



Your guide to Power of Attorney and Court of Protection

Understanding Power of Attorney
and Court of Protection, and how to
register them with us

Your guide to Power of Attorney and Court of Protection

Looking after someone else's money can feel like a big responsibility, especially during a difficult time.

We're here to help make things as simple as possible.

This guide explains what you can do if you're acting for someone else under a Power of Attorney or a Court of Protection order.

It also explains how to register your documents with us.

To help keep our customers safe, we carry out checks to protect them from fraud, scams and financial abuse.

We've included a glossary of key terms on **page 10** if you'd like to understand more about the language used in this guide.



Types of legal authority

There are different types of legal authority that allow someone to manage another person’s finances.

Lasting Power of Attorney (LPA)	A Lasting Power of Attorney (LPA) allows a person, known as the donor, to appoint one or more people, known as attorneys, to make decisions about their property and financial affairs.
Enduring Power of Attorney (EPA)	An Enduring Power of Attorney (EPA) is an older type of Power of Attorney. Although people can no longer create new EPAs, an EPA created before October 2007 may still be valid.
Court of Protection Deputyship	If someone no longer has the mental capacity to manage their finances and has not appointed an attorney, the Court of Protection may appoint a deputy to manage their financial affairs. For simplicity, we use “ attorney ” or “ deputy ” throughout this guide.

Registering your Power of Attorney or Court of Protection

Once we register your Power of Attorney or Court of Protection order, it will apply to all eligible accounts held by the customer.

You don’t need to register it separately for each account.

Once we complete our registration and verification checks, you can usually manage the customer’s eligible savings accounts and existing mortgage.

You must act within your legal authority and follow the relevant account terms and conditions.

Managing savings accounts

Once we've registered the Power of Attorney or Court Order and completed our verification checks, you'll usually be able to manage the customer's existing savings accounts.

This can include:

- making deposits and withdrawals
- transferring money between the customer's accounts
- accessing balances and statements
- discussing accounts and transactions with us.

You may also be able to open or close eligible savings accounts and renew eligible savings accounts when they come to the end of their term.

You'll need to follow the account's usual terms and conditions. This means notice periods, early access restrictions and any early closure charges will still apply.

Managing an existing mortgage

If the customer has an existing mortgage with us, you'll usually be able to help with its day-to-day management.

This can include:

- making mortgage payments
- accessing mortgage information and statements
- requesting redemption figures
- changing the bank details used for mortgage payments
- letting us know about changes in the customer's circumstances.

You can also discuss the mortgage with us, including any payment difficulties or support options that may be available.

You can act on the customer's behalf when dealing with routine mortgage administration, within the authority given to you.

New borrowing and mortgage applications

There are some things an attorney or deputy can't do through our standard process.

You can't use a Power of Attorney or deputyship to:

- apply for a new mortgage
- apply for additional borrowing, including increasing the existing mortgage balance or taking a further advance
- apply for a new loan secured against the property.

These decisions can create significant, long-term financial commitments and generally require the customer to enter into a new lending agreement themselves.

If the customer can't make this decision themselves, we may need additional legal advice or information before we can consider the request.

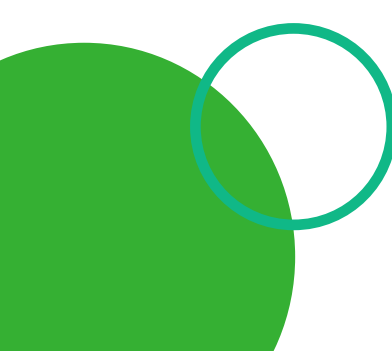
Some mortgage changes need extra checks

Certain changes may need further assessment before we can proceed.

This could include

- changes to property ownership
- adding or removing a borrower
- a transfer of equity
- changes affecting the mortgage security
- request involving a Court Order.

If this applies to you, we'll explain what we need and talk you through the next steps.



Using the customer's money

As an attorney or deputy, you must act within your legal authority and in the customer's best interests. The customer's money and assets must not be treated as your own.

Small gifts may sometimes be appropriate if they reflect the customer's usual wishes and circumstances.

You must not use the customer's money for your own benefit.

The only exception is where this is properly authorised and clearly benefits the customer, such as repaying legitimate expenses.

If we're concerned that a transaction may not be in the customer's best interests, we may ask for more information before we can proceed.

Joint accounts and mortgages

If the customer holds a savings account or mortgage jointly with someone else, we'll also need to consider the rights and interests of the other account holder or borrower.

This means we may need to carry out additional checks before we can process some requests.



If more than one attorney is appointed

Your Power of Attorney will tell us whether the attorneys must act together or whether they can act independently.

Joint attorneys must make decisions together. We may need instructions from all attorneys before we can process a request.

Joint and several attorneys can usually act together or independently. This means one attorney may be able to act without the others.

If you're unsure how the attorneys should act, check the Power of Attorney document or get independent legal advice.

Keeping customers safe

We have a responsibility to help protect our customers from fraud, scams, financial abuse and other foreseeable harm.

As part of this, we may check legal documents and identification, ask questions about unusual transactions or request supporting information. In some circumstances, we may need to delay or refuse a transaction while we complete these checks.

We know these checks can sometimes feel like an extra step, but they're there to help protect both the customer and the person acting on their behalf.

When we can't follow an instruction

There may be times when we can't carry out a request straight away. This could be because

- the Power of Attorney or Court Order doesn't allow it
- further checks are needed
- all attorneys need to provide instructions
- we have concerns about fraud, scams or financial abuse.

We also won't be able to process requests for new mortgages or additional borrowing through our standard attorney or deputy process.

If we can't follow an instruction, we'll explain why and let you know what you need to do next.

When does the authority end?

An attorney's or deputy's authority can end for a number of reasons. This may include

- when the customer dies
- the Power of Attorney is revoked
- the Court of Protection ends or changes the deputyship
- the attorney or deputy resigns or can no longer act.

The legal authority may also end in other circumstances set out by law.

When a customer dies, responsibility for dealing with their accounts and mortgage passes to the executor or administrator of their estate.

Registering a Power of Attorney or Court of Protection with us

Before your attorney or deputy can access or manage your account, we'll need to register the relevant document or court order with us.

You can do this in one of two ways.

Visit one of our branches

Please bring:

- the original Power of Attorney document or a certified copy (where required)
- proof of identity for you and your attorney(s)
- any passbooks relating to your accounts
- LPA digital access code where applicable

A member of our team will:

- check your documents
- complete the registration form with you
- take copies for our records
- explain what happens next

If you can't visit a branch

If you're unable to visit us in person, we'll be happy to help you register your Power of Attorney or Court of Protection arrangement another way.

Savings accounts: Call our Savings team on 0808 281 9308.

Mortgage accounts: Contact our Mortgage team on 0800 783 0847.

We'll explain what you need to do and guide you through each step.

Once we've received your documents, we'll carry out the necessary identification checks. We'll then register your Power of Attorney or Court of Protection and write to you to confirm when the registration is complete.



Key terms explained

Attorney	The person or people you choose to make decisions or manage your money for you.
Donor	The person who creates the Power of Attorney and gives someone else permission to act on their behalf.
Mental capacity	Mental capacity means being able to make and communicate your own decisions.
Lasting Power of Attorney (LPA)	A legal document that allows you to appoint someone you trust to make decisions on your behalf. An LPA must be registered with the Office of the Public Guardian before it can be used.
Enduring Power of Attorney (EPA)	A type of Power of Attorney that could only be made before 1 October 2007. Existing EPAs may still be valid. An EPA can usually be used without registration while the donor can make their own decisions. If the donor loses mental capacity, the EPA must be registered with the Office of the Public Guardian.
Ordinary Power of Attorney (OPA)	A legal document that allows someone to manage your financial affairs while you still have mental capacity. It's often used for temporary situations. An Ordinary Power of Attorney is not registered with the Office of the Public Guardian.
Office of the Public Guardian (OPG)	The government organisation responsible for registering Lasting Powers of Attorney and supervising attorneys and deputies in England and Wales.
Certified copy	A copy of a legal document that's been signed and confirmed as a true copy of the original by someone authorised to certify documents.
LPA digital access code	A secure code that allows us to check your registered Lasting Power of Attorney online. This means you may not need to provide the original document or a certified copy.
Jointly	If attorneys are appointed jointly, they must make decisions and authorise transactions together.
Jointly and severally	If attorneys are appointed jointly and severally, they can make decisions together or individually, depending on the instructions in the Power of Attorney.
Deputy	A person appointed by the Court of Protection to make decisions for someone who no longer has mental capacity and didn't make a Power of Attorney.
Court of Protection	A court that makes decisions or appoints deputies for people who lack mental capacity to make certain decisions themselves.

Notes

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If you require this information in a different format, please ask a member of staff.

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Branches throughout Staffordshire, Cheshire, Shropshire and Derbyshire

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