



COMING HOME GUIDE

# Power of attorney: a family guide to sorting it before you need it

For England, Wales, Scotland and Northern Ireland

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Version 1.0.1 • October 2026. Next review: October 2027

## About this guide

This guide is correct at October 2026, version 1.0. We've written it in good faith as general guidance to help carers and families. It isn't legal, financial or medical advice. Rules and rates change, so before you act, please make sure you have the latest version of this guide and look at the official sources: GOV.UK, Social Security Scotland, nidirect and your local council. To the extent the law allows, we can't accept liability for any errors or omissions, or for decisions made on the strength of this guide. In a medical emergency call 999. For urgent advice, contact NHS 111.

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## How to use this guide

**Version 1.0.1. October 2026. Next review: October 2027.** Rules and fees read on 3 October 2026. We review this guide every year, and update it between reviews if a fee or the way you apply changes.

**Who this guide is for:** families of an older parent or partner. It's best read while the person can still make and sign their own decisions. It covers England, Wales, Scotland and Northern Ireland, which each have their own system.

**How to use it:** section 1 shows which document applies where. Section 2 is about the conversation. Sections 3 to 6 explain how to make one in each nation, what it costs and how long it takes. Section 7 covers using it with banks, the NHS and care staff, and section 8 explains what happens if it's too late. Every figure has a source and a date, and the full list is in "Sources" at the back.

**Guidance, not legal advice.** This guide explains how the system works. It can't tell you what to put in a power of attorney or whether one is right for your family. For that, talk to a solicitor, Citizens Advice or the public guardian's office for your nation (see "Where to get help").

If you're worried about their health, contact their GP or NHS 111. In an emergency call 999.

## 01

# What a power of attorney is



A power of attorney is a legal document. In it, one person (the donor, or granter in Scotland) chooses one or more people they trust (attorneys) to make decisions for them, or help them decide. It's made while they can still make their own decisions, so it's ready if a day comes when they can't ([GOV.UK, Make, register or end a lasting power of attorney, read 3 Oct 2026](#)).

Each nation has its own documents, and a power of attorney made in one nation is made under that nation's law:

| Nation            | Money and property                                             | Health and care decisions                               | Registered with                                                   | Fee to register       |
|-------------------|----------------------------------------------------------------|---------------------------------------------------------|-------------------------------------------------------------------|-----------------------|
| England and Wales | Property and financial affairs lasting power of attorney (LPA) | Health and welfare LPA                                  | Office of the Public Guardian (OPG)                               | £92 for each LPA      |
| Scotland          | Continuing power of attorney                                   | Welfare power of attorney (both can go in one document) | Office of the Public Guardian (Scotland)                          | £99 for each document |
| Northern Ireland  | Enduring power of attorney (EPA)                               | No equivalent yet                                       | Office of Care and Protection, when the person is losing capacity | £189                  |

Sources: [GOV.UK, Register a lasting power of attorney, read 3 Oct 2026](#); [OPG Scotland, Fees, from 1 Apr 2026](#); [Department of Justice NI, Information on Enduring Powers of Attorney, read 3 Oct 2026](#).

**Why families sort it before they need it:** without one, nobody has an automatic right to make decisions for an adult who can no longer make them. Someone may have to go to court first ([mygov.scot, Setting up power of attorney, updated 25 Feb 2026](#)). The court routes in section 8 cost more and take longer than making a power of attorney.

**Who can make one:** in England and Wales, anyone aged 18 or over who has mental capacity, meaning they can make the decision for themselves at the time ([GOV.UK, Make, register or end a lasting power of attorney](#)). In Northern Ireland, an EPA can be made by anyone over 18 who understands what it is ([nidirect, Managing your affairs and enduring power of attorney, read 3 Oct 2026](#)).



# 02

## Talking about it

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It's their decision. They choose whether to make one, who their attorneys are and what they can do. A power of attorney isn't something a family can sort out for them.

GOV.UK suggests attorneys talk to the donor about their plans for their money and how they'd want to be cared for if they became seriously ill ([GOV.UK, Manage a lasting power of attorney, read 3 Oct 2026](#)). Some ways families start the conversation:

- **Pick a calm moment**, not the day of a hospital appointment or a bill that's gone wrong.
- **Make it about everyone**. "We're all doing ours" can feel easier than "we're worried about you".
- **Use a prompt**, such as a friend who had trouble with a bank, or this guide.
- **Ask, don't tell**. Who would they trust with money? Who knows what matters to them about care?
- **Talk about more than one attorney**, and a replacement in case someone can't act.
- **Write down what matters to them**, such as where they'd like to live, so the attorneys know.
- **Come back to it**. It doesn't have to be settled in one go.

If they don't want to make one, that's their right. You can raise it again later, and section 8 explains what happens if they never do.

# 03

## England and Wales: making a lasting power of attorney



The two types ([GOV.UK, Make, register or end a lasting power of attorney](#)):

- **Property and financial affairs:** managing bank accounts, paying bills, collecting benefits or a pension, and selling their home. It can be used as soon as it's registered, with their permission.
- **Health and welfare:** daily routine, medical care, moving into a care home and decisions about life-sustaining treatment. It can only be used when they can't make the decision themselves.

They can make one type or both. Wales uses the same LPAs as England, and the GOV.UK guide and forms are in Welsh too.

**Making it** ([GOV.UK, Make a lasting power of attorney, read 3 Oct 2026](#)):

- Fill it in online at [www.lastingpowerofattorney.service.gov.uk/home](http://www.lastingpowerofattorney.service.gov.uk/home) or on paper forms LP1F and LP1H ([OPG, Make a lasting power of attorney forms, updated 20 Apr 2026](#)). A family member, friend or solicitor can fill it in for them.
- Online or on paper, it's then printed and signed in ink. Everyone signs the same original document. Copies and digital signatures aren't accepted.

- The attorneys sign, with witnesses. Witnesses must be 18 or over. Attorneys can witness each other, but not the donor.
- A **certificate provider** signs to confirm the donor understands it and isn't being pressured. It must be someone aged 18 or over who has known them well for at least 2 years, or a professional such as their doctor or a lawyer. Family members can't do it (OPG, LP12 guide to making your LPA, read 3 Oct 2026).
- They can choose up to 5 **people to notify**, who are told before it's registered and can raise concerns. This part is optional (OPG, LP12).

**Registering it** (GOV.UK, Register a lasting power of attorney): an LPA can't be used until the OPG has registered it. The donor or an attorney can apply. Before applying, send form LP3 to each person to notify; they have 3 weeks to raise concerns. The online service fills in the LP3 forms for you. Then post the signed LPA and the fee to Office of the Public Guardian, PO Box 16185, Birmingham B2 2WH.

**Older documents:** an enduring power of attorney made in England or Wales before 1 October 2007 is still valid. It's registered with the OPG when the donor starts to lose capacity (OPG, Annual report and accounts 2025 to 2026, 15 Jul 2026).



# 04

## England and Wales: cost, time and what's changing

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### **Cost** ([GOV.UK, Register a lasting power of attorney](#)):

- £92 to register each LPA, so £184 for both types. The fee went up from £82 to £92 in November 2025 ([OPG forms page, update of 17 Nov 2025](#)).
- Filling in the form online costs nothing. The fee is only for registering.
- If there's a mistake, the OPG may let you correct it and apply again within 3 months for £46.

**Fee reductions and exemptions** ([OPG, form LPA120 Get help with paying power of attorney fees, Apr 2026, on the forms page](#)). These depend on the donor's money, not the attorney's:

- **Half the fee (£46)** if the donor's income before tax is £12,000 a year or less.
- **No fee** if the donor gets certain means-tested benefits, such as the guarantee credit part of Pension Credit, income-based Employment and Support Allowance, income-based Jobseeker's Allowance, Income Support or Housing Benefit.

- **If paying would be very difficult** but they don't qualify, you can write to the OPG with the application and ask for a reduction.
- Send form LPA120 and the evidence with the LPA. A refused application can be reviewed if you ask in writing within 28 days.

### Time:

- GOV.UK says registration takes 8 to 10 weeks if there are no mistakes, and is usually quicker if you make it and pay online ([GOV.UK, Make a lasting power of attorney](#)).
- Another GOV.UK page says it can take up to 16 weeks ([GOV.UK, Manage a lasting power of attorney](#)).
- In 2025 to 2026 the OPG took an average of 45 working days, about 9 weeks (estimate), to send back a registered LPA or EPA ([OPG, Annual report 2025 to 2026](#)).

So allow 2 to 4 months, and don't wait for a crisis.

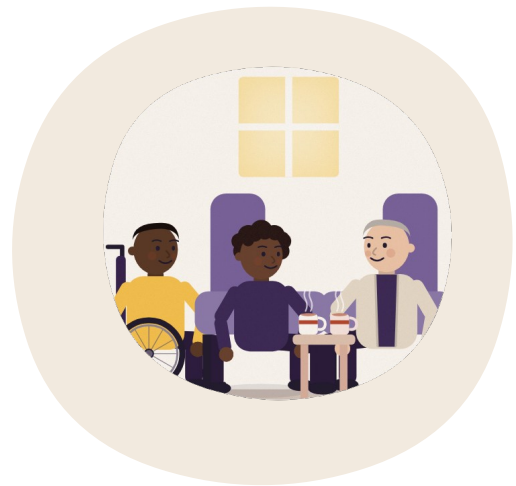
### What's changing online, 2025 to 2026:

- **A fully online LPA isn't here yet.** The Powers of Attorney Act 2023 allows a new service where an LPA can be made and signed online ([OPG blog, 25 Sep 2023](#)). In July 2026 the OPG said it was still working on the design and the law needed to begin live testing ([OPG, Annual report 2025 to 2026](#)). Until it starts, the paper signing rules above apply.
- **Fees:** the registration fee rose to £92 in November 2025. The help-with-fees form LPA120 was updated in February and April 2026, and the OPG says it plans an updated fee policy ([OPG forms page](#); [OPG, Annual report 2025 to 2026](#)).
- **Using an LPA online:** the Use a lasting power of attorney service now signs you in with GOV.UK One Login. Since 29 April 2026, the access codes you give to banks last 50 days instead of 30 (section 7).
- **Raising a concern:** since October 2025, anyone worried about how an attorney is acting can tell the OPG online ([OPG, Annual report 2025 to 2026](#)).

# 05

## Scotland: continuing and welfare powers of attorney

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The two types ([mygov.scot](https://mygov.scot), [Setting up power of attorney](#)):

- **Continuing power of attorney:** money and property. It can be used as soon as it's registered and carries on if they lose capacity, or they can choose for it to start only if they become unable to decide.
- **Welfare power of attorney:** personal welfare decisions. It can only be used once they've lost the capacity to make those decisions.

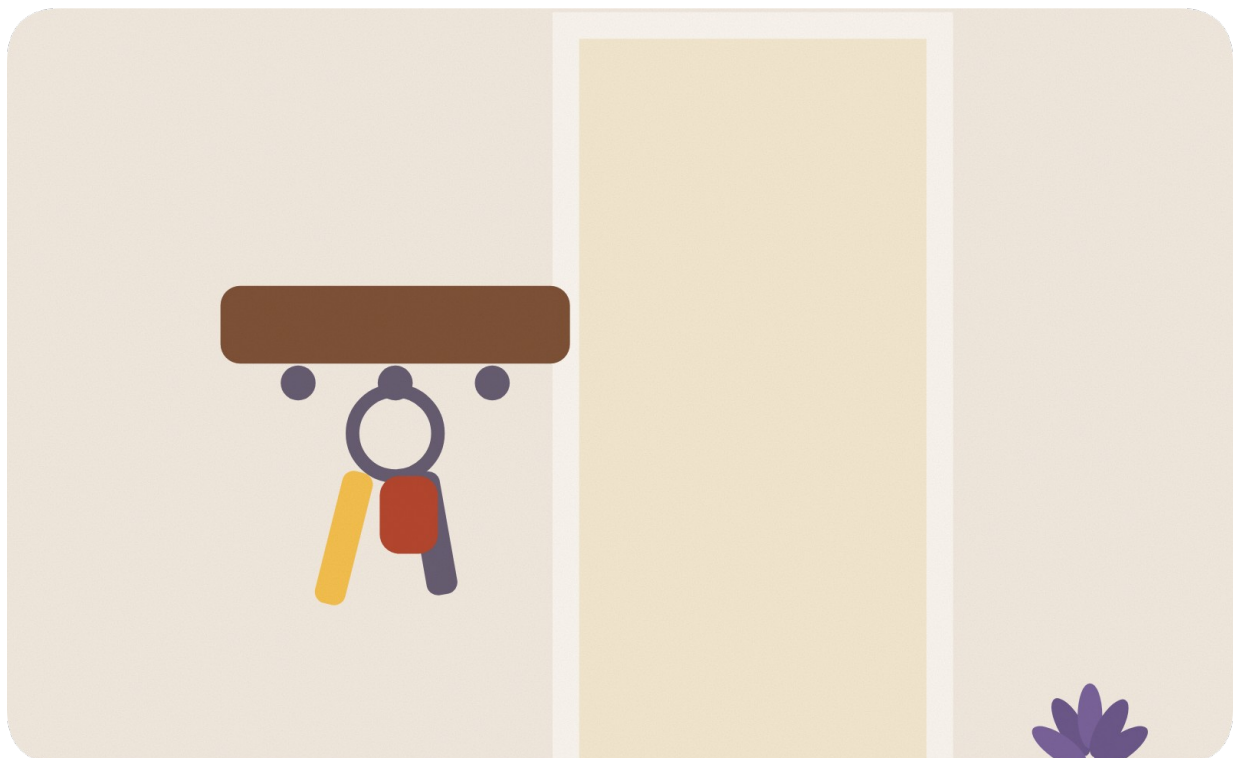
**Making it:**

- You arrange for the document to be drafted. OPG Scotland only registers it and can't draft it for you ([OPG Scotland, What is a power of attorney, read 3 Oct 2026](#)). Most people use a solicitor.
- It needs a certificate signed by a solicitor who practises in Scotland, a practising advocate, or a registered UK doctor with a licence to practise. They interview the granter first, to be sure they understand it and aren't under pressure ([mygov.scot](https://mygov.scot); OPG Scotland). A solicitor or doctor may charge for this.
- It can't be used until OPG Scotland has registered it.

**Cost (OPG Scotland, Fees):**

- £99 to register a power of attorney document, from 1 April 2026, rising to £102 from 1 April 2027 ([Public Guardian's Fees \(Scotland\) Regulations 2026](#)). Solicitors' charges are on top, so ask for a quote.
- **Fee exemption (OPG Scotland, Fee exemption, read 3 Oct 2026):** there's no fee if the granter, or their spouse or civil partner, gets income-related Employment and Support Allowance, Income Support or the guarantee credit part of Pension Credit. Universal Credit, income-based Jobseeker's Allowance, PIP or Adult Disability Payment also count if the granter's gross income is £26,437 a year or less. Apply by post.

**Time:** OPG Scotland publishes its processing times every week. If a power of attorney is needed quickly because of the granter's needs, you can ask for it to be dealt with faster and give the reason. This doesn't cost extra (OPG Scotland, What is a power of attorney).



# 06

## Northern Ireland: enduring power of attorney



**What's available now** ([nidirect](#), [Managing your affairs and enduring power of attorney](#)):

- An **enduring power of attorney (EPA)** covers money, property and financial affairs only. There's no health and welfare power of attorney in Northern Ireland yet.
- It can be used as soon as the attorney signs it, unless the donor has set conditions. [nidirect](#) advises getting legal advice first.

**Registering it:** an EPA must be registered with the High Court's Office of Care and Protection once the attorney believes the donor is becoming unable to manage their affairs, and the donor is told ([nidirect](#)). The fee to register (form EP2) is £189 (Department of Justice NI, [Information on Enduring Powers of Attorney](#)).

**The Mental Capacity Act (Northern Ireland) 2016** includes lasting powers of attorney that could cover health and welfare too, but only parts of the Act are in force. Those parts (deprivation of liberty, research, and money and valuables in hospitals and care homes) started in 2019 ([Department of Health NI, Mental Capacity Act, read 3 Oct 2026](#)). On 3 October 2026 we found no start date for the lasting power of attorney part. For now, an EPA is the way to plan for money and property. For health and care decisions, ask a solicitor.

# 07

## After it's registered: banks, the NHS and care staff



**Keep it safe:** keep the registered original somewhere safe, and tell the other attorneys where it is.

**Banks and other organisations, England and Wales** (OPG, [Using the donor's LPA: access codes and View an LPA](#), updated 29 Apr 2026):

- Set up an account at [www.gov.uk/use-lpa](https://www.gov.uk/use-lpa) with GOV.UK One Login. Add the LPA using the activation key in the registration letter, which lasts 12 months. If it's older or lost, ask for a new key through the account.
- Choose "Give an organisation access" to create a 13-character code starting with V. Each code lasts 50 days. Give it to the bank, energy supplier or other organisation, in person, online, by phone or by post.
- The organisation uses it to see the LPA online and confirm you can act. Have proof of who you are ready, and give the right code: a health and welfare LPA won't let you pay a bill.
- Each attorney, and the donor, can create codes, and the paper original stays with you.
- This only works for LPAs. LPAs registered before 1 January 2016 and older EPAs need the registered paper version.

**Scotland and Northern Ireland:** show the bank the registered power of attorney or EPA. Ask whether a certified copy will do, as posting the original leaves you without it.

## The NHS, care homes and care staff, England and Wales (GOV.UK, Health and welfare attorneys, read 3 Oct 2026):

- A health and welfare attorney can only make decisions the donor can't make for themselves at the time.
- When you start acting, tell their GP and other NHS staff, care workers, the social worker, and family and friends. You may need to show the LPA, or give them an access code.
- Look at what the LPA says about medical care. On the form, the donor chooses whether attorneys can make decisions about life-sustaining treatment, or whether doctors decide (section 5 of form LP1H).
- If they've made an advance decision (sometimes called a living will), give it to staff with the LPA.
- If the LPA and an advance decision say different things, or staff and family disagree, the Court of Protection can make a one-off decision.

For more on getting ready for a hospital stay or coming home afterwards, see our hospital discharge guide: [www.cominghomecare.app/guides/hospital-discharge?ref=guide-power-of-attorney](http://www.cominghomecare.app/guides/hospital-discharge?ref=guide-power-of-attorney)

If you're worried about their health, contact their GP or NHS 111. In an emergency call 999.

## Your duties as an attorney (GOV.UK, Manage a lasting power of attorney):

- Help them make their own decisions where they can, and act in their best interests.
- Follow any instructions in the LPA.
- Keep their money separate from yours, unless you already share an account.
- Keep records of what you do.
- Never use your position to benefit yourself.

**Just benefits?** If someone can't manage their own affairs and only their benefits need looking after, DWP can make you their appointee (GOV.UK, Become an appointee, read 3 Oct 2026).

# 08

## If it's too late: deputies, guardians and controllers

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If the person can no longer make their own decisions and there's no power of attorney, a court can give someone the authority instead. Each nation has its own route.

**England and Wales: deputyship** ([GOV.UK, Deputies, read 3 Oct 2026](#)):

- The Court of Protection appoints a deputy for property and financial affairs, personal welfare, or both. Welfare deputies are appointed less often, for example when family disagree about care.
- A deputy sends a report to the OPG every year.
- For a single important decision, you can ask the court for a one-off order instead.

**Deputy fees** ([GOV.UK, Deputies: fees, read 3 Oct 2026](#)):

- £432 to apply, paid for each type of deputy.
- £266 if the court decides a hearing is needed.
- A £100 assessment fee for a new deputy.

- £320 a year for general supervision, or £35 a year for minimal supervision. Minimal applies to some property and affairs deputies managing less than £21,000.
- Help with OPG deputy fees is available on form OPG120: half the fee, or none, depending on their money (OPG, form OPG120, Apr 2026).

**Scotland: guardianship and intervention orders** ([mygov.scot, Setting up guardianship, updated 5 Jun 2020](#)):

- A guardianship order lets someone make ongoing decisions for an adult who can't make them, such as paying bills, dealing with bank accounts, and care and welfare.
- It's usually the better fit when decisions are needed over a longer time. For a single decision, an intervention order may be enough ([mygov.scot, Setting up power of attorney](#)).
- The application goes to the sheriff court, usually through a solicitor. Legal aid may help with the cost of the court application (OPG Scotland, Fee exemption).
- From 1 April 2026, OPG Scotland charges £110 to register a guardianship or intervention order ([OPG Scotland news, 25 Feb 2026](#)).

**Northern Ireland: controllership** ([Department of Justice NI, How to apply to become a Controller, read 3 Oct 2026](#)):

- If there's no EPA, the Office of Care and Protection can appoint a controller to manage their money and property.
- The application includes a medical certificate from a doctor and a full list of their accounts, savings and property. You can apply yourself or use a solicitor.
- The first application fee is £326, and there are further fees, including a yearly fee. Look up the current list on the Department of Justice page before you apply.

# 09

## Putting it together

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A list to work through with the person you look after:

- Talked about it, and they've decided whether they want one
- Attorneys chosen, plus a replacement, and asked if they're willing
- Type chosen: money and property, health and care, or both (Scotland: continuing, welfare or both; Northern Ireland: EPA)
- Fee reduction or exemption looked up, and evidence gathered
- Certificate provider or certifier arranged (Scotland: solicitor, advocate or doctor)
- Signed in the right order, on the original
- Sent for registration (Northern Ireland: when the time comes)
- Registered copy kept safe, with a note of where it is
- Use an LPA account set up and access codes created (England and Wales)
- Bank, GP and care staff told when you start acting

# 10

## How Coming Home can help

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Coming Home: Family Care is an iPhone app for families looking after someone, coming soon. It helps you organise. It isn't legal advice, and it can't make or register a power of attorney.

**The care circle** brings the family, friends and neighbours who help into one place, with shared notes, tasks and a calendar. Use it to agree who has the original and who has told the bank. Everyone in the circle can join at no cost.

Every plan includes the power of attorney checklist and the 8 quick questions on what you might be entitled to:

[www.cominghomecare.app/benefits-check?ref=guide-power-of-attorney](http://www.cominghomecare.app/benefits-check?ref=guide-power-of-attorney)

Care Plus includes a 20 GB document vault, stored in the UK, for a copy of the registered power of attorney and the letters that go with it.

To hear when Coming Home is ready, join the waitlist:

[www.cominghomecare.app/?ref=guide-power-of-attorney](http://www.cominghomecare.app/?ref=guide-power-of-attorney)

Built by people who know home care.

# 11

## Where to get help



**This is guidance, not legal advice.** These offices explain the process but can't give legal advice:

- **Office of the Public Guardian (England and Wales):** 0300 456 0300, [customerservices@publicguardian.gov.uk](mailto:customerservices@publicguardian.gov.uk)
- **Office of the Public Guardian (Scotland):** [www.publicguardian-scotland.gov.uk/](http://www.publicguardian-scotland.gov.uk/)
- **Office of Care and Protection (Northern Ireland):** 0300 200 7812, [epa@courtsni.gov.uk](mailto:epa@courtsni.gov.uk)

**For advice on your situation:**

- **Find a solicitor:** [solicitors.lawsociety.org.uk/](http://solicitors.lawsociety.org.uk/) (England and Wales), [www.lawscot.org.uk/find-a-solicitor/](http://www.lawscot.org.uk/find-a-solicitor/) (Scotland), [www.lawsoc-ni.org/](http://www.lawsoc-ni.org/) (Northern Ireland)
- **Citizens Advice:** [www.citizensadvice.org.uk/](http://www.citizensadvice.org.uk/) (Scotland: [www.citizensadvice.org.uk/scotland/](http://www.citizensadvice.org.uk/scotland/))
- **Age UK Advice Line:** 0800 678 1602 (**Age UK**); in Scotland, Age Scotland on 0800 12 44 222 (**Age Scotland**)
- **Carers UK Helpline:** 0808 808 7777, [www.carersuk.org/help-and-advice/](http://www.carersuk.org/help-and-advice/)
- **Advice NI:** [www.adviceni.net/](http://www.adviceni.net/)

If you're worried about their health, contact their GP or NHS 111. In an emergency call 999.

# 12

## Sources

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All read on 3 October 2026. Where a page shows its own date, that date is given.

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- The Adults with Incapacity (Public Guardian's Fees) (Scotland) Regulations 2026: [www.legislation.gov.uk/ssi/2026/81](https://www.legislation.gov.uk/ssi/2026/81)

## Northern Ireland

- nidirect, Managing your affairs and enduring power of attorney: [www.nidirect.gov.uk/articles/managing-your-affairs-and-enduring-power-attorney](https://www.nidirect.gov.uk/articles/managing-your-affairs-and-enduring-power-attorney)
- Department of Justice NI, Information on Enduring Powers of Attorney: [www.justice-ni.gov.uk/articles/information-enduring-powers-attorney-epa](https://www.justice-ni.gov.uk/articles/information-enduring-powers-attorney-epa)
- Department of Justice NI, How to apply to become a Controller: [www.justice-ni.gov.uk/articles/how-apply-become-controller](https://www.justice-ni.gov.uk/articles/how-apply-become-controller)
- Department of Health NI, Mental Capacity Act: [www.health-ni.gov.uk/topics/mental-capacity-act](https://www.health-ni.gov.uk/topics/mental-capacity-act)

## Coming Home

- Plan contents: Coming Home pricing, tiers and paywall, version 1.1 (2 Oct 2026)

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## Changelog

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| Version | Date         | What changed    | Why                                   |
|---------|--------------|-----------------|---------------------------------------|
| 1.0     | October 2026 | First published | Rules and fees read on 3 October 2026 |

1.0.1. October 2026. Corrected the line about who builds Coming Home (section 10). Accuracy. No change to the advice.

The next review is due in October 2027, or before then if a fee or the way you apply changes. Scotland's registration fee is already set to rise to £102 on 1 April 2027, and we'll update the guide then. The latest version is always at [www.cominghomecare.app/guides/power-of-attorney](http://www.cominghomecare.app/guides/power-of-attorney)



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## This edition

|             |              |
|-------------|--------------|
| Version     | 1.0          |
| Published   | October 2026 |
| Next review | October 2027 |



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