

Choosing someone to look after your money

Your guide to making an Enduring
Power of Attorney (EPA)

Some useful words

Attorney - a person you choose to look after your money.

Enduring Power of Attorney (EPA) - a legal agreement between you and the person who will look after your money and property when you can no longer manage.

Mentally able - when you can still look after things yourself and are not too confused or forgetful.

Mentally unable – when you are no longer able to look after things yourself because you have become very confused and forgetful

Property - the things you own, such as your house or car.

Solicitor - a type of lawyer who can help you make an EPA

What is this booklet about?

Sometimes, as people start to become very confused and forgetful they can no longer look after their money themselves. We say that they are '**mentally unable**' to look after their money themselves.



This booklet tells you how you can choose someone to look after your money and property for you.

You can do this by making a legal agreement called an **EPA**.



EPA stands for "Enduring Power of Attorney", but we will use "EPA" for the rest of this booklet.

About us

This booklet was written by the Public Guardianship Office. We are here to help people who are not mentally able to look after their own money.

We help them, and we also help the people who are looking after their money and property for them. We try to make sure they are looking after things properly.

We can tell you how to make an EPA, but we cannot give you advice about the law. For that you need to speak to a solicitor, a Legal Advice Bureau or the Citizen's Advice Bureau.

If you have questions about EPAs you can call our EPA Helpline 0845 330 2963.

The Helpline is open from Monday to Friday, 9am - 5pm.



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Part 1: About EPAs



What is an EPA?

When you make an EPA you choose someone else to look after your money for you.



The EPA is the legal agreement between you and this person. This person is called your **Attorney**.

An EPA must be made **before** you become mentally unable to handle things yourself.



Your Attorney can start looking after your money and property straight away, or you can ask that they only take over when you cannot do it for yourself.



Everything they do with your money should be what they think is best for you.

Why do people make EPAs?



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People make EPAs because:

- they think that one day they will become mentally unable to look after their money themselves
- by making an EPA **before** this happens, they get to say who will look after their money and property
- they can set rules about what can and cannot be done with their money and property.

Who can make an EPA?

Anyone over 18 can make an EPA - but you have to be able to understand what you are doing.

An EPA can only be made **before** you become mentally unable to manage things yourself.

You have to be able to understand that:



- the person you choose as your Attorney can take complete power over your money when you cannot manage it yourself
- they will be able to do almost anything with your property that you could have done
- once you are mentally unable to manage things yourself, you will not be able to change your mind about your Attorney or the EPA. (Your Attorney will take control of your money and can only be stopped by the Court of Protection).



It is a good idea to go to a doctor or solicitor for help if you are not sure about making an EPA. This is especially important if you are already sometimes confused or forgetful.



What will my Attorney be able to do?

When you make the EPA **you** decide how much power to give your Attorney.



If you give your Attorney "**general authority**" they can do all the things you could do yourself with your money.

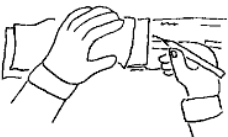


As long as it is the best thing for you, they can use your money to:

- pay your bills
- buy anything you need
- buy presents for your friends and family (such as Christmas, birthday and wedding presents)
- look after people you would have looked after (such as your wife, husband or children).



They can also:



- sign your cheques
- buy and sell shares



- buy and sell houses and other property (if you own a house they can sell or rent it out if you are not living in it).

But you can decide to give them less power.



For example, you could say that they have to show someone else (like a family member, accountant or solicitor) what they have been doing with your money. Or you could say that they are not allowed to sell your house.

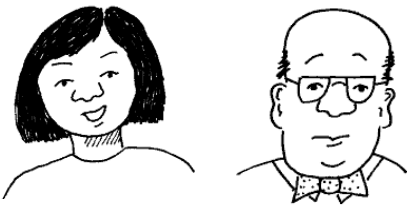


There is a space on the EPA form to write what your Attorney is or is not allowed to do. If you are not sure how much power to give your Attorney you can ask a solicitor for help.

Is it safe to make an EPA?

When you make an EPA you are giving another person a lot of power.

You should choose someone you trust completely to be your Attorney. It should be someone you know is good with money and who will always do what is best for you.



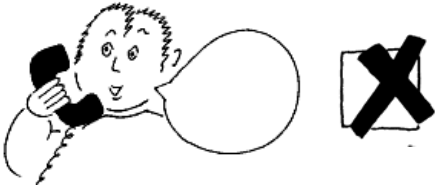
You could also think about having more than one Attorney so your money is not in the hands of just one person. You are allowed to do this.



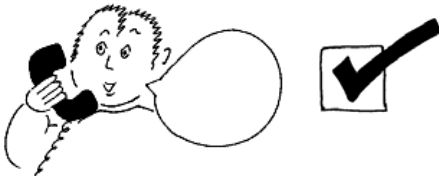
If you are not sure about making an EPA it is a good idea to speak to a solicitor about it.

What happens after I make the EPA?

If you want, you can make an EPA now and ask your Attorney to start looking after things straight away. Or you can ask them to only take over when you can no longer manage.



As long as you are still mentally able your Attorney does not have to tell us about the EPA. You can also change your mind and end the EPA if you want.



But as soon as your Attorney thinks you are starting to become mentally unable, they have to register the EPA with us.

This means they have to send us the EPA, as well as some extra information.

Once the EPA is registered with us, your Attorney has control over your money in the way you decided.



You cannot change your mind or end the EPA.



The only way to end the EPA is to go to the **Court of Protection** and prove you are still mentally able to look after things yourself. You would need a doctor to agree that you are not too forgetful or confused to look after things for yourself.



If you want, you can say in your EPA that your Attorney has to get a doctor to agree that you cannot manage things before they register the EPA.



What happens when the EPA is registered?

Your Attorney has to send the EPA to us as soon as they think you are starting to become mentally unable to look after things yourself.



But first they have to tell you and everyone in your family what is happening.

There is a special form for this.

- If you do not want the Attorney to register the EPA, or you feel that you are still mentally able, you should write and tell us when you get the special form.
- If people in your family do not agree with the EPA, or if they think your Attorney will not be good at looking after your money, they can say on the special form.



If anyone in your family does disagree with the EPA we will listen to what they say. But the Attorney is the person **you** chose to look after your money. There would have to be very good reasons and a lot of proof before we went against your wishes.

Remember: As long as you are still mentally able you can change your mind about the EPA.

But once the EPA has been registered it is very hard to end it.

Part 2: Making and signing an EPA

How do I make an EPA?

You need to fill in a special form to make an EPA.



You can get the form from:

- our customer services **0845 330 2900**
- our website **www.guardianship.gov.uk**
- stationery shops that sell legal documents
- a solicitor.



The form is in 3 parts. Do not rip any of the parts off. You should read all of the form, or have someone read it to you. It tells you about the choices you have for how much power to give your Attorney.



You don't have to see a solicitor to make an EPA, but it is a good idea if you have a lot of money or if you are not sure what to do. If you are already starting to get confused or forgetful you should see a solicitor and a doctor first. This is because an EPA must be made **before** you become mentally unable to handle things yourself.



Signing the EPA

You must have a witness with you when you sign the EPA. This is a person who also has to sign the form to say they saw you sign it. They have to give their name and address, but they do not have to read the EPA or know what it says. (Your Attorney cannot be the witness, and it is better if it is not your husband or wife.)



Before you sign the EPA make sure you:

- are happy with the person you have chosen as your Attorney
- have added any restrictions you want
- understand exactly what you are doing.

What should I do if I cannot sign my name?

If you have problems writing but can see and hold a pen, you can make a mark on the paper instead:

- cross out the words 'signed by me as a deed and delivered'
- get someone to write on the form that you have made a mark and explain why you cannot sign.



If you cannot hold a pen to make a mark or are blind, ask someone else to sign for you (**not** your Attorney or your witness):

- cross out the words 'signed by me as a deed and delivered'
- get the person signing for you to write their full name and address as well as their signature
- they also have to write **your** name beside their signature.





Need more help?

We cannot give you legal advice, but we can answer your questions about how to make an EPA.

Call our helpline 0845 330 2963

The Helpline is open from Monday to Friday 9am to 5pm. Calls only cost the same as a local call.

To ask for forms and booklets, call customer services

0845 330 2900 (Monday to Friday, 9am to 6pm).



Thank you to Change picture bank and Widgit for the pictures.