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