The Wills Clinic
LEGAL HEALTH SPECIALISTS

# LPA vs Deputyship: A Side-by-Side Comparison for UK Families

Many families only start thinking about decision-making arrangements when a loved one loses the ability to manage their own affairs. **In England and Wales, two of the main legal options are a Lasting Power of Attorney (LPA) and Deputyship. While both allow someone else to make decisions on another person's behalf, they are very different in how they are set up and when they can be used.**

A Lasting Power of Attorney (LPA) is a legal document made by a person while they still have mental capacity. It allows them to appoint one or more trusted people, known as attorneys, to make decisions on their behalf in the future if needed. **The person creating the LPA remains in control of who they choose and what powers are granted.**

There are two types of LPA.

i. A Property and Financial Affairs LPA allows an attorney to deal with matters such as bank accounts, bills, investments and property.

ii. A Health and Welfare LPA covers decisions about medical treatment, care arrangements and daily welfare.

Deputyship is used when someone has already lost mental capacity and can no longer make an LPA. In this situation, **a family member or another suitable person must apply to the Court of Protection to become a deputy.** If approved, the deputy is given legal authority to make decisions on behalf of the individual who lacks capacity.

One of the biggest differences between the two arrangements is choice. **With an LPA, the individual decides who should act for them. With Deputyship, the Court of Protection decides who should be appointed.** This means the person who has lost capacity may have had no say in who eventually manages their affairs.

Cost is another important consideration. **Creating and registering an LPA is more straightforward and less expensive than applying for Deputyship.** The Deputyship process involves court applications, assessment of capacity and ongoing supervision by the Office of the Public Guardian. There may also be annual fees that deputies must pay throughout their appointment.

The process is generally much quicker with an LPA. Once registered, the LPA is ready to be used when required. **Deputyship applications can take several months because court approval is needed before authority is granted.**

There are also differences in ongoing responsibilities. Attorneys acting under an LPA must always act in the donor's best interests, but they usually face less formal supervision. **Deputies are often required to keep detailed records, submit reports and comply with additional monitoring by the Office of the Public Guardian.**

For most families, an LPA is considered the simpler and more flexible option because it can be arranged in advance. However, when a person has already lost capacity without putting an LPA in place, Deputyship may be the only way to obtain legal authority to manage their affairs.

**In simple terms, an LPA is a proactive choice made before capacity is lost, while Deputyship is a reactive solution used after capacity has been lost.** Planning ahead with an LPA can save time, cost and stress for families, while Deputyship provides an important safeguard when no advance arrangements have been made.