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# Power of **attorney**

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What you need to know

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# We're here to help

We've designed this leaflet to help you understand more about power of attorney and what it may mean to you.

We're here to help you through this process. If you would like to talk to us, you can call our specialist team on 0800 587 4525 Monday-Friday 8am-8pm, Saturday 9am-5pm, Sunday 10am-4pm. Or visit any of our branches if you'd prefer to talk to a member of staff face to face.

## Useful contacts

- > Office of the Public Guardian - 0300 456 0300  
**[www.gov.uk/government/organisations/office-of-the-public-guardian](http://www.gov.uk/government/organisations/office-of-the-public-guardian)**
  - > Age UK - 0800 169 6565 **[www.ageuk.org.uk](http://www.ageuk.org.uk)**. The Age UK website has very detailed guidance and advice for those who are not sure about their next step.
  - > Court of Protection - 0300 456 4600  
**[www.gov.uk/courts-tribunals/court-of-protection](http://www.gov.uk/courts-tribunals/court-of-protection)**
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# Explanation of terms you may find useful

**Office of the Public Guardian (OPG):** The OPG protects people in England and Wales who may not have the mental capacity to make certain decisions for themselves, about their health, property and finances.

**Court of Protection (COP):** A specialist court which has the power to make legal decisions over the property, financial affairs and personal welfare of individuals who lack mental capacity to make decisions of their own. Deputies are appointed through the COP.

**Donor:** The owner of the funds who has granted permission to attorneys to act on their behalf, i.e. you.

**Attorney:** The person who has been authorised by you to act on your behalf.

**Deputy:** A person appointed by the COP to look after your affairs after you become mentally incapacitated, where you haven't made an lasting or enduring power of attorney.

**Attorney supplementary form:** Our form which we'll need to register the power of attorney. This can be downloaded from [thecoventry.co.uk](http://thecoventry.co.uk)

**Gift:** A gift of money from your account made on a customary occasion (e.g. a birthday, anniversary, wedding or other occasion) to family members and close friends, or to your preferred charity. Gifts must be reasonable in the circumstances and in relation to the size of your estate. So that we can help protect our members we may ask questions about any withdrawals from the account.

**Withdrawals:** We may question any withdrawals that are made on your behalf to ensure they are for your benefit. We will also question attorney requests to add or remove customers from your accounts.

**Deed of Revocation:** The document which cancels the authority of an attorney to act on your behalf.

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# What is a power of attorney?

A power of attorney is the authority appointing someone you trust (the attorney) to make decisions on your behalf. You can choose one or more people to act as attorney on your behalf, but it's important to be confident you've chosen the right person or people to carry out the tasks involved in looking after your affairs.

Power of attorney can only be granted when you still have the mental capacity to appoint the person or people you wish to act on your behalf, and you can continue to carry on managing your finances while you're still able.

**Lasting power of attorney (LPA)** - The appointed person can manage your finances for you in the future if you reach a point where you require support in making decisions, or are unable to make decisions yourself. A lasting power of attorney can be used as soon as it has been registered with the Office of the Public Guardian (OPG), unless otherwise specified. The Coventry will only need to see the 'Property & Financial Affairs' document, we don't need the 'Health & Welfare' document.

**Enduring power of attorney (EPA)** - If you have an unregistered enduring power of attorney (these were replaced by LPAs in 2007), it can still be used and your attorney will need to register it with the OPG if they believe you are, or are becoming, mentally incapable.

**General or ordinary power of attorney** - The attorney can manage your financial affairs only while you have mental capacity. This will stop if you lose capacity to make your own decisions. You may want to set one up if, for example, you need someone to act for you on a temporary basis, such as while you're on holiday.

We are unable to accept power of attorney documents that have been drawn up overseas.

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An attorney will have responsibility for things like your money and bills, your bank/building society accounts and any pensions, investments or benefits you may have. You can include restrictions within a power or provide guidance on how you want decisions to be made.

It's worth noting that attorneys should keep your finances separate from their own, unless you've got a joint bank account or own a home together. They must also keep accounts of your assets, income, spending and outgoings as the OPG and COP can ask to check these.

Note: restrictions in the power of attorney document can cause difficulties for you accessing your account and for attorneys using your account, and can limit the availability of future investment account products.

## What are the benefits of appointing an attorney?

Setting up a lasting power of attorney can enable someone to make decisions on your behalf if you're not able to do so. This means whatever happens in the future, you'll be looked after in the way you want by those you trust.

If no lasting power of attorney is set up and you become mentally incapacitated, your family or friends would need to apply to the Court of Protection (COP) before they can help with financial affairs. The COP will then supervise the management of your affairs to ensure you're protected. Having a power of attorney set up can save this lengthy and expensive process with the COP.

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# Applying for a power of attorney

## Lasting power

Information about lasting powers of attorney and how to apply for them can be found at:

**[www.gov.uk/government/organisations/office-of-the-public-guardian](http://www.gov.uk/government/organisations/office-of-the-public-guardian)**

An LPA is only effective when it's been registered with the OPG. An EPA only needs registering at the point you become mentally incapacitated. See the website above for more information.

You'll need to give notice to everyone named as an attorney. You can find help on how to do this on the website above. The OPG will notify you if the application is made by an attorney.

One or more attorneys can be appointed to work on your behalf in the following ways:

- > 'jointly' – each attorney will need to be registered and they must always make decisions together and transact together.
- > 'jointly and severally' – can make decisions together and separately depending on what you've requested.
- > 'jointly' on some matters, and 'jointly and severally' on others.

If more than one attorney is appointed to deal with the same issue, they must act jointly unless the power of attorney states they don't need to.

## General power

A general or ordinary power of attorney document can be bought from high street stationers, or a solicitor can prepare one for you, for a fee.

A general power of attorney doesn't need to be registered.

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# Registering a power of attorney with us

Where you are already a member with us, we'll need to see:

- > the power of attorney document, original or certified copy. You can certify it if you still have mental capacity, if not, a solicitor should do this,
- > your account passbook, if there is one, and
- > a completed 'attorney supplementary' form. This can be downloaded from our website at **thecoventry.co.uk** or you can pick one up in any of our branches. Alternatively, call us and we'll send you one out. If the power of attorney is on a joint basis we'll need all attorneys to sign the supplementary form before it can be registered.

Where the attorney(s) doesn't already have an account with us, we'll need to see their identification (ID). A list of ID that we'll accept is at the back of this leaflet.

If you're new to the Coventry, we'll need:

- > a completed account application form, call us and we'll send you one
- > a power of attorney document, original or certified copy. You can certify it if you still have mental capacity, if not, a solicitor should do this
- > identification, a list of ID that we'll accept is at the back of this leaflet.

Contact us to discuss this further.

If there's a restriction on the attorney only using the power of attorney when you're mentally or physically incapable, we'll ask for independent confirmation of this before we register the power of attorney.

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You can drop into one of our branches,  
or send the information to us at

**FREEPOST CBS CUSTOMER SERVICES**

It's important that you write the address  
exactly like this, in capital letters and  
all on one line (see example).



Your application to register the power of attorney will be sent to our  
specialist team. When we've registered it, we'll confirm this in writing to  
both you and the attorney(s).

## How to operate a savings account as an attorney



**Online** – Depending on any restrictions in the power of attorney  
document, the attorney may be able to operate your savings  
account through our Online Services. If this is the case, they'll  
receive security details in their own name so that they can use  
Online Services in the same way you can.

If the attorney is already registered for our Online Services they  
won't need additional security information, instead your accounts  
will appear on their 'My Accounts', dependent on any restrictions in  
the power of attorney document.

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**In branch** – transactions can be carried out in branch in the usual way depending on any restrictions there may be within the power.

Depending on the type of account you have with us, the attorney will have the option to transact in a variety of ways according to the accounts' terms and conditions.



**Over the phone** – depending on any restrictions within the power of attorney document, we may send security details to the attorney to enable them to manage the account over the phone. We'll also send them a copy of our leaflet 'How to contact us' which will tell them more information about these security details and how our Telephone Services work. If they already have telephone access on their own accounts, access will be added under the same security details, dependent on any restrictions in the power of attorney document.



**By post** – transactions by post can be carried out in the usual way on a savings account. We'll check the attorney's signature that we hold on our records in order to validate any transactions.

When everything has been set up, the attorney will be able to transact on the account, subject to any restrictions in the power of attorney.

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# Frequently asked questions

**Q Can the attorney have access to Online Services (OLS)?**

**A** Yes. Providing there are no restrictions in the document or the attorneys are not to act jointly. The attorney can operate the account as the donor would, in line with normal account terms and conditions.

**Q Can the attorney have a cash card?**

**A** Yes. Providing there are no restrictions within the power of attorney document, the attorney can have a cash card, if the account type allows.

**Q What if the donor passes away?**

**A** Power of attorney is no longer valid if the donor passes away.

**Q What happens if the attorney passes away?**

**A** If an attorney passes away on a 'joint or several' power of attorney or they are the sole attorney, they will be removed from the investment account(s) and a new attorney can be appointed. If the

document is 'joint/several', the remaining attorney may continue to act. If an attorney passes away or is no longer able to act on a 'joint' power of attorney, you should refer to the OPG for guidance. If there is only one attorney on the document, the power of attorney will cease.

**Q I am unsure if a power of attorney is right for me, are there any alternatives?**

**A** There may be alternative solutions to support you in managing your financial affairs. Contact our specialist team on 0800 587 4525 or pop into your local branch to discuss your options.

**Q Can I still use the account after the power of attorney has been registered with the Coventry?**

**A** We'll allow you to use the account unless we have medical confirmation that you've lost your mental capacity, or if the EPA document has been registered with the OPG.

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**Q If I have more than one savings account with you, can I choose which ones the attorney is registered with?**

**A** No. The attorney must be registered on all accounts held by you.

**Q Will both the attorney and the donor receive correspondence from the Coventry?**

**A** We'll only send out one set of correspondence, in your name, but you have the choice on the attorney supplementary form to let us know if you'd rather everything was sent to the attorney.

**Q How soon can my attorney start accessing my savings account?**

**A** When you've received confirmation from us that we've added the attorney to your account.

**Q When might a power of attorney cease?**

**A**

- > When you decide to revoke it before you lose capacity
- > When an attorney (or you) becomes bankrupt

- > When an attorney loses mental capacity
- > When a marriage or civil partnership between you and an attorney is dissolved
- > When an attorney decides to disclaim their powers
- > When the COP makes an order revoking a power of attorney
- > When an attorney passes away

**Q Can an attorney be changed on an LPA?**

**A** Yes, in certain circumstances. Please refer to OPG for more information.

**Q Will the attorney be added to a mortgage account?**

**A** No. Details of the attorney will be noted on the mortgage account and we'll correspond with the attorney if we're asked to do so but the account will remain in your name.

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# ID checklist

All attorneys and donors will need to provide the following identification (ID) unless they are existing customers:

- > One item from group A, to confirm who they are.
- > One item from group B, to confirm their name and address.

ID can be used either to confirm who you are, or your name and address, not both. For example, you cannot use a driving licence to confirm who you are, as well as your name and address.



**At a branch:** Attorneys must provide original documents to prove who they are, and their name and address. Certified copies will not be accepted.



**By post:** If they are sending their ID, they should include certified copies of the items where indicated, in case the originals are lost in the post.

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<b>Group A – to confirm who they are</b>	<b>Branch</b>	<b>Post</b>
Any OPG registered document e.g. power of attorney document (donor only)	Original or copy certified by donor or solicitor	Certified copy
Passport (UK or foreign) – current, valid and full	Original	Certified copy
Full old style paper driving licence (UK) – current, signed	Original	Certified copy
Valid UK photocard driving licence (full or provisional)	Original	Certified copy
EEA photocard driving licence – current	Original	Certified copy
Blue badge parking permit	Original	Certified copy
EEA member state identity card	Original	Certified copy
DWP pension entitlement letter – current year	Original	Original
Birth certificate – if you are under 18 only	Original	Certified copy
NHS medical card/document – which includes the holder’s name, DOB and NHS medical number – if you are under 18 only	Original	Certified copy

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<b>Group B – to confirm their name and address</b>	<b>Branch</b>	<b>Post</b>
Recent invoice or letter-headed confirmation from care home (donor only)	Original	Original
Utility bills (i.e. gas, electricity, water) less than 3 months old and not printed from the internet	Original	Original
Council/Local Authority tax bill less than 12 months old and valid for the current year	Original	Original
Valid UK photocard driving licence (full or provisional)	Original	Certified copy
Full old style paper driving licence (UK) – current, signed	Original	Certified copy
Bank/building society statement less than 3 months old (not from Coventry Building Society) and not printed from the internet	Original	Original
Cable/satellite/phone bill (excluding mobile phones) less than 3 months old and not printed from the internet	Original	Original
Section 975 Tax Statement (not from Coventry Building Society)	Original	Original
Local council tenancy agreement/rent book	Original	Original
Solicitor's letter confirming house purchase in the last 3 months	Original	Original
NHS medical card/document which includes the holder's address – if you are under 18 only	Original	Original

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Copies of your documents should have been certified **within the last 12 months** using the following words - **‘I confirm that I have seen the original document’**. The certifier must sign their name and include the following details - full name, profession and qualification (where applicable), business address (where applicable), phone number and date.

The person certifying must not be related to the attorney, and they must not be named on the account. You cannot certify your own identification.

The person certifying should be in **current employment**, but we will also accept certification from a person who has retired (unless the list opposite specifically indicates that the person should still be serving), provided they still hold the qualification (and are a member of the relevant institute).

The person certifying **must not be related to you** in any way e.g. spouse, partner, sibling, parent, child or in-law, and they must not be named as a joint account holder or borrower on your mortgage. You cannot certify your own identification.

Copies of documents (other than power of attorney) can only be certified by one of the following:

**Legal professional** (Solicitor registered in England and Wales, Northern Ireland or Scotland, Barrister registered in England and Wales, Northern Ireland or Scotland or Notary Public registered in any country)

**Qualified accountant** (registered with either ICAEW, ICAS, CAI, ACCA, CIPFA or CIMA)

**Public sector official** (serving Officer of the Armed Services, serving Police Officer, teacher in current employment at a state school)

**Medical professional** (Doctor employed in the NHS, Dentist registered with the relevant national professional body)

**Post Office official** (Person authorised under the Post Office Document Certification Service)

**Embassy official** (An Embassy, consulate or high commission officer in the country of issue of the relevant document)

**Other** (Local Government Councillor, Member of Parliament, Bank Manager, Building Society Manager or Minister of Religion).

If you have a non-UK passport, this must be certified by a UK bank or building society manager, solicitor or embassy official only.

Coventry Building Society is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority (firm reference number 150892 [www.fca.org.uk](http://www.fca.org.uk)).

Our Customer Service Centre is open Monday to Friday 8am-8pm, Saturday 9am-5pm, Sunday 10am-4pm.

Calls to 0800 numbers are free when made from the UK. You may be charged for calls to all other numbers, please contact your service provider for further details. We may monitor, record, store and use telephone calls to help improve our service and as a record of our conversation.

Information correct at time of going to print (February 2016).

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## Get in touch



### At a branch

For details of our opening hours, visit [thecoventry.co.uk/branch-finder](http://thecoventry.co.uk/branch-finder)



### Online

Visit us at [thecoventry.co.uk](http://thecoventry.co.uk)



### By phone

Call our specialist team on 0800 587 4525



### By post

Write to us at Economic House, PO Box 9, High Street, Coventry CV1 5QN

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