

LAW

Online powers of attorney ‘put elderly at risk’

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Applications for lasting powers of attorney have risen sharply as Britain's population ages JOE GIDDENS/PA

Plans to raise awareness of lasting powers of attorney and to introduce online applications would put the elderly at risk of fraud, lawyers have warned.

The Office of the Public Guardian (OPG) set out goals this month to increase public awareness of the agreements, introduce paperless versions and launch an online service for third parties to use them.

The number of people in England and Wales registering lasting powers of attorney (LPAs) has increased significantly as the population ages and awareness of conditions such as dementia has risen.

According to the Ministry of Justice, the office has 3.5 million LPAs on its register, receives about 3,100 applications a day and supervises almost 60,000 deputyship orders.

It said that cases of attorneys abusing their position were rare, with concerns raised in 0.16 per cent of cases last year and investigations carried out in 0.06 per cent of cases.

Speaking to *The Times* in March, Alan Eccles, the outgoing public guardian, [said that](#) five prosecutions a week were being brought against people for allegedly abusing powers of attorney over the mentally vulnerable.

Lawyers have warned that without sufficient safeguards the OPG's plans will put more elderly and vulnerable people at risk of abuse from unscrupulous friends or relatives.

Kelly Greig, head of later life planning at the law firm Irwin Mitchell, said : "The OPG is absolutely right that LPAs should be as ingrained in the public psyche as driving licences".

However, she said that in the plans to go paperless there would be no need for the person taking out the LPA to sign it. "This is a massive risk for financial abuse as it would then be possible for an LPA to be prepared without the person really knowing that it was happening, paving the way for fraudsters and even well-meaning but misinformed family members to take over their affairs," she said.

She added that online applications would put people at risk of missing out on legal advice that could prevent errors, mismanagement or criminal activity.

"With modernisation comes the need to make sure the proper safeguards are in place in order to protect the elderly and vulnerable from financial abuse," Ms Greig said.

Making it mandatory for people to take advice and then for their attorneys to take advice when they begin to act would reduce the risk, she said.

The OPG said: "While breaches of trust are thankfully very rare, we investigate any concerns thoroughly and take robust action if needed, including referring cases to the police.

"Our recently published safeguarding strategy sets out how we will build on the support we provide for vulnerable adults, and work with other agencies to boost awareness around safeguarding."