

Law firms offering good standard of support on powers of attorney

News

06 July 2023

[A review into solicitors' work on lasting powers of attorney \(LPA\) and deputyships](https://referral.sra.org.uk/sra/research-publications/lasting-powers-of-attorney-deputyships-review/) [https://referral.sra.org.uk/sra/research-publications/lasting-powers-of-attorney-deputyships-review/] has found firms generally offer a good standard of service. Although, with people living longer, there are concerns about how current and future demand can be met.

Recruiting new LPA specialists was found to be especially challenging for firms, placing even greater importance on them having effective training and supervision arrangements through which to develop existing staff.

These are among the key findings from a thematic review into the subject we conducted. The review is based on in-depth analysis of the work of 30 law firms currently providing LPA and deputyship services.

An LPA is a legal document where the client gives someone else the power to make key financial or legal decisions on their behalf. Typically, this will either involve granting the power in the medium term – for example if they are out of the country – or in the long term/future. Long term LPAs can also cover taking medical decisions where an individual lacks the ‘mental capacity’ to decide for themselves.

The review found that while some concerns have been raised over capacity and speed of progress on setting up and administering LPAs, the factors which contribute to this are often beyond the control of solicitors. For example, the individual involved, the complexity of cases, challenges with external registration systems or the time taken by third parties such as GPs to provide required certificates or medical evidence.

Within the law firms visited, we found generally high levels of knowledge, training and competence on LPAs. This is especially important given that many arrangements can involve protecting and working with people who are already, or might soon become, highly vulnerable.

One area of possible improvement was in terms of solicitors offering more critical challenge on who an individual appoints as their attorney. For example, asking them to proactively consider if their proposed attorney has the financial or legal literacy required to fulfill the role. Another issue can be the potential future health and wellbeing of their attorney, so for example challenging the appropriateness of older clients appointing an attorney of similar age.

[Lasting powers of attorney and deputyships: thematic review](https://referral.sra.org.uk/sra/research-publications/lasting-powers-of-attorney-deputyships-review/)
[<https://referral.sra.org.uk/sra/research-publications/lasting-powers-of-attorney-deputyships-review/>].