

**Lasting Powers of Attorney Suitability Letter Template**

Dear XXXXXXXX

At our review meeting held on XXXXXXXXXXXX we discussed Mental Capacity and how losing it unexpectedly would affect access to your finances and welfare if you do not have an appointed attorney to act in your best interest. This is also relevant for temporary incapacity as was experienced by many hospitalised covid sufferers.

In our meeting we specifically discussed what would happen to your pension funds and benefits / property and investments / access to bank accounts / money, tax and bills.

**Property and Financial Affairs Attorney –** In the event of loss of mental capacity, your Property and Financial Affairs Attorney(s) will make, or help you make decisions regarding your finances. They will use your money to look after your home and buy anything that you need on a day to day basis. Your attorney will also deal with your banks and other organisations, such as your pension providers or utility companies and will be able to manage your investments.

In our meting we specifically discussed what you would require regarding your medical care / place of residence / daily needs and care.

**Health and Welfare Attorney –** In the event ofloss of mental capacity, your Health and Welfare Attorney(s) will make, or help make decisions regarding your medical care, living arrangements and day to day needs. They will use your money to improve or maintain your quality of life, this will include your clothes or grooming, improving or decorating your home or room in a care home and paying for travel costs as required to visit friends or family. Your attorney will also deal with your medical treatments, such as refusing or consenting to medical treatments.

**Objectives**

From our conversation we established that your priorities are as follows:

* To appoint attorney(s) to make decisions in your best interest regarding your health and welfare
* To appoint attorney(s) to make decisions in your best interest regarding your property and financial affairs

**Principles of the Mental Capacity Act (2005) that your Attorneys must follow**

1. Your Attorneys must assume that you can make your own decisions unless they establish that you cannot do so.
2. Your Attorneys must help you to make as many of your own decisions as you can. They cannot treat you as unable to make the decision in question unless all practicable steps to help you to do so have been made without success.
3. Your Attorneys must not treat you as unable to make the decision in question simply because you make an unwise decision.
4. Your Attorneys must make decisions and act in your best interests when you are unable to make the decision in question.
5. Before your Attorneys make the decision in question or act for you, they must consider whether they can make the decision or act in a way that is less restrictive of your rights and freedom but still achieves the purpose.

**Costs and On-going Administration**

Once registered, your LPAs usually require minimal administration, and has no ongoing fees.

**Administrative Considerations**

I will be contacting you again shortly to arrange to meet with you and your attorney so that they can sign their sections of your Lasting Power of Attorney.

I look forward to speaking with you again soon.

Yours sincerely

**Please sign and bring this copy of the letter as confirmation of receipt and understanding to your Implementation Meeting/ Please sign and return this copy as confirmation of receipt and understanding**

**Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Dated \_\_\_/\_\_\_\_/\_\_\_\_**

**Notes**

The advice provided to you is based upon the information you have disclosed and therefore if this letter does not accord with your view of the situation or you require any further clarification please let me know. All statements concerning the tax treatment of trusts and their benefits are based on our understanding of the current law and HMRC practice as at the date of publication and does not form personal advice and is for general guidance only. Whilst every effort is made to ensure accuracy, no liability can be accepted for any errors or omissions. Levels and bases of, and relief from, taxation are subject to change.

Work associated with this trust, and the trust itself is not regulated by the Financial Conduct Authority.

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