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The Future of Lasting Power of Attorney

A RESEARCH REPORT FOR THE OFFICE OF THE PUBLIC GUARDIAN

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Executive Summary

1 Executive summary

Introduction

The Office of the Public Guardian (OPG), set up in 2007, is responsible for registering Lasting Power of Attorney (LPA) applications and supervising deputies.

The OPG wishes to increase LPA applications in order to minimise the number of deputyships required for a number of reasons. Firstly, because it allows individuals to have an attorney that they choose, rather than a deputy that the court appoints, ensuring the individual has involvement and a say as to how they wish to have either their financial affairs or wellbeing taken care of before any potential loss of mental capacity. Secondly, the OPG wish to limit the difficult, time-consuming and costly court and monitoring processes that appointing a deputy requires for both the individual and the OPG.

In order to increase LPA applications, the OPG needs to better understand the shape of the potential LPA customer market and identify factors which could inhibit or enhance LPA uptake. The OPG does not currently actively market LPAs, though it is considering doing so in the future.

This report brings together data from ten qualitative interviews, fourteen discussion groups and a nationally representative quantitative survey with adults aged over 45¹, and is further informed by the findings of ten in-depth interviews with deputies. The primary aim of this research was to increase understanding of the potential LPA customer base. Further objectives were as follows:

- Identify segments and how best to communicate LPA to them;
- Understand the current barriers and enablers to applying for LPA; and,
- Identify organisations the OPG can partner with to promote LPA.

What do people know and think about LPA?

The research revealed a lack of awareness of LPA amongst potential customers. The survey showed that a large proportion of the population aged 45 and over did not know much about LPA. Around a quarter (26%) said they knew a great deal or a fair amount about LPA, while almost half (45%) had never heard of it, or knew nothing about it. When they were told about it, around a third (34%) were interested in setting up an LPA at some point in the future while 61% were not interested. Those most likely to state interest in LPA were those who knew someone who had an LPA and those who knew someone who had lost mental capacity.

In the qualitative research, experience of a friend or family member losing capacity was also more strongly associated with interest in LPA than

A Lasting Power of Attorney (an LPA) is a legal document that allows an individual (a donor) to appoint another – of their choosing – to manage and make ‘best interest’^{1a} decisions about their affairs, on their behalf (to become their attorney). An LPA may only be set up when the donor has full mental capacity, and it may convey powers to the attorney as soon as it is set up or at some point in the future – for example, if the donor loses mental capacity. There are two types of LPA: one covers health and welfare (H&W), and the other property and financial affairs (P&F).

Deputyship: If someone loses capacity and has not appointed an attorney, the Court of Protection may, in response to a request from a third party initiate legal proceedings to appoint someone – known as a deputy – to manage that person’s affairs and to make decisions about their care and/or finances. A deputy is often a relative of the person who has lost mental capacity and in other cases is a professional – such as a family solicitor.

45%

Said that they had not heard of LPA, or knew nothing about it

¹ Research was conducted with 1,886 adults aged 45 years and over in England and Wales using an omnibus survey.

^{1a} As described in the Mental Capacity Act 2009, Chapter 9, section 4, ‘Best Interests’.

demographic factors. Participants who had acted as an attorney or, a deputy, as well as some who knew someone who had lost capacity, tended to be the most positive about the benefits of LPA. The main benefits highlighted were:

- 1 Being able to choose the person or people who would be in charge of making decisions which affected them.
- 2 To make things easier for their relatives if they lost capacity.
- 3 To make it more likely that decisions which affected them would be made in their best interests.
- 4 To make it more likely that they would be cared for in the way they would have wanted.

Many of these participants related personal experiences which could act as compelling stories to convince others of the need for LPA, especially those who were acting as a deputy and had experienced the issues faced by those who do not have an LPA in place and had since applied for an LPA themselves. However, the reluctance of those who have experienced managing the affairs of someone who has lost capacity to discuss this experience even with those closest to them may make this difficult.

Of those who were interested in applying for an LPA, 64% said they were unlikely to do so in the next 12 months, and a third (33%) thought they would wait until they were diagnosed with a condition that affected their mental capacity to get their LPA(s). However, the qualitative research among those who were recently diagnosed suggested that this often did not act as a trigger in the same way that undiagnosed potential customers thought it would, arguing that it would be much more emotionally difficult to accept than others may consider.

33%

What are the reasons for not getting an LPA?

Both the qualitative and quantitative research revealed a number of barriers which may prevent take-up of LPA or may mean that people put off applying until they need it. We have separated these barriers into five broad types:

- 1 'Attitudinal and emotional barriers' which affect a person's motivation to apply for LPA. These included attitudes such as not believing that they would lose capacity or caring if they did, as well as emotional barriers such as superstition or not wanting to give someone else the power to make decisions on their behalf. These were the most common types of barriers, reported by 40% of those who were not interested in setting up an LPA.
- 2 'Relevance barriers' which are often based on experiences or assumptions which affect whether or not a person believes that an LPA is necessary. The most important of these was the assumption that those with close family did not need an LPA because they believed their relatives would be able to manage without one. This was often based on personal experience of managing another person's affairs which had turned into a belief LPAs were not necessary. It also included some who assumed that LPA was only for those who owned property or high value assets. Relevance barriers were reported by 29% of those who were not interested in LPA.

Of those interested in applying for an LPA said they would wait until they were diagnosed with a condition which would affect their mental capacity before they got an LPA

- 3 'Practical barriers' which affect whether a person believes they can apply for an LPA. The most important of these was not having someone they could currently nominate as an attorney, reported by around a quarter (26%) of those who were not interested in an LPA.
- 4 'Information barriers' which reflect a lack of awareness of LPA. Around a quarter (26%) stated not knowing enough about LPA or never having thought about it were reasons for not being interested in applying.
- 5 'Process barriers' which affect a person's opportunity to apply for an LPA. These were cited by 17% who gave reasons such as the cost of registering an LPA or feeling that it would be too complicated.

26%

Did not agree with the statement "I can think of someone I would choose to be my attorney"

How would people want to apply for an LPA?

To most participants in the qualitative research, the application process for an LPA seemed fairly lengthy but not prohibitive. Generally, where people were convinced that LPA was important for them, the application process was not seen as problematic; where they were less sure of the relevance of an LPA to their circumstances, the application process acted as further discouragement.

There was concern about completing an application for an LPA without any help. While most were confident in their ability to complete forms, they felt that the legal nature of LPA and the seriousness of granting someone power over their lives meant that they would be reassured by having legal support with making an application. Around two-fifths (42%) said that they would go to a solicitor for information or help with an application, three in ten (31%) said they would go online and a quarter (25%) said they would go to the Citizens Advice Bureau.

While 29% said that being able to apply online would make them more likely to apply for LPA, some participants in the qualitative research were certain that they would not make an online application. The main reasons for this were not knowing how to use the internet or being concerned about security, and thinking that it would be easier to seek support with paper forms.

Participants in the qualitative research were generally accepting of the fee for registering an LPA and this was not seen as a barrier for applying to most, with just 2% of those surveyed citing cost as a reason for not having registered their LPA. However, many did feel that they should receive free support with completing their application in return for this fee.

29%

Said that being able to apply online would make them more likely to apply for an LPA

Who can provide information and support?

Solicitors and charities such as the Citizens Advice Bureau were felt to be best placed to both promote LPA as well as provide information and support with applications. Participants in the qualitative research also suggested there was a place for charities such as Age UK and the Alzheimer's Society, as well as community and religious groups, to inform people of LPA and provide free support to those who may be less likely to use a solicitor.

Who are the potential customers for LPA?

A segmentation analysis was conducted on the quantitative data which identified six segments which varied by their knowledge of and interest in

LPA as well as their attitudes². The survey included a number of questions to elicit respondents' views on and attitudes towards life, family, old age and planning ahead, and tested nine proposals that might make people more likely to apply for LPA. These included four ways of communicating the benefits of LPA and five possible events or actions that might influence the decision to apply. These are referred to as 'messages' and 'interventions' respectively throughout the report. These are shown in the table in Chapter 6.1. The six segments were given names that represented their definitive features, as listed below.

The segmentation identified a variety of potential customer types, with different levels of receptiveness towards establishing LPAs. Accordingly, diverse strategies may be required to reach different potential customers.

The analysis revealed the following segments within the population aged over 45 years and excluding anyone who said they already have an LPA in place:

- The Receptive segment: appeared likely to be easier to convince of the benefits of LPA than the other segments and are most likely to say they would be interested in setting one up in the future. They are more likely to say they know something about LPA already compared with the other segments. Around 17% of the population aged over 45 years (and who do not currently have an LPA) are thought to be in this segment.
- The Hard-to-Convince segment: appeared likely to be the most difficult segment amongst which to increase the uptake of LPA, due to their relatively low levels of awareness of LPA, in addition to attitudinal and emotional barriers and the fact that many did not think LPA was relevant to them. This segment is thought to include around 13% of the population.
- The Complex Finances segment: this segment were more likely to say they were 'fairly' interested in LPA (rather than 'very') and thought they would be fairly responsive to interventions, but were most likely to want to wait until they knew they were going to lose mental capacity before setting up LPA. Two thirds (66%) of this segment agree that their 'Financial situation is complicated' compared with just one in five (21%) overall. This segment is thought to include around 18% of the population.
- The Prefer Online segment: very likely to say they would be responsive to interventions especially being able to apply online, but are less likely than other segments to respond to the proposed messages) and were also likely to think there is no point registering LPA until you need it. This segment is thought to include around 17% of the population.
- The Planners segment: likely to say they would be fairly responsive to messages and interventions, but were also likely to think that LPA does not apply to them. This segment is thought to include around 19% of the population.

² A segment is a subgroup of the broader population; the people in each segment have similar characteristics (as identified by their responses to questions in the quantitative research) to one another.

- The Live for Today segment: were likely to think they would be responsive to messages but not to interventions. People in this segment were more likely to be instinctive decision makers and do not like to plan. This segment is thought to include around 17% of the population.

Whilst those in the Receptive segment are perhaps the most likely to eventually apply on their own, it may take a multi-faceted, concerted effort to engage the other segments. For example, for the Prefer Online segment communicating that you can complete the forms online will increase their propensity to complete the forms, but only if this is combined with a message that clearly explains the benefits to them of getting an LPA, as they do not find these immediately obvious.

Background and Methodology

2 Background and methodology

2.1 Background

2.1.1 Lasting power of attorney and deputyships

A Lasting Power of Attorney (an LPA) is a legal document that allows an individual with full mental capacity (a donor) to appoint an attorney, who is legally empowered to make decisions on their behalf. The LPA may stipulate that the attorney gains power when the donor loses mental capacity, or it may come into effect as soon as it is registered. The attorney does not need further legal recognition to make decisions about and manage the donor's affairs. If someone loses capacity without an LPA in place, the Court of Protection will appoint someone – known as a deputy - to take on this role. Whilst losing capacity might most often be thought of as the result of an illness or condition, it should be remembered that sudden events such as a severe accident or stroke could also have this effect.

There are two types of LPA: one covers health and welfare, and the other property and financial affairs. The health and welfare LPA allows the attorney to make decisions about the daily routine, medical care and treatment of the donor; for example, they might make decisions about moving the donor into a care home. This type of LPA only comes into effect when the donor has lost mental capacity, as confirmed by a doctor. The property and financial affairs LPA allows the attorney to have power over and make decisions about the donor's finances; including selling their home, accessing their bank accounts, collecting benefits and paying bills. A property and financial affairs LPA may be designed by the donor to either come into effect as soon as it is registered, when a loss of mental capacity is confirmed, or at another point of their choosing.

If someone loses capacity and has not appointed an attorney, proceedings may be instigated in the Court of Protection to appoint a deputy to carry out this role. The deputy is typically a friend or relative of the person they are deputy for, though it may be a professional such as a solicitor. As the courts have chosen this person, the Office of the Public Guardian (OPG), is responsible for monitoring them closely; a deputy may be required to submit regular accounts to the OPG, to prove they are acting in the best interests of the person they are deputy for. Appointing a deputy can be a lengthy, time-consuming and complex process, and the on-going monitoring of the deputy is costly; with the cost typically taken from the estate of the person who has lost mental capacity.

2.1.2 Office of the Public Guardian

The OPG, set up in 2007, exists to support the Public Guardian discharging his statutory obligations in England and Wales under the Mental Capacity Act 2005. Its primary functions include registering LPA applications and supervising deputies. It also investigates allegations of abuse by registered attorneys and deputies.

2.1.3 Context

The proportion of the population over the age of 65 is rising considerably: population predictions made by the Office for National Statistics (ONS) in 2010 estimate that the proportion over the age of 65 will increase by 23%

between 2010 and 2020.³ The risk of dementia among those aged 65 and over is much higher than for those under 65, so this rise in the population of elderly people is likely to be accompanied by an increase in the number of dementia cases⁴. By 2051, the number of people with dementia is expected to more than double from the 2012 figure of 800,000 to 1.7 million.⁵ In addition, advances in the understanding of the condition, and increased policy emphasis on earlier diagnosis, means that diagnosis rates are expected to rise: the government is aiming to increase timely and accurate diagnoses of dementia to two-thirds of cases instead of the current 42% in England⁶.

With these changes, it may be expected that the number of people considering applying for an LPA, or receiving a deputyship order, will increase. The LPA application rate has been increasing since the creation of the OPG, and currently stands at nearly 250,000 applications annually. Deputyship cases (both new deputyships and total number of 'live' deputyships⁷) also increased substantially between 2008 and 2011⁸, however this rate of increase has slowed between 2011 and 2012 with no clear explanation.

Table 2.1 – Numbers of deputyships

Financial year	New deputyship cases	Total 'live' deputyships
Pre-2007	Not available	22,103
2007	2,837	23,115
2008	8,378	26,742
2009	9,859	32,868
2010	11,972	39,728
2011	12,020	44,810
2012	11,553	47,934

Source: Office of the Public Guardian

There may be value in the OPG encouraging more proactive applications for LPA to minimise the need for deputyships. As outlined in section 2.1.1 and in the findings of this report, deputyships are considered to be less desirable than LPA because the person who has lost capacity cannot be involved in choosing their deputy and consequently the deputy requires resource-intensive supervision. The OPG does not currently market the LPA service, though many professionals such as solicitors and will-writers do.

³ The Office of National Statistics, Statistical Bulletin: 2010-based subnational population projections for England (March 2012) <http://www.ons.gov.uk/ons/dcp171778_259219.pdf>

⁴ The population of England as a whole is projected to grow by 8.4% over the same period. *Ibid.*

⁵ Alzheimer's Society, Demography (2013) <http://www.alzheimers.org.uk/site/scripts/documents_info.php?documentID=412>, accompanying Dementia 2012: A National Challenge (2012) <http://www.alzheimers.org.uk/site/scripts/download_info.php?fileID=1389>

⁶ The Department of Health, The Prime Minister's Challenge on Dementia: Delivering major improvements in dementia care and research by 2015: Annual Report of Progress (May 2013) <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/200030/9535-TSO-2900951-PM_Challenge_Dementia_ACCESSIBLE.PDF>: 4.

⁷ By 'live' deputyships we mean ones that are currently being used. A deputyship might cease to be 'live' if the person regains capacity and/or if they die.

⁸ The OPG was established in 2007.

The OPG has decided it would like to:

- Develop digital tools for LPA applications and deputyship services;
- Reach a greater proportion of the LPA market; and
- Review how supervision services for deputies are run.

2.1.4 Research aims

To inform its work to reach a greater population of the market and to prepare for changes to the market, the OPG required research that would:

- Help it understand the potential LPA customer base, including:
 - What segments (i.e. groups of potential customers with similar characteristics or views) exist;
 - The current barriers and enablers to applying for an LPA, and how these differ across segments;
 - What (if any) barriers and enablers may be more relevant to customers in black and minority ethnic (BAME) groups;
 - How each of these segments might best be made aware of and encouraged to apply for an LPA;
 - Which segments would be most responsive to engagement and awareness raising; and
 - If there are organisations potential customers trust that the OPG could partner with to promote LPAs.

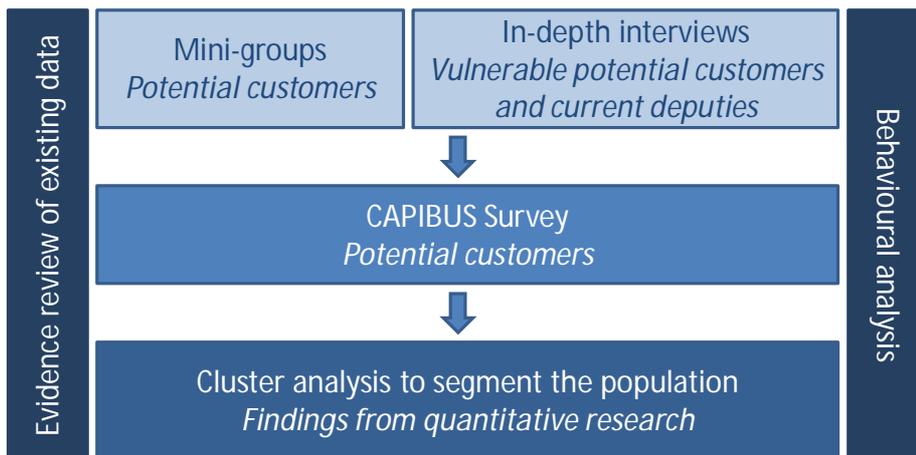
2.2 Methodology

This report brings together data from qualitative and quantitative research with potential LPA customers, and is further informed by the findings of ten in-depth interviews with deputies conducted over the telephone.

Potential LPA customers were defined as those aged 45 and over, living in England and Wales, and who do not currently have an LPA⁹. Those aged under 45 were excluded from this research on the basis that they would be more difficult to engage on the subject of loss of mental capacity and LPA.

Figure 2.2– Research methods diagram

⁹ The Office of the Public Guardian only covers England and Wales; Scotland and Northern Ireland have separate arrangements.



2.2.1 Qualitative research

A qualitative approach was adopted for the initial phase of the research, to provide detailed understanding of potential customers' attitudes to and awareness of LPA, and to inform the design of the quantitative research. Qualitative research is particularly useful when exploring how and why individuals make decisions and to understand emotional and psychological contexts, because it allows participants to express their thoughts and opinions freely, without being restricted by a structured questionnaire. Findings from the qualitative research contributed to the design of the survey by, for example, identifying potential barriers to applying for an LPA and helping to identify possible interventions, which were then tested in the quantitative research.

The qualitative research comprised of:

- 14 x 90 minute mini-groups. Mini-groups were convened to discuss awareness of and interest in LPA, attitudes towards the process of applying for LPA, and views on communications about LPA.
- 10 x 60 minute in-depth, face to face interviews.
- 10 x 30-45 minute telephone interviews with deputies.¹⁰

Participants in the mini-groups and in-depth interviews were predominantly recruited by free-find methods¹¹, and some older participants were recruited by snow-balling¹². Participants were recruited using a short screener-questionnaire to ensure they were eligible for the research and were willing to take part. Deputies were recruited over the telephone from a sample supplied by the OPG.

¹⁰ Please see the appendices for further details on what was discussed in the interviews and groups, including research materials.

¹¹ Recruiters find people from the general population by approaching them on the street, within travelling distance of pre-agreed locations, and using a recruitment questionnaire to determine if they fit the specified criteria.

¹² Snowballing – also known as chain referral sampling – is a type of purposive sampling. In this method, participants who have already been recruited or contacted about the research but who did not meet quotas refer the researcher to other people who could potentially participate in the research.

Participants were offered an incentive conditional on taking part in the study. This was to try and ensure a sufficient number and range of participants took part to provide robust qualitative data, within the study timeframe.

Please see appendix 1.2 for detail of the qualitative research methods used.

2.2.2 Quantitative research

The method chosen for the quantitative research was Ipsos MORI's weekly omnibus survey, known as Capibus¹³. The fieldwork dates were 13-30 September 2013. A total of 1,886 interviews were achieved, but 252 of these were screened out because they said they had a registered LPA¹⁴ or an Enduring Power of Attorney (EPA)¹⁵ therefore a total of 1,634 respondents completed the full survey. Participants living in Scotland or who were aged under 45 years old were screened out before beginning the survey.

Quotas were set on key demographics including social grade in each area in which the survey was administered to improve representativeness at both the national and local levels. To ensure representativeness and to correct minor deviations in the sample profile, the data was weighted to reflect the England and Wales population aged 45 and above. Further details regarding sampling and the weighting can be found in appendix 1.3.

Respondents were asked about their attitudes to planning for later life, their levels of trust in the people around them, their awareness and knowledge of LPA, where they would go to find information about LPA and how they would respond to a range of possible influences on their decision to set up an LPA. A full copy of the questionnaire is included in appendix 2.7.

Please see appendix 1.3 for detail of the quantitative research methods used.

2.2.3 Interpretation of findings

This study combined complementary qualitative and quantitative methodologies. Where the two methodologies were used to explore a similar issue, the findings have been analysed together to enable commentary about both the extent to which something is happening and why it appears to be happening.

It was not possible to test all of the elements explored in the qualitative research through the quantitative survey. Therefore some parts of this report rely solely on qualitative findings. Whilst it is not statistically reliable, qualitative research is designed to be exploratory, detailed and illustrative, and in this study offers important insight into the context of participants' attitudes to LPA. In some instances, to aid interpretation of the qualitative findings, we have observed whether a view was expressed across all groups, or appeared to be more common in particular mini-groups (e.g. amongst older participants or BAME participants), but this should be

¹³ Capibus is Ipsos MORI's nationally representative, face-to-face omnibus survey of adults across England, Scotland and Wales. It is administered in home by interviewers with computers.

¹⁴ The proportion of people saying they had a registered LPA was higher than would be expected based on the national figures held by OPG. Over-claim is not uncommon in surveys, particularly when a topic is unfamiliar.

¹⁵ Enduring Power of Attorney was the previous system of appointing an attorney.

considered indicative rather than exact due to the nature of qualitative research which is not intended to give a measure of the prevalence of different views.

Throughout the report, verbatim comments have been included to illustrate certain viewpoints, particularly where there was broad agreement about an issue. It is important to remember that the views expressed do not always represent those of all participants.

When interpreting the quantitative findings, it is important to remember that results are based on a sample of potential LPA customers, and not the entire eligible population. It should also be noted that not all apparent differences between subgroups are statistically significant – this report typically only reports statistically significant differences¹⁶ unless otherwise stated in the text. Where percentages do not add up to 100, this may be due to computer rounding, multiple responses, or the exclusion of ‘don’t know’ categories. Further detail about sampling tolerances is included in appendix 1.3.

It should be remembered that the findings of this research reflect what participants and respondents thought would discourage or encourage them to apply for an LPA, which cannot be equated with what, definitively, will influence their decision.

Throughout the report an asterisk (*) in charts denotes any value less than half a per cent but greater than zero.

The subsequent chapters detail the research findings: Chapter 3 discusses awareness of and interest in LPA, Chapter 4 explores barriers and enablers to applying, Chapter 5 describes attitudes to the application process, and Chapter 6 introduces and details the six segments. Chapter 7 presents conclusions from the research.

¹⁶ Based on a 95% confidence interval

Research Findings

3 Awareness and interest in LPA

3.1 Introduction

The qualitative research revealed a lack of awareness of LPA amongst potential customers, and also confirmed that people have very different outlooks on life, such as the extent to which they trusted the people around them, their attitudes towards planning ahead, and how they make decisions. These were often reflected in attitudes to LPA. The quantitative research explored how prevalent this lack of awareness and different attitudes to life and LPA were. It confirmed that a large proportion of the population do not know much about LPA and that when they are told about it, around a third are interested in it.

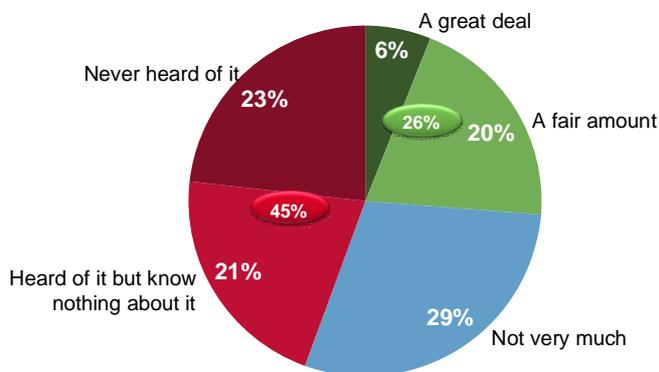
3.2 Awareness of LPA

The survey showed awareness of LPA was low overall, with around a quarter of people (26%) saying they knew a great deal or a fair amount about LPA, while almost half (45%) had never heard of it, or had heard of it but knew nothing about it.

45%

Figure 3.1 – Awareness of Lasting Power of Attorney

Before this interview, how much, if at all, would you say you knew about Lasting Power of Attorney?



Said that they had not heard of LPA, or knew nothing about it

Base: All those who do not have a registered LPA or Enduring Power of Attorney (aged 45+) (1634). Fieldwork was conducted between 13-30 September 2013.

However, there were differences in levels of awareness among groups in the population¹⁷. Individuals in the following groups were most likely to say they knew a great deal or fair amount about LPA before the interview: higher socio-economic groups¹⁸ (35%), aged 55-64 years (31%), female (30%), or live in London (32%). In contrast, those who more likely than average to have heard of LPA but know nothing about it or to have never heard of it

¹⁷ As noted in section 2.2.3, all differences noted in the text of this report are statistically significant unless otherwise stated.

¹⁸ i.e. people classified as AB - see appendix 1.2 for an explanation of groupings

were likely to be in lower socio-economic groups (people classified as D or E) (58%), aged 85 or above (58%), male (59%), and/or live in the north or the Midlands (49%).

Table 3.1 – Percentage who know a fair amount or a great deal about LPA

Gender		SEG ¹⁹				Age				
Male	Female	AB	C1	C2	DE	45-54 years	55-64 years	65-74 years	75-84 years	85+ years
22%	30%	35%	30%	21%	15%	22%	31%	29%	22%	25%

Source: Ipsos MORI.

Base: All those who do not have a registered LPA or Enduring Power of Attorney (aged 45+) (1634). Fieldwork was conducted between 13-30 September 2013.

The quantitative research suggested that this lack of awareness of LPA can act as a barrier to interest in an LPA – 20% of respondents who said they were not interested in setting up an LPA in the future stated that this was because they did not know enough about LPA or had never thought about it. On the other hand, reporting to have a relatively high knowledge of LPA was associated with interest in setting up an LPA: 50% of those who said they knew a fair amount or a lot about LPA also said they were quite or very interested in setting up an LPA for themselves²⁰.

3.3 Level of interest

Once LPA was briefly explained to them, about a third of people (34%) said they were quite or very interested in setting it up at some point in the future, whilst 61% were not very or not at all interested.

50%

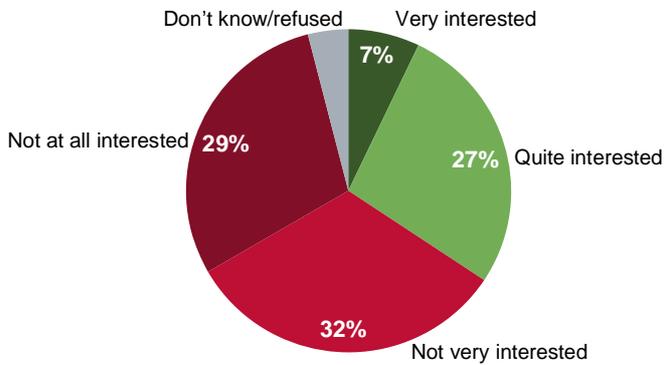
Of those who claimed they knew a fair amount or a lot about LPA were quite or very interested in setting up LPA for themselves.

¹⁹ For explanation of social grades please see appendix 1.2

²⁰ It is not possible to establish causation from a survey. Consequently it is not possible to say whether people who are more interested seek more information and therefore consider themselves better informed, or whether being more informed makes people more likely to be interested.

Figure 3.2 – Interest in Lasting Power of Attorney

How interested do you think you might be, if at all, in setting up a Lasting Power of Attorney at some point in the future – for yourself?



Base: All those who do not have a registered LPA or Enduring Power of Attorney (aged 45+) (1634). Fieldwork was conducted between 13-30 September 2013.

3.3.1 Who is most interested in LPA?

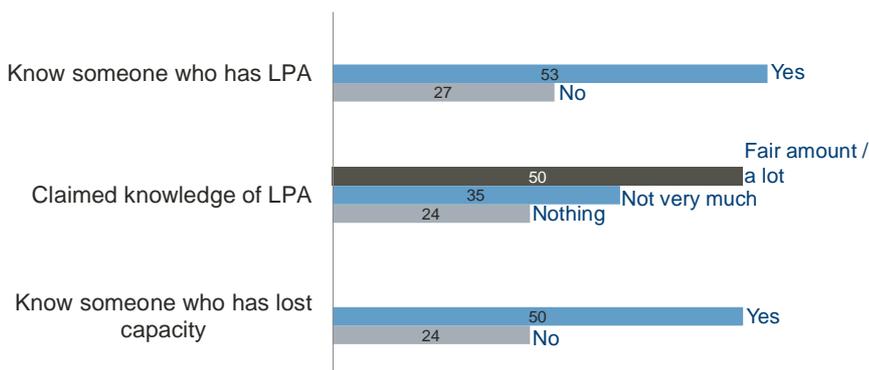
Respondents who knew someone who had an LPA or who had lost their ability to make their own decisions were more likely to express an interest in setting up an LPA than those who did not. As mentioned above, those who thought they knew a fair amount or a lot about LPA were also more likely to be interested than those who knew a little or nothing at all. These experiences were more strongly associated with interest in LPA than demographic characteristics such as socio-economic group or age, although differences along these lines were also apparent.

53%

Of those who know someone with an LPA are interested in setting one up for themselves in the future

Figure 3.2 – Factors correlated with interest in LPA

% interested in setting up LPA for themselves at some point in the future



Base: All those who do not have a registered LPA or Enduring Power of Attorney (aged 45+) (1634). Fieldwork was conducted between 13-30 September 2013.

The qualitative research showed that the experience of knowing someone who had lost capacity or who had an LPA served to make the benefits of having an LPA clearer. Among the most positive were those who had acted either as deputy or attorney.

3.3.2 Attitudes of deputies and attorneys

Many participants who had experience of acting as a deputy for someone who had lost capacity offered cautionary tales of the consequences of what could happen when an LPA was not in place.

It's impossible for anybody, I would imagine to deal with anybody else's' financial affairs without having something in place. I mean unless you have got their pin number for their bank card you're absolutely stuck.

Male deputy, London

Those acting as a non-professional deputy explained the difficulties they faced in trying to cope with the administrative burden of getting a deputyship at what was often an emotionally difficult time in their lives. Most had not discussed any of the practical details of the client's²¹ financial situation or how they would like to be cared for with them beforehand, which meant that they needed to unravel the client's financial affairs and make the decisions themselves. This was often very complicated and stressful; in some cases there was the added pressure of needing to financially support the client until the deputyship was in place and the on-going burden of needing to pay fees and provide financial accounts to the OPG.

The experience of becoming a deputy had led many to set up LPAs for themselves soon afterwards. Although they were sometimes just as troubled by the idea of preparing for potentially losing capacity as others, they were also more aware of the consequences of not putting an LPA in place. They understood the barriers and cost their family might face if they lost capacity and they did not want to burden them with this unnecessarily.

"All I know is that I've got Lasting Power of Attorney now because of that and I wish my mother had had it."

Male deputy, Oxfordshire

Participants who were acting as an attorney for a relative who had put an LPA in place spoke positively about the benefits of this. They felt that being chosen as an attorney and discussing this with the donor had an empowering effect. The process had given them the opportunity to discuss the donor's wishes with them, particularly in relation to health and welfare decisions. This meant that they could act on the donor's behalf, carrying through their decisions rather than trying to make their own.

"I think they're empowering. It made me think, 'I've got to do this on her behalf. Let's not think what I feel but what she said over the years, where does she fit into this?'"

Female, Nottingham group, aged 45-69, AB

These participants felt that the role of attorney had given them the confidence to question and challenge those providing care for the donor.

²¹ This is the individual that has lost mental capacity and referred to as 'Patient' or 'P' within the Mental Capacity Act 2005. The term 'client' will be used throughout this report rather than the official term of 'Patient' or 'P'.



If nothing else I hope my experience of being a deputy would convince someone to have a Lasting Power of Attorney.

Male deputy
Oxfordshire



Initially it was just 24/7, it was just ridiculous and since then it's been the financial obligation.

Male deputy
London



They had the dual role of being a loving child as well as the person responsible for being the voice of their parent's wishes.

However, while being an attorney or a deputy made participants more positive about LPA because they had experienced the benefits of having one or the consequences of not, they rarely, if ever, said they shared these experiences with anyone, in some cases not even their partner. Therefore, although the experience had a high personal impact it tended to have less effect on their family or friends.

“It’s not taboo but it’s like you know ‘bloody hell my mother’s been in a nursing home fifteen years...’ well that’s a nice conversation killer, you just don’t do it’.”

Male deputy, Oxfordshire

This was common to both deputies and attorneys who felt that the situation was a personal and private matter, not to be discussed with others unless necessary. They felt that caring for a loved one was their natural responsibility and no matter the problems they faced in doing this, they were reluctant to talk to others about it as they did not want to be perceived as complaining or describing their responsibility as a burden. This meant that the compelling reasons for setting up LPA were not shared, even within families which had been affected by them, limiting the natural ‘word-of-mouth’ interest which might otherwise occur.

3.3.3 What are the perceived benefits of LPA?

The qualitative research revealed that participants who were positive about LPA believed that having one in place could provide a number of benefits for both themselves and their family. These are discussed below.

- 1 Being able to choose the person or people who would be in charge of making decisions which affected them.

While choosing an attorney was not felt by many participants to be an easy or desirable decision to make, those who were positive about LPA believed that this was one of the main benefits of LPA. These participants felt that if they were to lose the capacity to make decisions for themselves, then it would be reassuring to know they had someone they trusted to do this for them. In the quantitative survey, 81% of people said this potential benefit would make them more likely to apply for an LPA (including 52% who said it would make them a great deal more likely to apply). However, given the complexity of barriers to applying for an LPA, this may not be expected to translate into action for the majority of people.

- 2 To make things easier for their relatives if they lost capacity.

Ensuring that their family was not burdened was important for many participants but particularly for those who acted as a deputy and had found the process time-consuming, expensive and stressful. This message was also appealing to some participants who were sceptical about the personal benefits of having an LPA. In the quantitative survey, 80% of people said this potential benefit would make them more likely to apply for an LPA – including 45% who said it would make them a great deal more likely to apply).

- 3 To make it more likely that decisions which affected them would be made in their best interests.

80%

Said that they would be more likely to apply for an LPA if it would ‘make things easier for their relatives if they lost capacity’

This idea was appealing to some participants who were concerned about what might happen to their assets or how they might be cared for if they lost capacity. They felt that having a nominated attorney who was responsible to act in their best interests would reassure them that this would happen and they would not be financially abused or neglected in their care. In the quantitative survey, 80% of people said this potential benefit would make them more likely to apply for an LPA (including 41% who said 'a great deal' more likely).

- 4 To make it more likely that they would be cared for in the way they would have wanted.

Many participants were uncomfortable about the idea of someone else making decisions on their behalf; indeed, this was a key emotional barrier (see Chapter 5) to considering an LPA. However, some participants, especially those acting as an attorney, felt that applying for an LPA would provide the opportunity to discuss their wishes with their attorney so that if they lost capacity, their attorney would not be making their own decisions but carry out the wishes of the donor. In the quantitative survey, 78% of people said this potential benefit would make them more likely to apply for an LPA (including 40% who thought it would make them a great deal more likely).

3.4 When to get an LPA

Approximately one in five (19%) of those who said they were interested in setting up an LPA at some point in the future thought this was something they were very or fairly likely to do in the next 12 months. This would equate to just 6% of the adult population aged 45+ living in England and Wales²².

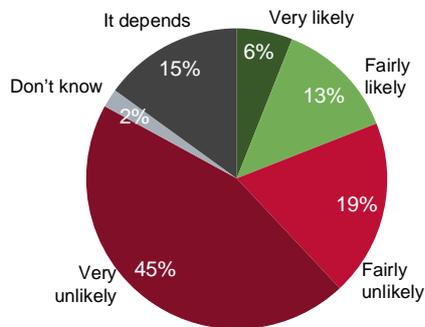
19%

Of those interested in applying for an LPA said they were very or fairly likely to do so in the next 12 months.

²² As noted in the modelling report, these proportions are significantly higher than the numbers of applications currently received by OPG. This is likely to reflect the tendency of participants to over-claim in surveys. The specific value of this question is that it enabled us to ask a follow-up question on the reasons why.

Figure 3.3 – Likelihood to get an LPA in next 12 months

How likely, if at all, would you say you are to apply for LPA personally, either Health & Welfare or Property & Finance, in the next 12 months?



Base: Interested in setting up LPA for self (aged 45+) (529). Fieldwork was conducted between 13-30 September 2013.

A third (33%) of those who said they were interested in setting up an LPA at some point but were unlikely to get one in the next 12 months thought they would wait until they were diagnosed with a mental illness or dementia to get their LPA(s). As losing capacity was by no means inevitable, many in the qualitative research felt that it was sensible to wait until they were sure they would need it.

However, the qualitative research among those who were recently diagnosed with a condition likely to adversely affect mental capacity suggested that diagnosis often did not act as a trigger in the same way that other potential customers thought it would; they explained how emotionally difficult the idea of setting up an LPA could be when its use had become inevitable. There was a sense that applying for an LPA after a diagnosis symbolised the letting go of oneself, accepting that they would lose their independence and felt, to some extent, that they were giving it up. This, they felt, would prevent them from setting up an LPA for as long as possible.

“With my [Parkinson’s] I don’t know which way life’s going to affect me, but it’s just the fact that if you’ve done it today then you close the door...you’re thinking ‘perhaps I could have waited a while and done it then’...you want to go as long as you can.”

Male, aged 65, Recently Diagnosed interview, Manchester

This meant that even participants who had been diagnosed were keen to hold out for as long as possible, only wanting to set up an LPA when they knew they could no longer manage without one. However, this might mean that by the time a person accepted that they could not cope alone, it would be too late to set up an LPA and a deputyship would be needed instead. Many of those acting as a deputy described how their relative had hidden their decline from them, sometimes for many years and that by the time they had discovered the problem it was too late for anything other than a deputyship.

33%

Of those interested in applying for an LPA said they would wait until they were diagnosed with a condition which would affect their mental capacity.

3.5 Chapter conclusion

Lack of awareness of LPA as well as low levels of interest in applying were both found to exist and present clear challenges to the OPG. However, those who were interested in applying, particularly those who had experience of LPA or deputyships presented a number of positive benefits for applying for an LPA. These messages might be helpful in explaining the need for LPA to others and encouraging them to think more positively about LPA and consider it for themselves.

Another issue identified was that even those who are interested in setting up an LPA felt that they would not do this within twelve months and many would wait until they were diagnosed to do so. However, the experiences of some participants in this position showed that there were risks associated with this approach. The message that applying for an LPA may be much more emotionally difficult after a diagnosis, when the donor knows they will have a use for it in the near future, may be beneficial. However, this message may be difficult to communicate effectively.

The experiences of some attorneys and deputies could act as compelling case studies explaining the need for LPA. However, the reluctance of people in this position to discuss their experiences with even those closest to them may make this difficult to achieve.

4 Reasons for not being interested in LPA

The quantitative research found that just a third of people were interested in applying for an LPA. Increasing awareness of LPA will be an important first step for the OPG (26% of those not interested in setting up an LPA said this was because they did not know enough about it or had never thought about it), but greater awareness alone is unlikely to be sufficient to convince all potential customers to apply. Both the qualitative and quantitative research revealed a number of barriers which may prevent take-up of LPA or may mean that people put off applying until they need it²³. These barriers can be separated into three broad types relating to the COM-B model which was used to collect and organise both the qualitative and quantitative data.²⁴ For further information on the COM-B model and how it was used, please see appendix 1.4.

The COM-B model offers a framework for identifying and understanding behaviour by drawing on the following three categories:

1 **Capability** - the psychological or physical ability to enact the behaviour:

- Information barriers which mean that they are not aware of LPA (discussed in the previous chapter).
- Process barriers which affect self-efficacy such as a feeling that the process will be complicated (also discussed in chapter 5).

2 **Motivation** - the reflective or automatic mechanisms that activate or inhibit the behaviour:

- Attitudinal and emotional barriers such as not believing that they would lose capacity or not wanting to tempt fate (discussed in this chapter).
- Relevance barriers which affect whether or not a person believes that an LPA is necessary for their circumstances (discussed in this chapter).

40%

Of those not interested in applying for an LPA reported an attitudinal or emotional reason for their lack of interest.

²³ The findings of this research reflect what participants and respondents thought would discourage or encourage them to apply for an LPA, which cannot be equated with what, definitively, *will* influence their decision.

²⁴ These barriers were grouped during qualitative analysis and were based on the COM-B model of influences on behaviour. The model identifies three broad factors that combine to produce behaviour. Two of these are internal to the individual (capability and motivation), while the third (opportunity) describes external factors that influence behaviour. The discussion guides for the mini-groups and in-depth interviews were designed based on a more detailed framework that maps onto the COM-B model. This ensured that a full range of factors which could shape behaviour were being recorded where possible, going beyond attitudes and intentions to also include environmental influences and opportunities. Please see appendix 1.4 for more detail on the model.

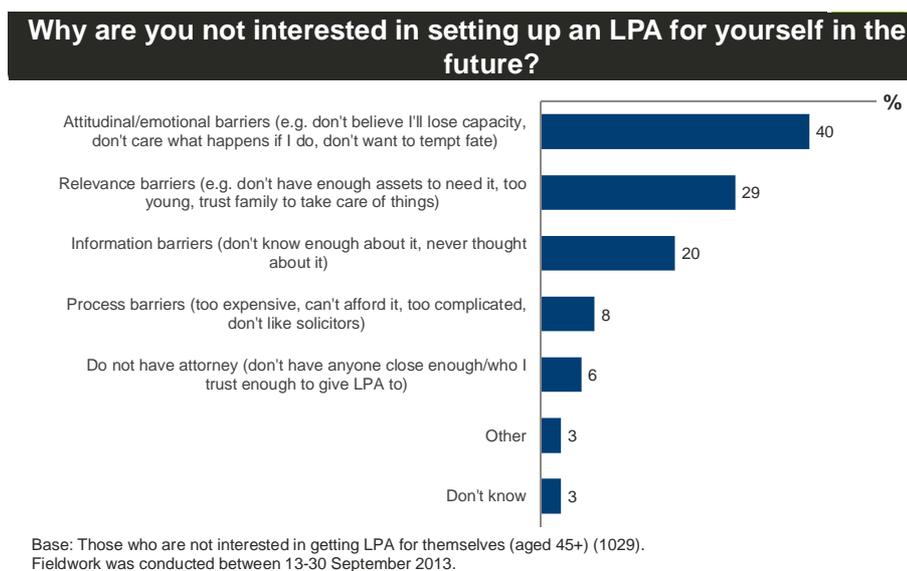
3 **Opportunity** - the physical and social environment that enables the behaviour:

- Not having someone they can name as their attorney (discussed in this chapter)
- Process barriers such as not being able to afford the registration fee (discussed in chapter 5)

Very few people knew about LPA and clearly lack of knowledge is the first key barrier to overcome. However, COM-B analysis shows that even if the information gap is addressed, there are other challenges to overcome which are discussed below.

In the quantitative survey respondents were asked (unprompted) why they were not interested and their responses have been grouped according to the categories that emerged from analysis of the qualitative research so that the prevalence of these different types of barrier can be established.

Figure 4.1 – Barriers to interest in LPA²⁵



As the previous chart illustrates, attitudinal and emotional barriers were more commonly cited than process-related barriers. Whilst some participants in the qualitative research thought the process to be lengthy and complex, both the qualitative and the quantitative research showed this to be less of a barrier to application than attitudinal and emotional factors, perceptions of the relevance – or irrelevance – of LPA, and a lack of information.

²⁵ This question was multi-code: respondents could select all that applied.

4.1 Attitudinal and emotional barriers

Attitudinal and emotional barriers affect the level of interest in LPA of two in five (40%) participants who are not interested in setting up an LPA for themselves, and are therefore potentially important to address as part of any campaign to increase uptake of LPA. Attitudinal and emotional barriers included not believing they could lose the ability to make decisions for themselves, not caring what happened to them if they did lose mental capacity and not wanting to tempt fate, among other barriers.

The thought that they might lose mental capacity at some point was not something that had occurred to most participants in the qualitative research, or at least not something that they wanted to think about too deeply. Whilst many were familiar with planning for death, and had made wills and, in some cases, made arrangements to pay for funerals, very few had imagined they might lose mental capacity. Indeed, a third of potential LPA customers (33%) agreed that they thought they would never lose their ability to make decisions for themselves, and approximately a further third (36%) neither agreed nor disagreed. For participants in the qualitative research, this belief led to a 'deal with it if and when it happens' attitude which meant that many were reluctant to seriously consider LPA as many felt it was unlikely that they would lose capacity. This view, while observed amongst all age groups, was particularly strong amongst older age groups (38% of those aged 75+ agreed).

“You know you’re going to get old, [but] in lots of ways I’ve closed my eyes to it.”

Male, Manchester group, aged 65+, DE

While participants who had witnessed the loss of capacity in a loved one were more aware of the benefits of LPA, even they were sometimes reluctant to consider the same happening to them.

“I’m not sure I’ve really thought about it in connection to myself. It was something that’s happened to her [mother]. I don’t think my sister has thought about it either. We don’t talk about it.”

Female, aged 48, Family History Interview

Some participants, particularly males, also felt that even if they did lose capacity, they would not care. These participants argued that loss of capacity is an issue for a person’s family and the State to deal with rather than the individual. To some extent, this view was a development of participants’ unwillingness to seriously engage with the idea of their losing capacity and a lack of understanding of what would happen if they did (i.e. what steps have to be taken to establish a deputyship etc.). The idea was often quite abstract to those who had not witnessed loss of capacity and was viewed to be the end of a person’s life before their death. These participants felt that it would not be worth setting up an LPA until it was needed and that by that time, it would probably be too late for them to handle it themselves and the issue of managing their affairs would fall to relatives and the State.

“When we mentioned it to my dad ... he said, ‘I don’t give a toss you can bury me on the road for all I care’. He’s 84.”

Male, Manchester group, 65+ DE



People will think, ‘it will never happen to me’.

Female group,
London
Aged 65-74
SEG: AB



Contrasting with this somewhat fatalistic attitude was one of superstition among some participants in the qualitative research. The concern that thinking or preparing for something may actually cause it to occur was felt to be a reason for some people not applying for an LPA or writing a will. Whilst not a common view, it was strongly felt by some in the London black African/Caribbean/British mini-groups who related a number of stories of relatives dying intestate as they had feared writing a will.

“The thing is some people are very superstitious about writing wills. They feel if they write it they’re going to die”

Female, London group. Black African/ Caribbean/ British, 65-74, C1C2

4.2 Relevance barriers

Relevance barriers were cited by 29% of respondents as a reason for not being interested in applying for an LPA. There were two types of relevance barriers, those based on misconceptions about the legal rights of the family of those who have lost capacity and those based on assumptions about who LPA was for.

Misconceptions

Many people had misconceptions about how the affairs of someone who had lost capacity should *legally* be managed. These were normally based on instances where a person had been able to make a health and welfare decision or manage finances on someone else’s behalf without an LPA. These experiences meant that many participants assumed they had the legal right to do this and were unaware that health and welfare decisions were at the discretion of a doctor or that they had been breaking the rules of a financial institution.

Many participants related experiences of having been able to manage without an LPA or deputyship when they or a relative had experienced a serious illness. This was normally because the person had shared a joint bank account with their partner or had given their pin number to a close relative so that they could do their shopping and pay their bills for them. Most participants assumed that there would not be a barrier to doing this in the long-term if necessary and did not consider how laws or policies of organisations might prevent their family from accessing their money.

Indeed, some of those acting as a deputy reported that they had managed without an LPA for many years until they had experienced a specific barrier such as losing a pension book and being unable to get it replaced without a deputyship. In some cases the deputyship was used only to carry out a single administrative process and was not felt to be needed afterwards and the on-going burden of administration and reporting was resented by some.

Participants also shared experiences of making health and welfare decisions without having an LPA or deputyship in place and most assumed that being consulted about treatment decisions was the norm. This meant that many struggled to understand how having an LPA in place would make a difference to the way in which they managed the care of their relatives, particularly if they had already experienced making serious treatment decisions.

“I actually had a conversation with the doctor when my mum had pneumonia and he said ‘we could give her antibiotics, it could save her life but they could also kill her. What would you like me to do?’”



When my mother was unable to make decisions the hospital talked to us about it without the documentation.

Female group,
London
Aged 65-74
SEG: AB



Male, Manchester group, aged 65+, DE

The quantitative survey tested the prevalence of misconceptions discovered in the qualitative research about how the affairs of someone who had lost capacity should be managed, and also misconceptions related to LPAs themselves. Four misconceptions were tested in total:

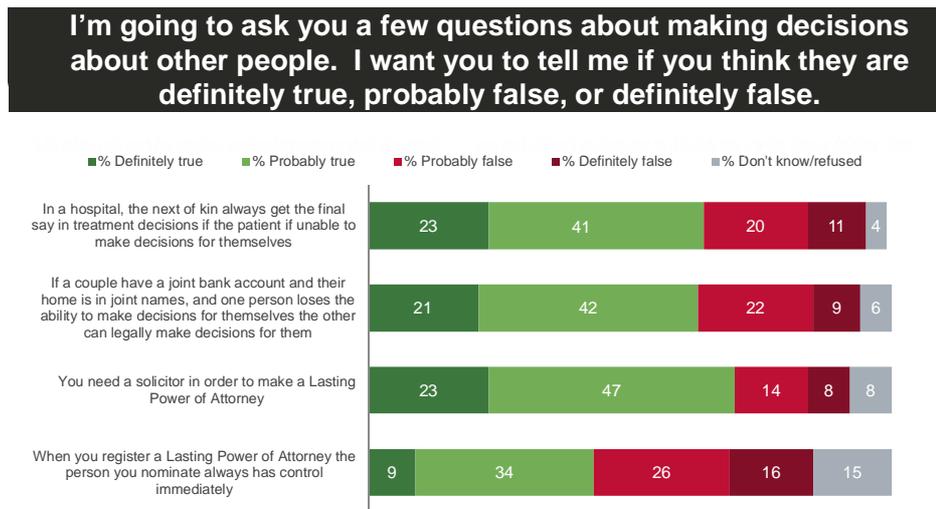
- 1 In a hospital, the next of kin always get the final say in treatment decisions if the patient is unable to make decisions for themselves.
- 2 If a couple have a joint bank account and their home is in joint names, and one person loses the ability to make decisions for themselves the other can legally make decisions for them.
- 3 You need a solicitor in order to make a Lasting Power of Attorney.
- 4 When you register a Lasting Power of Attorney the person you nominate always has control immediately.

65%

The majority of people thought these statements were probably true, with the exception of the last one which similar proportions of people thought was false (42%) as true (43%).

Said that the statement 'In a hospital, the next of kin always get the final say in treatment decisions if the patient is unable to make decisions for themselves' was definitely or probably true.

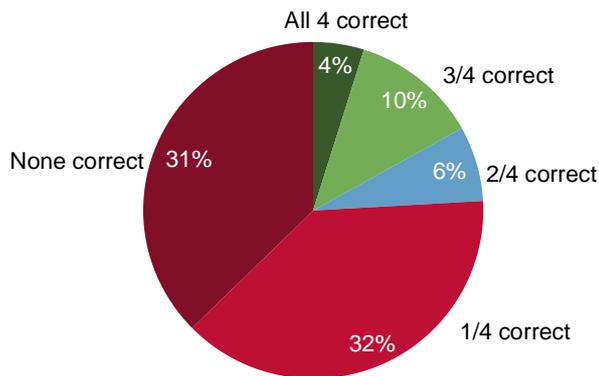
Figure 4.2 – Proportions of individuals thinking misconceptions were true and false



Base: All those who do not have a registered LPA or Enduring Power of Attorney (aged 45+) (1634). Fieldwork was conducted between 13-30 September 2013.

Very few people were able to correctly identify that all four of these statements were false. If 'definitely false' and 'probably false' are combined the proportion of people who got all four correct was one in twenty five (4%), with 14% getting three out of four (or all four) correct. Very few people (1%) were able to correctly identify that all four of these statements were 'definitely false'.

Figure 4.3 – Proportions able to correctly identify all misconceptions as probably or definitely false



Base: All those who do not have a registered LPA or Enduring Power of Attorney (aged 45+) (1634). Fieldwork was conducted between 13-30 September 2013.

The findings from the qualitative research indicate that these misconceptions do constitute barriers to the uptake of LPA, partly because people do not see why an LPA is necessary, and partly because they mistakenly believe that they will concede control of decisions immediately.

Many participants in the qualitative research perceived that an LPA was not relevant to their circumstances and so they tended to dismiss the idea of applying for one very quickly. There were two common assumptions which drove this perception.

The first assumption participants made was that a property and financial affairs LPA was only for those with a property or high value assets which someone would need to manage on their behalf. This view was typically held by participants who did not own their own home and felt that as the name of the LPA included 'property' that it was not for them. However, some homeowners also felt that this LPA was not for them as they did not feel that the value or complexity of their assets meant that management was needed.

"I don't have a wife, a property or savings so what's the point? It's certainly not for me because there is nothing to control."

Male, Abergavenny group, aged 65+, C1C2

The second assumption made by many participants was that LPA was only for those who did not have close family and this was driven by the misconceptions discussed previously. This was a commonly held view amongst participants in the qualitative research who felt that they would not need an LPA because their partner or children would be able to manage things without one. They felt that LPAs were only relevant for those who did not have close family in order to ensure that a friend or extended family member would be in place to look after things if necessary. However, this was contrary to the view of participants who did not have close family who felt that LPA was not for them because they did not have someone to act as an attorney.

"It might be someone who was on their own that would think about doing this and then they would think 'I'm going to have to look out for someone'... perhaps a close friend that you see regular... I don't think this would apply to people who've got children and families."

Female, Abergavenny group, aged 50-69, DE

4.3 Choosing an attorney

Some participants in the qualitative research reported that they simply did not have anyone they could nominate as their attorney – this was cited by 6% of respondents in the quantitative survey as a reason they were not interested in an LPA. In the qualitative research, these participants tended to be:

- Those who had emigrated to the UK and did not have family in the country;
- Those who were single/ divorced/ widowed and did not have children or parents of a suitable age; and
- Those who were single/ divorced/ widowed and either geographically or emotionally distant from their children or parents.

Although some felt that they might be able to ask a friend to act as their attorney this was not something which they would ask unless they knew they were losing capacity.

For those who are open to the idea of applying for an LPA, there were often doubts about choosing and putting trust in an attorney. Most participants felt that a donor's child would be best placed to act as their attorney as caring for an elderly or ill parent was seen as a natural role for a child to take. However, while it was felt to be the natural choice in theory, when thinking about their own lives, many participants felt that it would not be straightforward.

The first issue, for those who had more than one child, was which child they should appoint as their attorney. Some participants felt that choosing one of their children as their attorney would not only be a difficult decision to make but would also be likely to cause upset and anger within the family. For these participants, the potential emotional damage which this decision might cause outweighed the potential benefits of putting an LPA in place at that point in their lives.

26%

Did not agree with the statement "I can think of someone I would choose to be my attorney"

“I’ve got six children. I suppose if I chose the eldest then the others would accept that, but actually, he’s not the one I think would manage things best... how would my kids react if I say the fourth child will be in charge of all my money and my care? It’s like saying to your kids ‘actually, I do have a favourite and it’s her’... I’m not having that conversation unless I have to.”

Male, Bristol group, aged 45-69, AB

The second issue was that some participants did not feel that they could trust their children or another relative to act in their best interests. The main concern was that a property and financial affairs LPA could lead to financial abuse as they felt that an attorney might behave as if they have received their inheritance early and would simply spend it on themselves.

“I know for a fact that if my son had my money now, he’d go on holiday somewhere.”

Male, Manchester group, aged 65+, DE

Some were also concerned about the ability of their family members to manage their financial affairs. In one case, a deputy explained that his brother had always been the person the family had gone to for financial advice and when he began to lose capacity he hid this from them. The deputy felt that his brother would not have trusted him to manage his money as well as him and so would have been unlikely to agree to an LPA.

Others were unsure about whether they wanted to allow their children to make decisions about their health and welfare. The main reason for this was that these participants believed that doctors and other health professionals were likely to be better placed to make decisions about treatment than their children. Some also doubted that their children would consider their wishes when making more day-to-day welfare decisions such as where they should live or what they should eat.

“[I’m] not having my kids decide what I’m going to eat and wear...Oh no, that sounds horrible.”

Female, Bristol group, aged 50-69, DE

This, essentially, stemmed from a wider issue of some participants viewing an LPA as a loss of their independence and control over their lives. People often thought they’d feel like a child if they gave power to their children. This feeling was something they wanted to avoid for as long as possible.

For others, the issue was about knowing who the right person would be to appoint as their attorney without knowing how far in the future it would come into effect. Some participants reported that as their children were still teenagers or in the early twenties, it was difficult for them to know which would be best placed to manage their affairs for them.

More generally, participants were concerned about how circumstances might change within the family, that their appointed attorney might move away or that they might fall out with them. There was a common feeling that although everyone would like to believe that families are solid and dependable sources of support, in reality this was not the case for many. This view was particularly strong among those who had been divorced, who were sensitive to how fragile relationships can be and how quickly and drastically they can change.



It’s got to be constantly reviewed in the way one reviews a will, because things change.

Female group,
London
Aged 65-74
SEG: AB



“How would you know what your relationship with that person will be like in a year’s time, let alone ten or twenty? We’d like to think that everything will be ok but sadly life doesn’t always turn out like that. What do you do then?”

Female, Bristol group, aged 75+, C1C2

The recognition that people come and go in life and therefore that their choice of attorney could change meant that some participants were concerned that if they set up an LPA, they would need to replace it with a new one regularly. The assumption was that an LPA could not be amended but would have to be cancelled and replaced with a new one which would mean going through the entire application process and paying the fee a number of times until it was needed.

These issues and assumptions encouraged participants to put off setting up an LPA until it was needed. They felt that if it was needed then the person they should appoint as their attorney would be clear as they would be able to choose the person who stepped forward and provided the care that they needed.

“It is referring power of attorney to the person who has shown the care and sensibility and service to that person, [it] may not be from children, maybe [from a] sister or brother who has shown work here, so then the circumstance will enable him to make decision.”

Male, Nottingham group, Asian/ Asian British, aged 65+, C1C2

4.4 Overcoming barriers

Overcoming these barriers may be challenging, and some people say they are unlikely to ever be convinced that they should set up an LPA before they need one. While these attitudes and perceptions were felt strongly, most participants who related them had little knowledge of LPA or the potential consequences of not having one in place. In these instances their initial reaction was to focus on negative associations with LPA; they did not want to think about losing capacity or the need to hand control over their lives to someone else. They would rather put these issues off until tomorrow, hoping that they would never actually need to face them.

Increasing uptake of LPA will likely require educating the public about what LPA is and how it can be useful and necessary in certain circumstances. Although people who have had experience of LPA, and those who had become deputies, tended to be positive about the benefits of LPA, they did not speak about this to their friends or even within their families. However, they are potentially powerful advocates of LPA, so consideration should be given to how they could be involved in the promotion of LPA (such as using their stories in a communications campaign).

Increasing uptake of LPA will also likely involve dispelling certain misconceptions about what having an LPA means, particularly around:

- When the attorney will take control, and restrictions that can be put in place about this; and
- How an LPA can be updated to reflect a change of circumstances with regards to nominated attorneys, and how much this costs.

Finally, many people wait to register their LPAs²⁶. Of the respondents to the survey who said they had an LPA²⁷, two in five (41%) had not yet registered it. Moreover, over two in five (44%) of the potential LPA customer population agree there is no point registering an LPA until you need it and only three in ten (30%) disagree. Even higher proportions of those in the Prefer Online segment (59%) and those in the Complex Finances segment (54%) agree, as discussed further in Chapter 6 below. Therefore, communications around the proportion of LPAs containing errors when first submitted and what could happen if the LPA does have errors in it may be helpful in encouraging proactive, rather than ‘emergency’²⁸ registrations.

4.5 Partners who can provide information

One of the challenges for the OPG is to raise awareness of LPA. Almost half (45%) of those who did not know much about LPA, or had never heard of it, thought that solicitors would be the best placed to tell people who don’t know anything about LPA that it exists. Three in ten (30%) thought that the Citizens Advice Bureau would be best, while one in five (19%) suggested friends and family.

45%

Of those who did not know much about LPA, or had never heard of it, thought that solicitors would be the best placed to tell people who don’t know anything about LPA that it exists

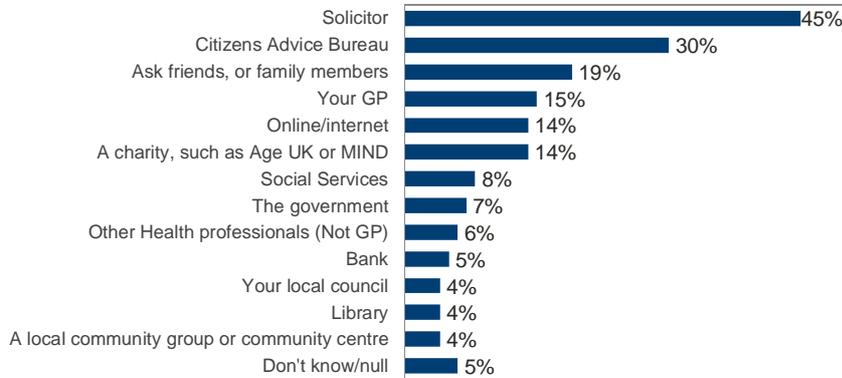
²⁶ An LPA that has not been submitted to the LPA for registration, along with the fee of £130, does not have legal status; it can be submitted after the donor has lost capacity but if there are errors there is no channel through which these can be rectified. Therefore registering an LPA is an important step and should ideally be done before the donor loses capacity.

²⁷ At this point in the survey, we had not yet explained what LPA was, and we believe, based on statistics from the OPG about how many people have LPAs, that there is an element of overclaim in terms of the number of respondents who said they had LPA. These figures about how many people have not yet registered their LPAs should therefore also be interpreted as indicative.

²⁸ By emergency LPA we mean those which were registered for immediate use in cases where the donor was certain that they would lose mental capacity.

Figure 4.4 – Best people or organisations to tell potential customers that LPA exists

Which of the following, would be the best person or organisation to tell people who don't know anything about Lasting Power of Attorney that it exists?

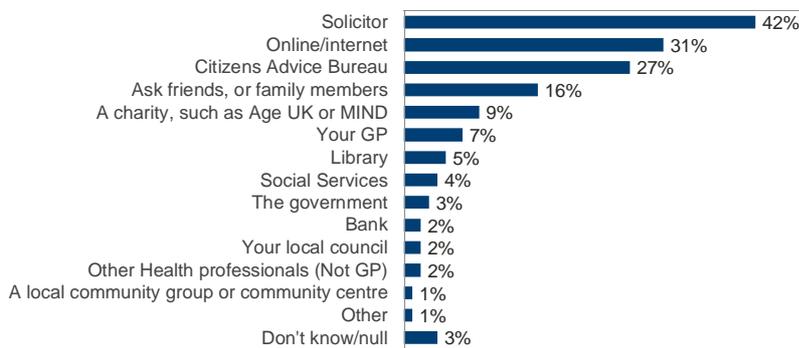


Base: All those who had never heard of LPA, had heard of LPA but knew nothing about it, or did not know very much about LPA (aged 45+) (1237). Fieldwork was conducted between 13-30 September 2013.

When asked where they would go to find out more information about LPA, two in five (45%) potential customers said they would ask a solicitor. Internet was the next most popular option, selected by 31% of potential customers, and is the most important source of information for those aged 45-54. For certain groups, however, such as those in socio-economic groups DE (29%) and BAME (26%), the Citizens Advice Bureau was the second most mentioned source of information. Whilst only 4% of respondents overall said that they would go to a local community group or centre, the qualitative research suggested that among some BAME customers this would be a welcome and effective source of information about LPA. Older potential customers (aged 85+) were most likely to ask a solicitor (50%), or friends and family (32%).

Figure 4.5 – Sources of information about and help with LPAs

If you wanted to find out more about LPAs where would you go to for information and help?



Base: All those who do not have a registered LPA or Enduring Power of Attorney (aged 45+) (1634). Fieldwork was conducted between 13-30 September 2013.

4.6 When is a good time to target people with information about LPA?



I'd expect when I retire, when I suddenly think, right I'm actually getting quite old and I'd better start looking at writing down for my kids and trying to make sure they don't have any problems.

Female group, Bristol
Aged 65-74
SEG: C1C2



31%

Said that they would use the internet to find out more information about LPA

Although, as discussed in Chapter 4.4, many people may put off applying for an LPA until they needed it, many participants in the qualitative research felt that there were times in their life when they might be more open to receiving information about LPA.

Retirement was commonly suggested as a good time to make people aware that LPA exists and to explain the benefits of putting one in place. Participants felt that this was a time of change when people are thinking about a new stage in their life and are often planning how they will live until their death. It was also felt to be a time when people are in contact with many organisations in order to manage and draw their pensions and receive benefits from the Government.

“People are thinking about putting things in order then.”

Female, Durham group, aged 75+, AB

Many participants also felt that solicitors should inform people of LPA when they are writing or amending their will. Again, they felt that people will be most open to considering LPA when they are already in the process of planning for their old age and death. Research²⁹ conducted in 2012 showed that more than half of solicitors (53%) are already doing this – they offered the LPA service in conjunction with another service such as will writing – but there could be scope to increase the proportion of those who do.

4.7 Chapter conclusion

Increasing awareness of LPA may help to break down many of these barriers by encouraging people to engage with the issue of losing capacity as well as dispelling some misconceptions which can lead people to thinking that LPA isn't relevant to them. Efforts to raise awareness will need to recognise some people's experiences of being able to manage the affairs of someone without having an LPA in place, and challenge the misconception that LPA is therefore unnecessary.

A further considerable challenge, however, will be overcoming the attitudinal and emotional barriers, which were deep-seated and related to wider cultural attitudes towards growing older. Many participants in the qualitative research who gave these reasons for not being interested were adamant in these views throughout the ninety minute discussions which may indicate that advertisements or information may be unsuccessful.

However, as discussed in Chapter 4, those who had experience of LPA or deputyships often related compelling reasons for applying for an LPA. Drawing on these positive messages may help to balance the negative feelings the subject holds for many.

²⁹ Office of the Public Guardian: *Customer Satisfaction Survey*, (Ipsos MORI 2012)

5 Attitudes towards the application process

5.1 Introduction

To most participants, the application process for an LPA seemed fairly lengthy but not prohibitive. As discussed above, participants identified various potential barriers to applying for an LPA. In comparison to these, the application process was not thought to be much of a problem. As seen in Chapter 4, only 8% cited issues with the process as barriers to being interested in applying for an LPA.

However, participants thought that the process and, particularly, the cost, might lead them to put off applying for an LPA until it was clearly needed. Generally, where people were convinced that LPA was important for them, the application process was not seen as problematic; where they were less sure of the relevance of LPA to their circumstances, the application process acted as further discouragement. For those in the latter group, support in making an application and understanding of the cost of registration might reverse the discouragement effect, and make them more confident their LPA was secure against abuse or misinterpretation.

5.2 Confidence in completing the forms

Confidence filling out official forms was high among those surveyed (73% felt confident), and forms being too difficult or taking too long to fill in did not feature as reasons why people surveyed had not registered their LPAs. However, when asked how likely various interventions would be to influence their decision to apply for an LPA, nearly half (49%) said that being helped to complete the form by a charity such as Age UK, Alzheimer's UK or the Citizens Advice Bureau would influence their decision a fair amount or a great deal. Moreover, 70% said they would seek professional advice to help them with the LPA application. The qualitative research identified some reasons why this might be the case and some areas in particular that participants would welcome support or reassurance.

5.3 Support with applying for LPA

Participants expressed concern about completing the application form for an LPA without any help, and this was typically related to its being a legal document. Whilst some thought the application for an LPA should be like that for a will – including being able to buy a self-completion pack – this thought was often tempered by concern about security.

“The solicitors have got a different way of putting it where nobody can get out of the clauses so that's why I trust a solicitor.”

Female, Abergavenny, 50-69, DE

There was a strong association between the legality of the LPA and the use of legal professionals; some felt an LPA would seem “more legal” if it were completed by a solicitor, and that this would offer protection from abuse or misinterpretation by, for example, relatives.

73%

Reported that they were confident in filling out official forms

49%

Said that being helped to complete the form by a charity such as Age UK, Alzheimer's UK or the Citizens Advice Bureau would influence their decision to apply for LPA

Other participants suggested that the Citizens Advice Bureau would be a good place to turn for both advice about LPAs, in relation to their particular circumstances, and support in completing the forms – especially for those with less money. Many had positive previous experiences with Citizens Advice Bureau, and trusted its staff would guide and support them through the application process, from advice to form-filling.

“I would go to the Citizens Advice Bureau for the form and me tell them what I want to be put down and them help me... they’re really helpful for filling forms in and that.”

Female, Abergavenny, 50-69, DE

Condition-specific organisations were also suggested – people with mental health issues suggested MIND, and a participant diagnosed with Parkinson’s suggested the Parkinson’s society. They felt that such organisations were likely to have pre-existing knowledge of the contexts of potential customers’ lives. In order to offer confidence in the security of LPA, it would be important to ensure that partners were sufficiently knowledgeable of LPA and associated legal issues. Other potential partners included community centres and religious organisations, and which would be most suitable would be determined by the particulars of different communities.

Awareness among community and religious leaders would be important so that they were able to advise to what extent LPA is consistent with and might complement existing religious or cultural practices: the quantitative research showed that religious beliefs were said to influence the decisions of a quarter of potential LPA customers (25%). Moreover, to ensure their LPA was coherent with religious principles, some participants in the qualitative research said they would seek the guidance of religious leaders when applying, in addition to legal or financial professionals; for example, Muslim customers suggested they would turn to a Sharia committee for guidance about how LPA coheres with Sharia principles.

In Nottingham, Pakistani/Pakistani British participants spoke highly of local community centres and religious groups, and would be likely to go there to find out about LPA and for help applying. In London, some black participants also mentioned community centres as a good channel for providing support.

“Day to day people go there for rights services, for completing forms, immigration forms, free of cost. A very good service. If you have any problems, you go there, no charge.”

Male, Nottingham, 65+, C1C2

In many cases, the desire for an LPA to be as clear as possible regarding the donor’s wishes – which many thought they would only achieve with help to complete the form – was connected to the wish to avoid family feuds. Participants thought that having one’s wishes clearly, legally and unarguably expressed would avoid the sorts of tensions they had seen when friends or relatives had died intestate.

“When they’ve not left a will... the problems it causes for families, the fighting...”

Male, Durham, 45-69, DE

Some participants thought that including restrictions in the form could be especially difficult, and might require a professional’s help. Even for those who would otherwise be comfortable completing the forms, adding in clauses that specified particular conditions of their LPA – for example, that



“If you talk to somebody they can find out whether you’re taking in what they were saying... and if you don’t understand something, you can ask... you get them to explain it in a language you can understand.”

Male group,
Nottingham
Aged 65+
SEG: C1C2



someone should act as moderator between two attorneys – was seen as a daunting, risky task. This seemed related to the concern that legal documents needed to be water-tight; and commonly participants thought they would ask a solicitor or Citizens Advice Bureau to help them write in restrictions.

Others, and particularly older people, thought they would turn to family for help completing the forms. This may explain why this group were less likely than younger respondents to say that being helped to complete the forms by a charity would influence their decision to apply for an LPA (just 35% of those aged 75+ said this would make a difference, compared to 53% of those aged 45-54).

“I’d stick to my family... they’ve got all their buttons on.”

Female, Durham, 75, AB

When considering the help they would want when completing the forms, participants identified the chance to talk through the LPA and the specifics of their situation and to ask questions about it as particularly important. Having this level of support provided by either a professional or a charity would be valued by many.

5.4 Using online

In the qualitative research many participants said they would look online for information about LPA, and some had successfully done so previously. In the quantitative research, online was the second most mentioned source for more information about LPA by potential LPA customers (cited by 31% of respondents), after solicitors (cited by 42%), and the most important source for those aged 45-54 years (cited by 46% of those in this age group, compared to the 40% who cited solicitors).

However, the idea of online applications typically did not make the applying for an LPA a more attractive process: over two thirds (68%) of respondents thought that being able to complete the forms online would not influence their decision to apply for LPA very much or at all. In the qualitative research, participants were largely of the view that one would apply for an LPA if convinced that it was needed, despite what seemed to be a rigorous, fairly labour-intensive application process. Although some thought that applying online would make the process easier, the mode of application was not generally perceived to be the most substantial potential barrier to setting up an LPA, and moving to online was not seen as a major simplification. However, these participants did not have experience in trying to complete either the paper or the online forms.

Some participants in the qualitative research were certain that they would not like to apply online. Online was seen as unattractive for various reasons, including not knowing how to use a computer or the internet – indeed, in the quantitative research, a third (33%) said they were not confident using the internet. Additionally, some participants in the qualitative research were concerned about data protection and security in an online system.

“People must be doing it, but I don’t trust it. You see so many things in the media, money being withdrawn.”

Male, Nottingham, 65+, C1C2

Even some of those who were mostly confident about completing the forms would rather do so on paper – the quantitative research showed that only

33%

Reported that they were not confident in using the internet

20% of respondents preferred completing forms online. In addition, the desire to have a conversation and ask questions about the process, mentioned above (section 5.3), made others sceptical of online application.

“If you do it online you don’t know who is going to be sent to. I’d rather be talking to somebody face to face: you ask me a question I give you an answer or you explain and tell me so and so.”

Female, London, 65-74, C1C2

Some, particularly younger (i.e. 45 – 65 years old), participants would be happy to apply online. However, the qualitative research suggested that there were other substantial barriers to younger participants applying, even if they knew online application was an option. Such participants also stressed that online should not be the only option; they were concerned older people would struggle if it were.

“Online is great as an additional thing; it shouldn’t be the main point of contact.”

Male, Manchester, 50, AB

One aspect of applying online that did seem to have wide appeal, however, was that it might minimise costs incurred by having a solicitor completing or checking the form. Some participants thought that filling the forms in online, where some of it could be checked automatically, and then printing them to be checked by a professional would cut down on the amount of solicitor’s time they would have to pay for, and the associated costs.

In addition, as many potential LPA customers are offline or are not comfortable with or do not trust the internet, forms should be easily accessible offline. Participants suggested the Post Office as somewhere they would expect to be able to pick up forms, as well as solicitors, Citizens Advice Bureau, community centres and libraries.

5.5 Cost

Participants were mostly accepting of the fee to register an LPA; £130 for each LPA was, generally, seen as a fair (enough) price.³⁰ Only 2% of those surveyed who had an LPA but had not yet registered it cited cost as a reason for this. The common association of LPA with solicitors, wills and banks seemed to work in its favour here: participants who were used to paying considerable sums for legal and financial services – including divorce settlements and wills – were, on the whole, not surprised by the fee for LPA. Many thought LPA would be worth the money for someone that needed it. For some, it was the peace of mind it would offer the donor and family that made it worth the price.

“You wouldn’t want your loved ones to have the problem, to go through this, so really it’s probably a reasonable fee for what it does.”

2%

Of those who said that they had an LPA but had not yet registered it cited cost as a reason for this

³⁰ On 1 October 2013 the OPG reduced its fees from £130 to £110 per LPA application, and introduced a discounted rate of £55 for the registration of resubmitted applications (in the instance that a form had been completed incorrectly the first time, for example). Previously, applicants had to pay the full price of £130 to resubmit an application,

Male, Manchester, 65+, DE

One reason some participants were dissatisfied with the fee, however, was the feeling that one would not be getting much for the £130. Having filled in the application form without support from the OPG, and possibly with the help of a costly solicitor, participants wondered why they should then have to pay such a high amount for its registration. When they were doing – or paying for a solicitor to do – all the work, some wondered why they should be charged a fee; and there was scepticism that the OPG needed this much money to register an LPA.

“I don’t understand – if you’re making an application, doing all the work completing the forms, why is it going to cost £130? I understand there’ll be some administration somewhere along the way, but for £130 for each one, what else are they going to do?”

Male, Manchester, 50, AB

To allay this objection, the offer of an extra service, along with registration, was suggested. For example, a consultation service, with additional, person-to-person advice (rather than simply leaflets) would be welcomed.

“It would be good if [OPG] would have a central place where you could go and see someone that would be inclusive of the price of £130. You could go and speak to someone and say, ‘Give me an hour’s time’, as part of the £130.”

Female, London, 65-74, AB

The cost for registering an LPA was compared by some participants to that of buying a ‘do-it-yourself’ will from a shop for £10. These participants felt that it did not make sense to pay so much more for an LPA than for a will, especially considering that the will would definitely be used while the LPA may not. Others were concerned that, even if it was a fair price, some people would not be able to afford £130 for each LPA.

Those who thought professional help would be important to help set up an LPA were especially concerned about price acting as a barrier. Even if the price of registration was not prohibitive, they were concerned that solicitors’ fees might be. The help of charities, particularly the Citizens Advice Bureau, was highly valued as an alternative for those with less money.

There was also concern among some that they would have to pay the registration fee for an LPA each time they wished to make a change to it. Many participants thought that the chance to make changes to an LPA was important, and would only consider setting it up before it was clear it would be necessary if they were confident they could change it. The thought that they would have to pay the registration fee many times, then, acted for some as discouragement to register an LPA sooner rather than later.

Among the deputies that had registered their own LPA, there was recognition that the cost of registering an LPA was much less than a deputyship. Both the yearly charges for supervision and the costs incurred whilst a case was going through the courts were mentioned as avoidable and, for some, testing aspects of the deputyship process. As with other aspects of LPA, those who had experienced the alternative were typically more accepting of the application process, including the £130 fee.

5.6 Chapter conclusion



What kind of support do I get included in the cost of £130? That can’t just be for processing forms.

Male group,
Bristol
Aged 45-69
SEG: AB



Although the application process was not felt to be a barrier to those who wanted to set up an LPA, there was evidence that real or perceived barriers in the process could further encourage others to put off applying.

Many were concerned about being able to complete the forms themselves, so having access to support with completing an application was felt to be vital. Establishing links with other organisations that can help with this will be essential, especially as many felt that the registration fee should include some level of free support with applications.

Solicitors and the Citizens Advice Bureau will be the first port of call for many because LPA was viewed as a serious legal document which needed legal knowhow. However, other organisations such as age or condition-related charities as well as community groups might be better placed to provide tailored support to certain customers.

6 Six types of potential customer

6.1 Introduction

The OPG is interested in understanding more about its potential customer base to help set a direction for strategy and identify areas for further research. In order to help with this, Ipsos MORI used the survey data to develop a segmentation of potential LPA customers. This segmentation was intended to be exploratory and to act as a starting point for understanding different types of potential customers and the barriers and enablers they might experience in relation to LPA.

The survey asked a variety of questions to elicit respondents' views on life, family, old age and planning ahead, and tested nine proposals that might make people more likely to apply for LPA. These included four ways of communicating the benefits of LPA, or 'messages' about it, and five possible events or actions that might influence the decision to apply, or 'interventions'. These are shown in the table below.

Table 6.1 – Messages and interventions tested using the survey

Messages: Q. To what extent would each of the following potential benefits of having an LPA, make you more likely to apply for one?	Interventions: Q. And using the same scale, to what extent, if at all, would any of the following influence your decision to apply for an LPA?
Being able to choose the person/people who would be in charge of making decisions that affect me, rather than leaving it to the government or state	Being able to complete the forms online
If it would make things easier for my relatives if I lose capacity	Being helped to complete the form by a charity such as Age UK, Alzheimer's UK or the Citizens Advice Bureau
If it meant that decisions which would affect me are made in my best interests	A friend or relative suggesting you set up an LPA
If it meant I would be more likely to be cared for in a way I would have wanted	Being recommended to set up an LPA by a professional (e.g. a doctor or solicitor)
	Seeing someone else experience the problems of not having an LPA (e.g. on a television drama or documentary)

Source: Ipsos MORI.

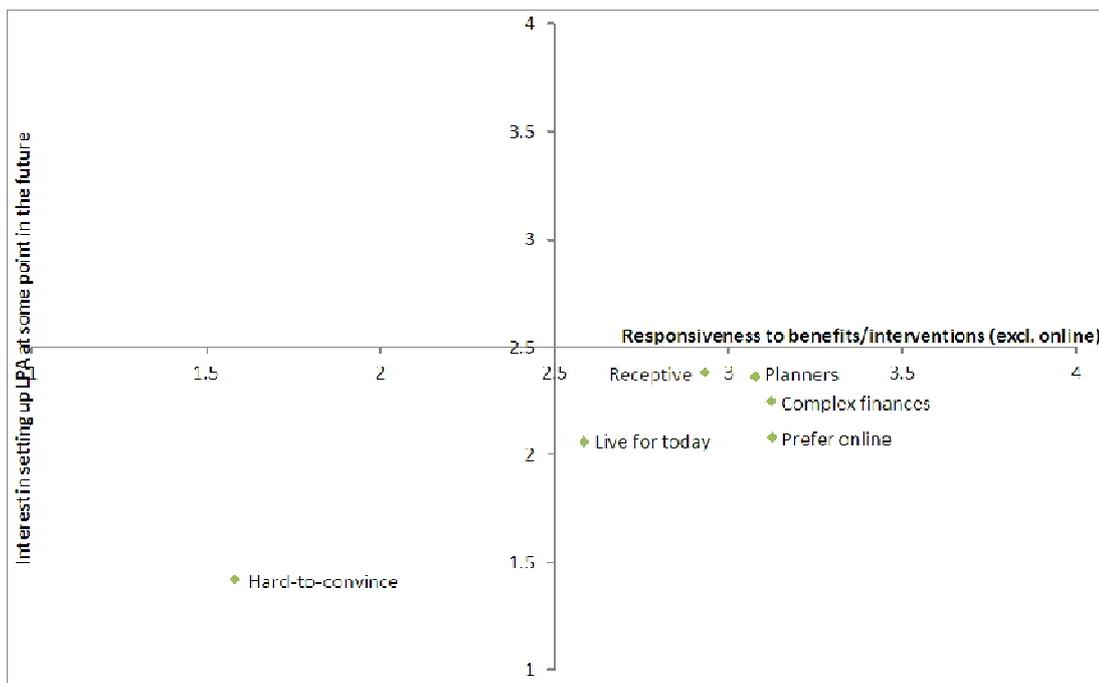
To describe a segment we look at the average response of people in that segment compared to the overall average. It is standard in segmentations for some people within each segment to not perfectly fit the descriptor of that segment. This is because every individual is allocated to the segment they

are most similar to on all of the discriminating variables, but some people will always fit less well than others for any given solution³¹. According to the algorithm they are closer to the allocated segment than they are to other segments but that does not mean they hold all the characteristics.

The segmentation analysis revealed six types of potential LPA customer. For ease of use, these segments have each been given a name which reflects the most dominant or prevalent characteristics of the group but this does not always reflect characteristics of all individuals in that segment:

Receptive	Complex Finances ³²
Prefer Online	Planners
Live for Today	Hard-to-convince

Figure 6.1 – The six segments: Interest vs. stated responsiveness to interventions/messages (mean scores)



The chart above shows how interested each segment is in setting up an LPA at some point in the future, and their overall stated responsiveness to the aforementioned messages and interventions – this was calculated by aggregating their responsiveness to each of the messages and interventions, with the exception of ‘Being able to complete the forms online’,

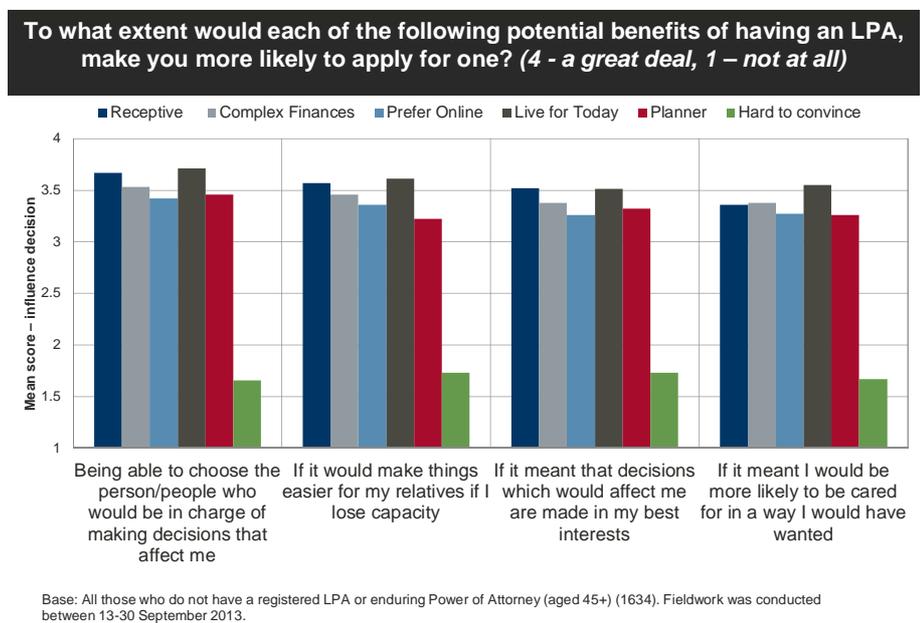
³¹ All the segments have high rates of successful prediction (over 80%), the Hard to Convince segment and the Prefer Online segment being the easiest segments to predict.

³² For example, people in the Complex Finances segment are more likely than average to agree their financial circumstances are complicated but this does not necessarily mean that everyone in the segment agrees with this statement.

which was excluded on the basis that just one segment found this important. It was notable that while some groups were more or less responsive overall, the relative ranking of each of the interventions and messages was largely similar for each segment. Where this is not the case it is outlined in the text below.

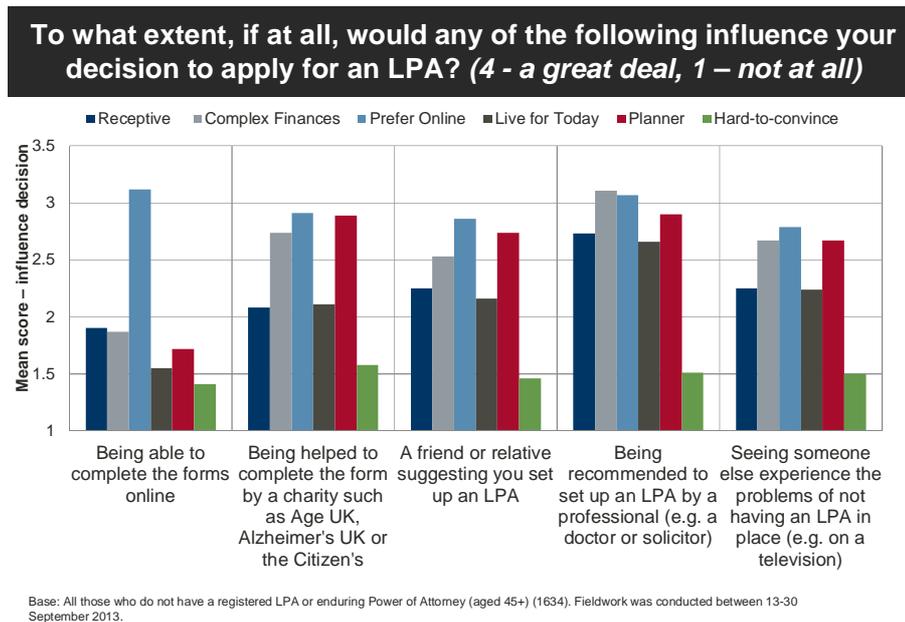
The chart below shows the mean (average) score for each message where 4 is 'Influence my decision by a great deal' and 1 is 'Not at all'. Therefore a higher mean indicates that a segment claimed to be more responsive to a message. Although each segment had varying levels of responsiveness to the messages and interventions, of the four messages, almost all segments were most responsive to *'Being able to choose the person/people who would be in charge of making decisions that affect me'*. In the case of the Hard-to-convince segment, *'If it would make things easier for my relatives if I lose capacity'* and *'If it meant that decisions which would affect me are made in my best interests'* were the top messages.

Figure 6.2 – Stated responsiveness to messages



There was slightly more differentiation with regards to the interventions (see chart below). For most segments, the intervention that stood out with most people saying it would make them more likely to apply for an LPA was *'Being recommended to set up an LPA by a professional (e.g. a doctor or solicitor)'*.

Figure 6.3 – Stated responsiveness to interventions



Being recommended by a professional was not considered to be the most influential for all segments however. The Prefer Online segment were most likely to say that 'Being able to complete the forms online' would make them more likely to apply. The Hard-to-convince segment said they would be more likely to apply for an LPA if they were 'helped to complete the form by a charity such as Age UK, Alzheimer's UK or the Citizen's Advice Bureau'. While the Planners segment said 'Being recommended to set up an LPA by a professional' would be most likely to influence their decision to apply, many also felt that being helped by a charity would also have an impact.

It is important to note that although some of the segments said that a particular benefit or intervention would make them more likely to apply for an LPA, this does not mean that that proportion of potential customers will apply for an LPA if that benefit is made clear or that intervention is put in place. As discussed throughout the report, a number of barriers were identified to potential customers applying for LPA and increasing uptake will be a multi-faceted and substantial challenge. Moreover, what factors will influence an individual's behaviour may, in practice, differ from what they believe will impact on them.

Although the segments did not vary much in terms of the messages and interventions that most appealed to them, they did have very different levels of knowledge of and interest in LPA and diverse attitudes to life, old age and losing capacity. There were also demographic variances between the segments. Understanding these differences may help the OPG to plan how to reach these groups and to understand the underlying attitudes that will shape their views on LPA, regardless of the messages they find most appealing.

Below we outline the characteristics of each segment in turn, and make recommendations for how these could be taken into account when promoting LPA to them.

6.2 The Receptive Segment

The Receptive segment (17% of potential customers) are the group that is most receptive to the idea of getting a Lasting Power of Attorney. They say they will be responsive to the interventions suggested, but perhaps less so than other segments because they are also the segment that knows the most about LPA already – they are least likely to have misconceptions about LPA and they are also the most interested in setting up an LPA at some point in the future.



Receptive segment

The Receptive segment are likely to have a good network of family and friends and tend to be more likely to trust the people around them. They also feel very comfortable discussing LPA with family and most people in this segment (71%) strongly agree that they can think of someone who could be their attorney. In addition, they are confident filling in official forms (87% agree), although they say they would be quite likely to seek professional advice to help them with their LPA applications. This segment is the most likely of all the segments to be influenced by religious beliefs when making decisions, though this is still not a major factor in their decision-making.

Who is in this segment?

The Receptive segment are the least worried of all segments about old age, but they do like to plan ahead – two thirds of individuals in this segment have wills (66%) and pensions through their employers (64%), and they are one of the segments most likely to disagree that 'there is no point in registering an LPA until you need it'. Overall, nearly half (47%) of people in this segment say they are very or quite interested in setting up an LPA (significantly higher than Hard-to-convince, Live for Today and Prefer Online segments). However, they are fairly unlikely to set up an LPA in the next 12 months, so there would be a benefit to communications that might encourage them to register an LPA earlier than they might otherwise have registered.

The Receptive segment are made of a mix of males and females, mostly white (98%), and around three in five are under 65 (61% are 45-64). People in this segment are more likely to be of a higher social grade compared with the other segments - more than two in five (42%) are from socio-economic groups A and B. Most do not have children living in the household. Larger proportions of this segment are part-time and self-employed workers than other segments.

6.3 The Complex Finances Segment

Those in the Complex Finances segment (18% of potential customers) are also likely to be among the more responsive to communications about LPA. Most individuals in this segment do not feel they know much about LPA and they are among the most likely to hold misconceptions about LPA and what it might be needed for. They are relatively interested in setting up LPA at some point in the future (42% interested) although only a small proportion (7%) are very interested; compared with 16% of the Receptive segment. However, the people in this segment who said they were quite or very interested were the most likely of all the segments to say they will set one up in the next 12 months.



Complex Finances segment

Two thirds (66%) of this segment agree that their 'Financial situation is complicated' compared with just one in five (21%) overall. Only 12% of people in the segment disagreed their financial situation is complicated, which includes 1% who disagreed strongly. The majority of people in all

other segments disagreed (ranging from 55% of the Hard-to-convince segment to 90% of the Live for today segment).

The Complex Finances segment has the lowest level of trust of all the segments (though still quite high) in the people around them, and are less likely to say they have a network of family and friends they can rely on. However, most people in this segment (85%) feel comfortable discussing LPA with family and can easily think of someone to be their attorney (79%). They are fairly confident filling in forms, and are one of two segments most likely to seek professional advice to help them with the LPA application.

Who is in this segment?

This group are difficult to describe. People in this segment are the most worried about old age, but they either cannot and/or do not like to plan ahead. Less than half of this segment has wills (47%) or pensions through their employers (45%). They also say they prefer to live for today than plan for tomorrow, and 'go with their gut' when making decisions.

Those in this segment are predominantly female (61%), mostly white (91%), and younger than all the other segments except the Prefer Online (46% aged 45-54). Most are married and a relatively high proportion (18%) have children living in the household compared with other segments. Again, only the Prefer Online are more likely to have children at home. Most are full-time workers. One in three people in this segment (30%) are in lower socio-economic groups (D and E) (significantly higher than other segments except Hard-to-convince).

6.4 The Prefer Online Segment

The Prefer Online segment (17% of potential customers) are the most likely of all the segments to say that each of the interventions mentioned would be likely to increase their likelihood of applying, although they are less likely than the other segments to say that the messages would have an impact on their decision to apply. They are not very confident in their knowledge of LPA, and are fairly likely to hold misconceptions about LPA and what it might be needed for. This segment is also among the least interested in setting up an LPA at some point, and of those who are interested they are one of the least likely of all segments to do so in the next 12 months.

The Prefer Online segment is the only segment that prefers filling in forms online than on paper. People in the Prefer Online segment are likely to say they have a good network of family and friends and tend to trust the people around them. They are the most likely of the segments to agree that they worry about other people's feelings and opinions when they take decisions. However, they are not as comfortable discussing LPA with their families (only 33% strongly agree that they would be comfortable talking to their family about making an LPA, which is significantly lower than all segments except Hard-to-convince) and are less likely than the other segments to be able to think of someone to be their attorney. They are confident filling in forms, and less likely to seek professional advice to help them with the LPA application.

Who is in this segment?

Those in this segment are the most likely to avoid thinking about bad things that might happen and least likely to think they will ever lose their ability to make decisions for themselves. They are not particularly likely to plan ahead; half (51%) have wills and they are most likely segment to agree that



Prefer Online segment

there is no point registering an LPA until you need it. However, along with the Receptive segment, they are the segment most likely to have a pension through their employer (64%). The Prefer Online segment has the highest proportion of men (58%), is mostly white (92%), the youngest of all the segments (50% aged 45-54), predominantly in socioeconomic groups A, B and C1 and largely higher income (£25,000+). They are the segment most likely to be married and have children in the household. This segment is mostly made up of full-time workers.

6.5 The Planners Segment

The Planners segment (19% of potential customers) are also among the more responsive to communications about and interventions related to LPA, especially 'Being recommended to set up LPA by a professional' and 'Being helped to complete the forms by a charity...'. Most have heard of LPA but know little or nothing about it. They are the second most likely (after the Receptive segment) to know that certain misconceptions about LPA and what it might be needed for are not true. Although most think they are unlikely to set up an LPA in the next 12 months, they are also the second most interested segment in setting up an LPA at some point.

People in the Planners segment are likely to say they have a good network of family and friends and tend to trust the people around them. They feel comfortable discussing LPA with family and tend to agree that they can think of someone to be their attorney. They are fairly confident filling in forms and very likely to seek professional advice to help them with the LPA application. They are also most likely to disagree that 'I prefer to live for today rather than plan for tomorrow'.

Who is in this segment?

This segment tends to plan ahead and people in this segment are more likely to agree that they might lose capacity in the future. They are the most likely to disagree that 'When it comes to making decisions, I usually go with my gut instinct', and also that 'I try to avoid talking or thinking about bad things that could happen'. In line with their interest in planning, two-thirds of individuals in this segment have wills (65% which is similar to the Receptive segment and significantly higher than most other segments) and 61% have pensions through their employers.

This segment is made up of a mixture of males and females, ages, and socio-economic groups. Most are middle-income (£11,500-£24,999) and white. Around half are retirees whilst about a quarter work full-time. This segment is the least likely to have children living in the household.



Planners segment

6.6 The Live for Today Segment

The Live for Today segment (17% of potential customers) is likely to be more difficult than most of the other segments to target, because they are less responsive to the messages and interventions than the segments already discussed, and not very interested in setting up an LPA and they are the least likely of all segments to think they will do so in the next 12 months. Most have heard of LPA but know little or nothing about it. They are the segment that is most likely to believe certain misconceptions about LPA and what it might be needed for.



Live for Today segment

This segment is the one that most strongly agrees that they have a good network of family and friends and trust the people around them. They feel comfortable discussing LPA with family and can think of someone to be their attorney. They are confident filling in forms (and much prefer paper to online) and are likely to seek professional advice to help them with the LPA application.

Who is in this segment?

This is the segment that most strongly prefers to live for today rather than plan for tomorrow. They are also the most likely to 'go with their gut' when making decisions, and among the most likely to avoid thinking about bad things that might happen.

This segment comprises a mix of males and females and is skewed towards older age groups (few are aged under 55 years). It has the highest proportion of those in socio-economic group C2, but is mixed income. The Live for Today segment are almost entirely white (98%). They are mostly retirees who are married with no children living in the household.

6.7 The Hard-to-convince Segment

The Hard-to-convince segment (13% of potential customers) will be very difficult to reach through communications about LPA. This segment knows the least about LPA – two in five (40%) have never heard of it. Further, they are fairly likely to believe certain misconceptions about LPA – and they are also the least interested in setting up an LPA at some point in the future (three in five (62%) are not at all interested).



Hard-to-convince segment

People in the Hard-to-convince segment tend to agree that they have a good network of family and friends, but they have relatively lower levels of trust in the people around them compared with other segments. They are the least comfortable of all the segments discussing LPA with family and the least able to think of someone to be their attorney. Their barriers to applying for an LPA are compounded by them being the least confident filling in forms, and also the least likely to seek professional advice to help them with the application.

Who is in this segment?

This segment is the least likely to worry about other people's feelings and opinions when they make decisions, and is more influenced by religious beliefs than most other segments (a similar proportion agree religion influences them as those in the Receptive segment, however this is still not a major factor in decision-making. Only two in five (40%) have wills, and just a third (33%) have pensions through their employers which is lower than the other segments. This segment is composed of a mix of males and females. The segment has the highest proportion of BAME individuals (only 85%

white), the highest proportion of people in socio-economic groups D and E (36%), the highest proportion of those aged 75-84 years, and the highest proportion of those who are widowed/divorced/separated or single. Half of this segment are retired.

Conclusions

7 Conclusions

Currently, there is a lack of awareness of LPA and most participants reported that they were not interested in applying for an LPA in the future. In order to increase uptake of LPA, OPG will need to raise awareness of LPA, convey the positive benefits of it and also address misconceptions around losing capacity. The message is complex and the barriers are numerous, not least because many are based on fundamental cultural attitudes towards the idea of growing older and losing capacity.

Those who *were* interested in applying, particularly those who had experience of LPA or deputyships, identified a number of positive benefits of applying for an LPA. These messages might be helpful in explaining the need for LPA to others and encouraging them to think more positively about LPA and consider it for themselves.

Some barriers to uptake may be overcome simply by providing information and dispelling misconceptions surrounding the legal position regarding health and finance decisions (i.e. that you require an LPA to allow you to make decisions on behalf of someone who has lost capacity). However, it may be difficult to convince many that they need an LPA if they have had experience of managing someone else's affairs on their behalf during a time of illness without one. Although technically it can be said that they hold misconceptions around the issues, as these are based on personal experience to the contrary, they may be reluctant to accept that there is a legal need for an LPA. To address this barrier it will be important to give examples of particular instances in which not having an LPA will be a substantial problem (e.g. if a pension book is lost, if you need to sell a house, or if a doctor disagrees with what you think is in the best interests of a patient) and provide evidence that this is the case.

Attitudinal and emotional barriers which mean that people focus on the negative aspects of the issue rather than considering the potential positive benefits of LPA are also likely to be difficult to overcome. Losing capacity is not something people want to consider and so they will attempt to put it off for as long as possible, hoping they will never need to deal with it. There are also cultural issues at play such as superstition and considering discussion of losing capacity as taboo, both of which encourage lack of engagement with LPA. Such views are deep-seated and may be difficult to change. For some, focussing on messages about retaining control by choosing your attorney might have some traction but the challenge will be making the importance of submitting an application today clear.

Messages about LPA could be targeted at those who are experiencing specific life events which were identified as times when people might be more open to receiving information about LPA. Retirement was felt to be a natural moment in which to engage people with LPA as they are likely to be undertaking other types of long-term planning and are also likely to be in contact with other government departments. This may not only make it easier to get information to them but also mean that they are less put off by the process of making an application if they are already engaged in other financial and administrative processes. Targeting information to those who are writing or changing their wills was also felt to be a sensible time. Although there is evidence that many solicitors already do this, there is scope to increase the proportion of those who do as well as ensure that the information they provide addresses the barriers identified in this research. Over time, this may help to increase the word of mouth effect as well as

normalise the idea of LPA which may help break down some of the cultural barriers identified.

The segmentation also provides useful guidance on the different challenges related to different audience groups. Some, such as the Receptive Segment are broadly interested and the main focus for them is a need to convince them that 'today is the day'. Others, such as the Planners and Prefer Online Segments will require specific messages to give them the information they require. The Complex Finances segment have different barriers, not least the misconceptions that they hold. These misconceptions are also prevalent amongst Live for Today and Hard to Convince Segments who will require a much more concerted effort, over a longer period of time, if they are to be convinced of the benefits of LPA.

Experiences are important. As outlined above, those who have experience of managing without an LPA are less convinced of the need for one. Similarly, those with experience of LPA or deputyships speak positively about the benefits of LPA. Their stories offered some compelling reasons for putting an LPA in place and many deputies had already set one up for themselves to ensure that they and their family do not experience the issues involved in deputyship again. These people could act as powerful advocates for LPA however, currently they do not tend to tell other people, even within their family, these compelling reasons for LPA which reduces the impact of word-of-mouth.

Partnerships with other organisations might help to increase awareness of LPA, promote its benefits and support people with applications. Solicitors and the Citizens Advice Bureau will be vital as many will be reassured by being supported by someone with legal knowledge. However, age and relevant charities could also play a role by being able to recommend LPA to those most in need as well as provide support with applications. Community groups may also be helpful in raising awareness of LPA, particularly for BAME groups.

7.1 Further research

This research aimed to better understand current awareness and interest in LPA, the shape of the potential LPA customer market and uncover factors which could inhibit or enhance LPA uptake. As such, it was a broad and exploratory piece which has identified a number of challenges and opportunities for the OPG to consider when developing its strategy. Depending on which direction the OPG chooses to take in marketing LPA, it may be useful to undertake more focussed research on specific issues. It is important to keep in mind that even for wills, which most people recognised were important to have in theory, were not held by everyone we spoke with. Even though they had high awareness and are more established, many had never found the time. Therefore the challenge faced by OPG is substantial. However, there will be examples of addressing these barriers from other sectors that can be applied.

Some initial ideas to consider are listed below:

- Further research with BAME groups to increase understanding of the particular barriers they face and more specific strategies for increasing uptake.
- Further discussion groups with each of the segments identified to test specific messages and ensure they are convincing.
- Desk research to understand how LPA fits into the wider issue of Advanced Care Planning.

- Desk research to understand how the OPG can learn from the implementation of policies and products both within the UK and abroad which have similarly needed to overcome these issues, for example, wills and organ donation.

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