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**Clarion**

## **Kate Garraway's story raises awareness of the need to put in place Lasting Power of Attorneys**



Claire King (left) and Stephanie Parish (right) of Clarion

Kate Garraway's heart-breaking story of her husband Derek's year-long battle with COVID-19 has been made even more complicated by the lack of legal protection she and Derek had in place. Kate was unable to access funds to manage her husband's care or refinance her mortgage. She did not even have the legal right to see his medical notes.

"Research by Solicitors for the Elderly shows that 65% of us think our family members will be able to make medical and care decisions for us if we are no longer able to. In reality, this isn't always the case unless a Health & Welfare Lasting Power of Attorney is in place," explains Clare King of Clarion. "Whilst there has been a rise in the number of enquiries made about Lasting Power of Attorneys (LPAs) during the pandemic, only 22% of people in the UK actually have one."

King explains that the financial challenges that Kate has described could easily have been overcome if Derek had put a Property & Financial Affairs LPA in place whilst he was in good health. In the absence of a financial LPA, there is a process by which the Court of Protection can authorise decisions about the affairs of a person in Derek's situation, but it can be a lengthier process than preparing ahead of time with an LPA.

Fellow Clarion lawyer Stephanie Parish adds: "To avoid this difficult legal situation arising, it's important to use a specialist lawyer who is experienced in this area of the law, and is trained to support people making these crucial, complex and difficult decisions. According to Which? 22,000 LPAs are rejected every year so it's essential that you get your legal documents right."

Clare King and Stephanie Parish, qualified lawyers at Clarion in Leeds, are members of Solicitors for the Elderly (SFE), the membership organisation for specialist solicitors who support older and vulnerable people.