



**With Power of Attorney,  
the Future is in your hands.**



**Around 45,000 people register Power  
of Attorney every year in Scotland.  
You should make your plans too.**

**Call us for more information [0141 287 0470](tel:01412870470)**

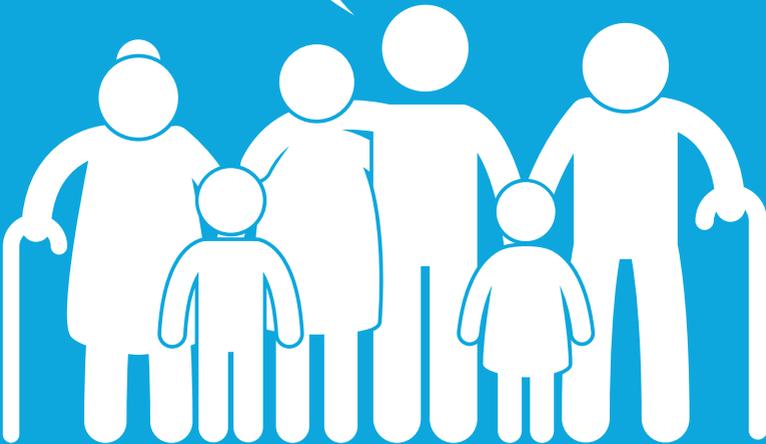
**[www.mypowerofattorney.org.uk](http://www.mypowerofattorney.org.uk)**



**the future is in your hands**

## **Did You Know?**

Without power of attorney  
you cannot act for your  
husband, wife, mother, father  
or anyone else should they  
have loss of capacity.



## Power of Attorney – Start the Conversation Campaign

### Background to the campaign

Did you know that if you become unable to make decisions for yourself - because of illness or injury for example - no-one else can make those decisions for you, unless you have given them legal powers to do so?

Glasgow City Council and NHS Greater Glasgow and Clyde, together with local law firms, Alzheimer Scotland and Scottish Care, have joined forces to raise awareness about the importance of having a Power of Attorney.

Everyone is being encouraged to “Start the Conversation” with their loved ones as the first step to giving Power of Attorney to someone they trust.

Power of Attorney can cover your financial affairs (e.g. managing your bank account) and your welfare (e.g. deciding where you will live if you are no longer able to decide for yourself).

As well as TV adverts, the campaign has a website, a *Facebook* page and a *Twitter* feed.

### Who is the campaign targeting?

The campaign is for everyone! Please:

- visit the website [www.mypowerofattorney.org.uk](http://www.mypowerofattorney.org.uk)
- follow the Twitter feed [@StartTalkingPoA](https://twitter.com/StartTalkingPoA)
- engage with the Facebook page [www.facebook.com/starttalkingpoa](http://www.facebook.com/starttalkingpoa)

The more followers and retweets the campaign gets, the greater the opportunity to Start the Conversation!

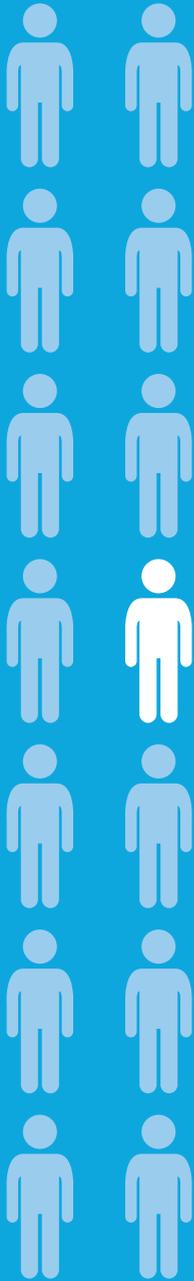
## **What will be featured in the campaign?**

Throughout the campaign we will be bringing a wide audience a number of key messages. This includes getting people to “start the conversation” with family and friends as well as prompting others to act. The ongoing multi-media campaign will take the form of posters in public spaces, leaflets and roadshow events as well as our ongoing social media, online and broadcast ads across radio and TV. Throughout key campaigning stages, the dedicated telephone number will be activated for more information and advice.

The dedicated telephone number for more information and advice is as follows: **0141 287 0470**

## **What will the impact of the campaign be?**

Starting the conversation about Power of Attorney is one of the most important things any of us can do with our loved ones and friends and family, it must be a priority for every adult across Scotland. Taking action and appointing Power of Attorney, you will protect yourself and those closest to you by granting legal powers to act on your behalf if something were to happen to you. These legal powers are discussed more in this booklet. By working with colleagues across the public, private and voluntary sectors, we have developed this information pack which will give advice on arranging suitable legal expertise and make the process of finding out about and arranging Power of Attorney as straightforward as possible.



### **Did You Know?**

1 in 14 of us will develop Dementia at some point in the future. Hospital admission is likely at some point without capacity.

### **Did You Know?**

Without Power of Attorney in place you or someone you love will spend on average four months longer in hospital if you lose capacity.



## Power of Attorney Frequently Asked Questions

### 1. What is a Power of Attorney?

A Power of Attorney is a written, legal document giving someone else (your Attorney), authority to take actions or make decisions on your behalf (the granter). You choose the person(s) you want to act as your Attorney and what powers you want the Attorney to have. A Power of Attorney is intended to ensure that your financial affairs and personal welfare can still be dealt with/protected in the event of you being unable to act on your own behalf.

### 2. What is incapacity?

If you lose capacity it means that you are no longer able to look after your own financial and personal affairs, perhaps due to illness e.g. dementia/stroke etc. The Adults with Incapacity (Scotland) Act 2000 sets out certain situations in which you could be deemed to be incapable. These are:

- incapable of acting on decisions
- incapable of making decisions
- incapable of communicating decisions
- incapable of understanding decisions
- incapable of retaining the memory of decisions in relation to any particular matter due to mental disorder
- incapable of communicating due to physical disability.



### **3. Are Powers of Attorney not just for elderly people?**

No - anyone over the age of 16 can grant a Power of Attorney. Accidents or illness can happen at any age. The sooner a Power of Attorney is completed, the better. The deed does not need to be registered straight away – it can be stored in your solicitor's safe and only registered when your attorneys are required to commence acting.

### **4. Are Powers of Attorney not just for the wealthy?**

No – a Power of Attorney is not just about looking after your financial affairs. It also allows you to choose who should decide personal welfare issues (e.g. where you live/who looks after you etc).

### **5. I am married and have grown up children. Surely my family can act for me and make decisions on my behalf?**

No-one has an automatic right to do this. There must be a legal document by you appointing your chosen person/persons as your attorney. If no one is legally appointed by you to act, then no one has legal authority to do so.

### **6. What sorts of powers can be included in the Power of Attorney deed?**

The deed can cover both financial and welfare provisions or you can have separate deeds to cover your financial affairs and welfare matters.

The financial provisions can include power to purchase and sell heritable property (i.e. your house), power to operate bank accounts, power to claim and receive all pensions, benefits, allowances, etc. There are many other powers which can be included or left out as appropriate, depending on your circumstances.

Welfare powers can include power to decide where you should live, to have access to your personal information, to consent or withhold consent to medical treatment. There are many other powers which can be included to ensure that all appropriate powers are available to meet your needs.

## **7. Who should I appoint as my Attorney?**

You can appoint anyone you wish to be your attorney, e.g. a family member, friend, solicitor or other professional adviser. It is up to you whether you include the same person(s) as both financial and welfare attorneys, or if you have separate attorneys to carry out the different functions.

It is better to appoint more than one attorney in case your attorney is unable to act for any reason – you can appoint joint attorneys with similar or different powers, or one or more substitute attorneys to take the place of an attorney who dies, loses capacity or resigns.

## **8. What happens to my Power of Attorney once it has been signed?**

If the Power of Attorney is simply being used as a “rainy day” document and you do not need your attorney to exercise his powers immediately, it can simply be stored in a safe place, e.g. the safe at your solicitor’s office, until it is required.

If you wish your attorney to act immediately, the document must be registered with The Office of the Public Guardian. The

deed itself, together with a registration form signed by your attorney and the registration fee (currently £70) is sent to the Public Guardian and once the deed has been registered, the Office issues a certificate to your solicitor and to you.

Once the Power of Attorney has been registered the financial powers are effective immediately, but the welfare powers are only effective once you lose capacity, i.e. once you are no longer able to act on your own behalf.

### **9. What if I appoint my husband/wife as my attorney and then we split up?**

Unless the Power of Attorney deed specifically provides otherwise, your spouse's powers to act on your behalf would cease upon your formal separation or divorce.

### **10. If my Power of Attorney is registered, can I still change my mind?**

As long as you have capacity, you can revoke the powers granted in your Power of Attorney. To do so, you must give written notice to The Office of the Public Guardian.

### **11. How will my attorney know my feelings/wishes if I lose capacity?**

You should discuss both the financial and welfare powers with your attorney and make sure that he knows what decisions/actions you would wish to be taken on your behalf in the event of you losing capacity.

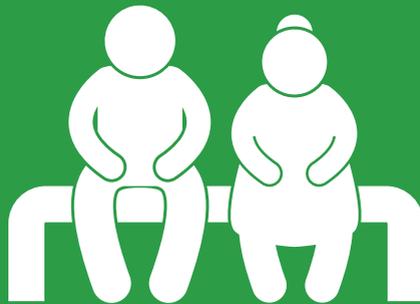
### **Did You Know?**

Every year around 2000 people of all ages will be admitted to hospitals in Scotland with severe traumatic brain injury, as a result of which they will lose capacity for at least a period of time.



### **Did You Know?**

Those on low incomes or benefits, especially the elderly, are entitled to have all or part of their Power of Attorney paid for. That's just over a quarter of the adult population.



## Getting Legal Support for Power of Attorney

If you are interested in getting legal advice on Power of Attorney then you can either:

- contact your own solicitor
- a group of Glasgow firms are delighted to support the current campaign 'Start the Conversation' and have agreed to offer reduced legal fees in the event that you would like to grant a Power of Attorney.

### Can I get Legal Aid?

Legal aid helps those on low and modest incomes to afford legal assistance. You can work out if you qualify for support with your Power of Attorney by using the online calculator on the Scottish Legal Aid Board's website [www.slab.org.uk/Online\\_calculators.html](http://www.slab.org.uk/Online_calculators.html).

If you think that you qualify, you can find a solicitor near you who offers a legally aided service by using the find a solicitor tool on the Scottish Legal Aid Board's website [www.slab.org.uk/public/solicitor-finder/index.html](http://www.slab.org.uk/public/solicitor-finder/index.html).

You can call the Scottish Legal Aid Board's legal aid information line on **0845 122 8686**. Staff on the information line will help you to work out if you are eligible for support towards the cost of legal assistance for your Power of Attorney.

If you are eligible for legal aid support the most you will have to pay is £142 per person. This is inclusive of all fees, VAT and registration costs.

## **Fees**

Legal fees may ultimately depend on the complexity of a particular case. However, as a result of the “Start the conversation” campaign you could expect reduced fees in the region of:

- £310 per person – this includes VAT of £40 and registration of the Power of Attorney of £70
- £500 per couple - this includes VAT of £60 and registration of the Power of Attorney of £140.

If a solicitor from this group is contacted, the solicitor will confirm the expected final legal costs before any work is carried out on your behalf.

Each of the firms supporting the campaign has a wealth of experience and an in-depth knowledge in relation to Power of Attorney.

If you would like to take advantage of the reduced fees offered by the group you should quote STARTPOA when you make contact.

## **Contacting a Legal Professional**

If you live in Glasgow or wish to use a Glasgow solicitor the next page lists the solicitors who have agreed to the guide prices above to support this campaign.

## **TC Young Solicitors**

We assist with Power of Attorney for people who are legally capable, and process guardianship applications through the courts for those who are not. When advising on Power of Attorney, we have unrivalled experience and expertise in reviewing the whole family situation. We work with you to put in place the best arrangements. TC Young is registered by the Legal Aid Board to provide legal aid and legal advice and assistance through the Scottish Legal Aid Scheme.

[www.tcyoung.co.uk](http://www.tcyoung.co.uk) • Tel: 0141 221 5562

## **Anderson Strathern**

At AS we are highly experienced at advising on Powers of Attorney and guiding you through the guardianship process. We pride ourselves on providing friendly, practical legal advice and are committed to working with you to achieve the best outcome for you and your family. AS do not offer legal Power of Attorney or guardianship advice through the Scottish Legal Aid Scheme.

[www.andersonstrathern.co.uk](http://www.andersonstrathern.co.uk) • Tel: 0141 242 6060

## **Morisons**

Morisons are able to deal with any matters regarding Incapacity law including Powers of Attorney. Their specialist team, which includes a Law Society of Scotland Accredited Specialist in Incapacity and Mental Disability Law will support you by advising on managing your financial and welfare issues using a Power of Attorney and explaining and applying for guardianship should this be required. The firm has a dedicated website for carers – [www.adviceforcarers.com](http://www.adviceforcarers.com). Morisons are registered by the Legal Aid Board to provide legal aid and legal advice and assistance through the Scottish Legal Aid Board.

[www.morisonsllp.com](http://www.morisonsllp.com) • Tel: 0141 332 5666

## **Legal Services Agency**

We provide specialist legal help to people with mental ill-health and dementia, and their carers, on a not-for-profit basis. We assist with Power of Attorney, guardianship and intervention orders. Our experience and expertise has national recognition. LSA's solicitors are registered by the Legal Aid Board to provide legal aid and legal advice and assistance through the Scottish Legal Aid Board.

[www.lsa.org.uk](http://www.lsa.org.uk) • Tel: 0800316 8450/0141 353 3354

## **Maclay Murray & Spens**

Maclay Murray & Spens LLP is a full service law firm with a large private client (Wills, Powers of Attorney, Trusts, Probate/Executries, Inheritance Tax) department. Legal directory, Chambers (2012) says that MMS private client "team's excellence in incapacity law further strengthens its appeal". MMS do not offer legal Power of Attorney or Guardianship advice through the Scottish Legal Aid Scheme.

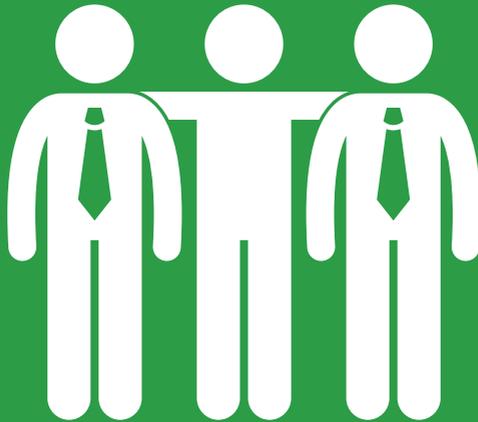
[www.mms.co.uk](http://www.mms.co.uk) • Tel: 0141 271 5375

## **Brodies**

As we live longer, more and more people are not able to deal with their financial and/or personal affairs. Brodies LLP can assist with Powers of Attorney and guardianship advice. Legal directory Chambers (2013) describes Brodies LLP private client team as 'very practical, very professional and always available at the end of the phone'. Brodies LLP do not offer legal Power of Attorney or Guardianship advice through the Scottish Legal Aid Scheme.

[www.brodies.com](http://www.brodies.com) • Tel: 0141 248 4672

You can also contact the Law Society (0131 226 7411) who will be able to direct you to a legal firm with expertise in this area.



### **Did You Know?**

You can grant power of attorney to anyone over 16- a friend, family member, neighbour or even a professional you trust.

## Useful Contacts

To speak to Glasgow City Council

- Glasgow City Council: [www.glasgow.gov.uk](http://www.glasgow.gov.uk)
- Glasgow Social Work Services: 0141 287 0555

To speak to the Health Board

- NHS Greater Glasgow & Clyde:  
[www.nhsggc.org.uk/content](http://www.nhsggc.org.uk/content) • Tel: 0141 201 4444
- NHS 24: 0800 22 44 88 (8am to 10pm, 7 days)
- NHS Inform: 0800 224488

To get advice on solicitors in your area

- The Law Society:  
[www.lawscot.org.uk](http://www.lawscot.org.uk) • Tel: 0131 226 7411

To enquire about financially assisted legal support  
(subject to status)

- The Scottish Legal Aid Board:  
[www.slab.org.uk](http://www.slab.org.uk) • Tel: 0845 122 8686

To get advice on Power of Attorney

- Office of the Public Guardian  
[www.publicguardian-scotland.gov.uk/contact\\_us.asp](http://www.publicguardian-scotland.gov.uk/contact_us.asp)  
Tel: 01324 678300

To get advice on the Power of Attorney campaign

- Start the Conversation website:  
[www.mypowerofattorney.org.uk](http://www.mypowerofattorney.org.uk)

To find out about services available in Glasgow

- Your Support Your Way Glasgow  
[www.yoursupportglasgow.org](http://www.yoursupportglasgow.org)

## Other contacts

- Alzheimer Scotland:  
[www.alzscot.org](http://www.alzscot.org) • Tel: 0131 2431453
- 24 hour freephone Dementia Helpline:  
0808 808 3000
- Chest, Heart and Stroke Scotland Telephone:  
[www.chss.org.uk](http://www.chss.org.uk) • Tel: 0131 661 7730

[www.mypowerofattorney.org.uk](http://www.mypowerofattorney.org.uk)

