

Be the Bull & not the Ostrich

There is growing concern that people are not planning ahead or considering what would happen to them and their finances if they were unable to make their own decisions or express their views due to an accident, medical emergency, illness or cognitive impairment.

A report produced as a result of a study by Solicitors for the Elderly and The Centre for Future Studies established that the ever-increasing number of people living with dementia combined with the failure to plan ahead, is creating a looming incapacity crisis.

The Ostrich

97% of people in the study had not made the necessary provisions for themselves, should they lose mental capacity. A further 36% admit to having made no provisions at all for later life, including a will, pension, funeral plan or lasting power of attorney.

This raises the big question; why are we not planning for situations that will definitely affect us or our loved ones down the line?

The same study found that 73% of the population (over 51 million people) are worried about becoming mentally incapacitated and losing the ability to make decisions for themselves, but 79% have not spoken about, or even considered, personal medical, care and end of life decisions.

This raises another big question: Why are we not acting?

It seems we like to bury our heads and put it off for another day.....

The Bull

An alternative to burying our heads is to take the bull by the metaphorical horns.

Planning ahead starts with some difficult conversations, this is true, but nothing will change, improve or address these issues without proper discussion taking place.

Secondly the extreme lack of information and unending misconceptions (rights of next of kin, joint bank accounts, 3rd party authority etc) floating about need to be tackled head on to facilitate informed choice and appropriate, decisive action. I have long campaigned to right this and regularly speak at events to provide factual, up to date and unbiased information to audiences so that they can make informed choices based on fact, not hearsay or speculation.

Once the difficult conversations have been had concerning issues such as death (which is of course unavoidable) and incapacity through illness, accident/medical emergency and agreement has been reached that we 'record our wishes'. Recording our wishes can be

achieved through the creation of a professional Will, and Lasting Power of Attorney. Both are equally vitally important and will provide essential protection in life and death for all concerned.

A Lasting Power of Attorney (LPA) provides important legal protection during lifetime for the person creating it (Donor) and those around them. The Donor expresses their wishes, preferences, instructions and appoints key people they trust (Attorneys) to make decisions in their best interests if they are unable to do so, keeping them and their appointed Attorneys in full control.

Question: Would you leave life-changing decisions in the hands of a complete stranger?

Without a LPA complete strangers from the the medical and legal industries will make those decisions for you, rather than those closest to you that you know and trust.

Getting it arranged

Like most things in life now you can do it yourself. A DIY application can be made and registered with the Office of the Public Guardian (OPG). The OPG reject numerous applications because they have been completed incorrectly, costing time, money and unnecessary hassle.

Taking specialist, professional advice means that you can avoid the risk of a weak or flawed document which is unable to stand up to scrutiny causing significant emotional and financial strain at the time when it's needed.

An expert, experienced in creating robust LPA's will provide complete guidance around appointment of attorneys, their duties and responsibilities, terminology, preferences and instructions that could be written into the document based on your personal situation will help you to really think about things that you may never have even considered. A professionally drafted LPA will stand up to any challenges such as undue influence or even that you did not have the capacity to create the LPA in the first place providing peace of mind and protection.

Our advice is to act now and create a LPA as soon as possible, whilst well and able to do so. Be the Bull and not the Ostrich.