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For many of us, especially within the LGBTQ+ community, planning ahead for later life can feel overwhelming. Questions about **will vs LPA priority** (Lasting Power of Attorney), the right steps for **LPA setup UK steps**, and nuances in **estate planning unmarried UK** can make the process feel both complex and emotionally charged. If you're wondering where to start, you're not alone. This guide unpacks these decisions with a focus on trust and discrimination in healthcare, the risks of late presentation and worse outcomes, and the critical importance of recognising chosen family and legal standing.

## Understanding the Basics: Will and Lasting Power of Attorney

Before deciding what to prioritise, it's worth clarifying what each legal tool covers.

- **Will:** A legal document specifying how your assets and belongings are distributed after your death. Without a valid will, the UK's intestacy laws dictate inheritance, which may not reflect your wishes, especially if you are unmarried or your family structure is non-traditional.
- **Lasting Power of Attorney (LPA):** A formal arrangement allowing you to appoint one or more trusted persons (known as attorneys) to make decisions on your behalf if you lose mental capacity. There are two types: LPA (Health and Welfare), and LPA (Property and Financial Affairs).

## Why the Choice Between Will and LPA Matters for LGBTQ+ Older Adults

In the LGBTQ+ community, many face additional challenges:

- **Trust and discrimination in healthcare:** Fear of discrimination sometimes leads to delayed NHS appointments or reluctance to share relevant health information. This can result in late presentation for serious conditions and worse health outcomes.
- **Isolation and living alone:** Many LGBTQ+ older adults live alone or may experience fractured family relationships, amplifying the importance of having trusted people legally recognised to make decisions.
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- **Chosen family and legal standing:** Legal recognition of your “chosen family” — close friends or partners who care for you but may not be blood relatives — is not automatic without proper documentation like an LPA or a will.

Given these factors, deciding whether to complete your **will** or **LPA first** is often a question of your current health status and personal circumstances.

Consider This: What Happens If You Don’t Have an LPA?

If you lose mental capacity without an LPA in place:

- No one can legally make decisions about your healthcare or finances on your behalf.
- Your family, even if estranged, may be involved by default.
- You could end up with worse outcomes due to delays or inappropriate decisions not aligned with your wishes.
- The process to appoint a deputy through the Court of Protection is costly and time-consuming.

In the context of NHS care, particularly if you have ongoing chronic illnesses or may require residential or hospital care, the absence of an LPA can be vulnerable. Having a trusted attorney helps safeguard your rights and dignity.

LPA Setup UK Steps: Your Practical Guide

Setting up an LPA can seem daunting but breaking it into clear steps helps:

1. **Choose your attorneys:** These are the people you trust to make decisions for you. For LGBTQ+ older adults, this might include partners, friends, or community members recognised by services like *Opening Doors*, which provides support to LGBTQ+ over 50s.
2. **Select the LPA type(s):** Decide whether you want one or both types - Health & Welfare and/or Property & Financial Affairs. For full protection, many choose both.
3. **Fill out the forms:** Available from the Office of the Public Guardian (OPG) website or by post. Assistance is often provided by local Citizen’s Advice, some LGBTQ+ advice charities, or social groups like *Opening Doors*.

4. **Have your forms signed and witnessed:** You, your attorneys, and certificate providers each must sign in front of witnesses.
5. **Register with the OPG:** This step involves paying a fee (£82 per LPA as of mid-2024) and registration may take up to 8-10 weeks.
6. **Notify others:** Your attorneys and named people you inform will be formally advised when the LPA is registered and valid.

Remember, the **LPA setup UK steps** can be done independently or with legal advice. The important bit is to start sooner rather than later, removing friction and potential barriers to decisions when you need them most.

Pro Tip: Keep a checklist in your phone's notes app for these steps and document who your certificate providers will be.

Why Estate Planning for the Unmarried UK LGBTQ+ Community Needs Extra Attention

In the UK, the law assumes married or civil-partnered couples automatically inherit from each other. For unmarried people, including many LGBTQ+ individuals, the rules are different:

Situation Without a Will With a Will Unmarried partners No automatic inheritance rights from partner's estate. Can specify gifts, property, money or sentimental items to the partner. Chosen family Not recognised by intestacy laws. Can be included as beneficiaries. Friends or social carers No inheritance entitlement. Can be granted legacies or shares in the estate.

Because of this, **estate planning unmarried UK** is a practical necessity, ensuring your wishes around your home, belongings, and finances are clear and legally binding. Leaving no will risks your assets defaulting to parents, siblings, or the Crown, none of which may reflect your chosen family ties.

When and Why You Should Do Both: Will and LPA

While deciding which comes first depends on your situation, for many, both are vital:

- **Will:** Ensures your estate and belongings go to those you value after you pass.
- **LPA:** Safeguards your wellbeing in case you cannot make decisions yourself due to illness or incapacity.

This dual preparation is especially relevant for LGBTQ+ individuals who may have experienced discrimination in healthcare or isolation. It empowers you, your partners, and chosen family to respect your rights and dignity.

Keep in Mind

- If your health is currently stable, prioritising a will ensures your estate planning is in place sooner.
- If you're living with a chronic condition or think you may lose mental capacity, prioritise an LPA to legally appoint decision-makers.
- Set reminders to review and update both regularly—especially after life changes like relationship shifts or moving home.

Where to Find Support and More Information

Getting legal and social support doesn't have to happen in isolation. Consider these UK-based resources that support LGBTQ+ over 50s and others:

- **Opening Doors**: A London charity providing social, wellbeing, and advice services explicitly for older LGBTQ+ people. They offer workshops and advice on wills and LPAs designed around our community's unique challenges.
- **NHS**: Offers guidance on healthcare rights and navigating medical decision-making. They also provide accessible information on mental capacity and legal tools.
- **Gay London Life Events Diary**: Connecting socially and sharing knowledge about relevant workshops, legal clinics, or community events can enhance your support network.

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Final Thoughts

LGBTQ+ older adults deserve clear, trustworthy, and accessible guidance around *will vs LPA priority*, reflecting a lived reality where chosen family and legal protections matter immensely. While the process may feel daunting, breaking it into manageable steps and accessing tailored community support https://gaylondonlife.co.uk/ageing-well-a-health-and-wellbeing-guide-for-londons-lgbtq-community/ transforms these legal tools from barriers into empowering acts of care for yourself and those you love. Start where it feels right for you—and know you're not doing it alone.

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