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PERSONAL FINANCE

## Legal aid for dementia sufferers

A caring son is taking some of the stress, and cost, out of managing financial affairs for a loved one

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James Ashwell cared for his mother, Fay, for five years. Setting up power of attorney cost his family £3,500 so he is now offering to help others do the same — for nothing

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James Ashwell was 25 when he started caring for his mother. Three years earlier Fay Ashwell, a florist, trained chef, and mother of four, had been diagnosed with early-onset dementia while in her fifties. Then his father died suddenly and James quit his job and, along with his brother, moved back home to Birmingham, to his single childhood bed, to look after Mrs Ashwell until her death five years later, a few hours after he turned 30.

During a “hellish” period, he learnt about the practicalities of living with someone who has dementia: tying string to one of his fingers and his mother’s door, so he would be alerted to her getting up in the night (until another carer suggested he bought a baby monitor), and getting a chicken factory to send knife-proof gloves so his mother could continue her beloved cooking without cutting her hands in the kitchen.

Most of all, he learnt what an “absolute rip-off” it can be to protect loved ones from scammers, fraudsters and financial difficulties.

Now aged 35 he is keen to help others to avoid his mistakes and has launched [Unforgettable](#), a social business backed by social investors, selling products designed for people with similar challenges to those faced by Mrs Ashwell. It has just launched the first free lasting power of attorney (LPA) service, aimed at those with dementia.

“Lawyers have had the market for lasting power of attorney completely sewn up, unchallenged,” says Mr Ashwell. “Luckily we realised while Mum was still able to agree that we needed to be able to make decisions on her behalf in future, but we were overcharged £3,500 to do so by a solicitor.”

About 850,000 people have dementia in the UK, a number that is expected to rise dramatically as our population ages. There is a great deal of awareness of the condition, thanks in part to the willingness of sufferers such as Terry Pratchett, the novelist, and Terry Jones, the Monty Python star, to speak out. In his theatre show *My Family: Not the sitcom*, David Baddiel talks about his father's condition.

Despite increased awareness, 71 per cent of over-55s do not have an LPA in place, according to research by Unforgettable. People who want to hand responsibility to friends or family for their health and welfare, property and financial affairs, in the event that they lose mental capacity, need this legal document. If there is no LPA, relatives have to apply to the Court of Protection to be made a deputy — an expensive, long-winded and stressful process.

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**Lawyers have had the market completely sewn up, unchallenged**

“There are many myths about dealing with the financial and legal issues when a family member has dementia,” says Mr Ashwell. “People believe they can easily make decisions on

their behalf. We hear of a lot of people who end up having to commit fraud, posing as their relative on the phone to a bank or insurer.

“It's important to remember that just because you're married or in a civil partnership with someone, it doesn't automatically mean you'll be able to deal with your partner's bank accounts and pensions if they are unable to do so.”

Dave Bell, a Direct Admiral nurse for Dementia UK, says that family members often notice that the person who is experiencing problems with cognition or has dementia is also having difficulties with managing their finances before an LPA has been put in place.

“Family members report that the person with dementia has taken large amounts of cash from an account and forgotten, lost it or given it away,” he says. “They may neglect to pay bills and they may lose credit cards or cheque books. Likewise, there may be a need for family to negotiate with local authorities, GPs or utility companies, and they are having trouble doing this.”

A spokesman for the Alzheimer's Society agrees that, as someone's dementia progresses, it is likely they will find it increasingly difficult to manage their money: "This can be everyday decisions, struggling with counting change and recognising different notes and coins. They might be bigger ones too, such as switching gas suppliers or making a choice over an investment.

"One of the two types of LPA enables someone to appoint a person or people they trust to take over their future financial decisions. Some people with dementia find it helpful to allow their attorneys to use the LPA for financial and property affairs they are still managing, so, for example, making bank trips on their behalf or help with paying bills and speaking to utility companies."



David Baddiel's father suffers from dementia

Unforgettable's LPA service allows a person with dementia to set up an LPA at no cost via its new online tool, in 30 minutes, it promises. It has a free helpline and online chat facility staffed by legal professionals to talk you through the process of filling in forms. You will, however, be charged £110 by the Office of Public Guardian to register your LPA.

If you are concerned about making mistakes, you can pay a £79 fee to have the form checked and submitted on your behalf – LPAs are often rejected because they are incorrectly filled in, which can result in you losing the £110 fee.

Unforgettable also offers a mental-capacity checking service, where a legal professional will assess and certify you as being able to make a decision to set up an LPA. A telephone consultation, with a lawyer filling out your LPA forms for you, is £299 and a home visit £449.

There are discounts if more than one person uses the service at once, for example a husband and wife may decide to set up LPAs to prevent someone with dementia feeling singled out.

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“Being in the early stages of dementia does not mean someone automatically no longer has mental capacity, but it is important to find a time when they may be less anxious, or more lucid, to explain to them the importance of appointing an attorney,” says Mr Bell. “We often advise families to say this is ‘just in case’ to avoid disempowering the person or reducing their sense of independence at what is often a fragile time.”

Unforgettable's dementia-specific forms include a statement of wishes—decisions your attorney may need to make that are worth discussing while registering the LPA to avoid any conflict between family and friends. This includes questions about gifts of money and preferences on how you may wish your money to be invested, as well as healthcare-specific dilemmas, such as your willingness to go into a care home and the use of drugs, tracking and CCTV.

*Times Money* receives regular complaints from readers about banks and building societies neglecting to understand the binding nature of LPAs. The Financial Ombudsman Service says it sees problems where businesses refuse to accept LPAs, refuse to deal with the person they should deal with, or agree to deal with someone they shouldn't, insist on having the original document rather than a certified copy, or take an unacceptably long time to process an LPA. It has produced a guide sheet for consumers, and to remind those who work in banks how to handle an attorney, available at the website [financial-ombudsman.org.uk/power-of-attorney/tips-for-banks.html](http://financial-ombudsman.org.uk/power-of-attorney/tips-for-banks.html).

<http://www.thetimes.co.uk/article/legal-aid-for-dementia-sufferers-x6z2pktzj>