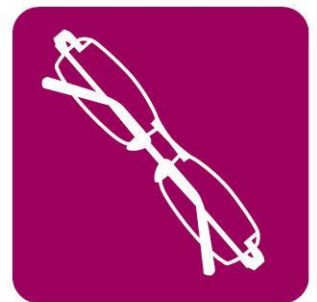


# A guide to Power of Attorney in Scotland



**Age Scotland** is the largest charity in Scotland dedicated to enabling everyone to make the most of later life.

Older people are the fastest growing group in society and there are more of us than ever before.

Ageing is not an illness, but it can be challenging at times and, at Age Scotland, we provide vital services and support at a national and local level to inspire, enable and support older people when they need it.

We ensure that older people's ideas for a better Scotland reach the ears of those who need to hear them, and also protect the long-term interests of future generations.

Together, we can help everyone make the most of later life.

This information has been prepared by Age Scotland and contains general advice only which we hope will be of use to you. Nothing in this leaflet should be construed as the giving of specific advice and it should not be relied on as the basis for any decision or action. Age Scotland does not accept any liability arising from its use. Please note that the inclusion of named agencies, websites, companies, products, services or publications does not constitute a recommendation or endorsement by Age Scotland.

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# Introduction

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## Whatever age we are, it's important to consider our future.

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As part of your day to day life you will most likely plan ahead to some degree and, on the whole, the choices you make are entirely yours. You make plans for where you are going to live and work and some plan for a family or to travel. Part of this involves making a judgement and choosing what is right for you.

Everyone who is over 16 years old in Scotland is presumed to have 'legal capacity', which means you are capable of making your own decisions. One of the most significant decisions you can make in your life is to put in place a Power of Attorney while you still have that choice. If you do not plan ahead for the possibility that you cannot make important decisions for yourself (or need help to do so), the chance to legally state your wishes has gone.

The consequences of not doing anything are wide-ranging and could ultimately lead to a lot of distress for both yourself and those who want to help you.

This booklet will guide you through how to prevent this from happening by drawing up a Power of Attorney. You may be looking for information about getting this arranged for yourself, or about becoming an Attorney for someone else. The information is therefore divided into two different sections to cover both areas.

For information and advice about any topic discussed in this booklet, call Silver Line Scotland to speak to an adviser on 0800 4 70 80 90 (8am-8pm, Monday - Friday). They can help by talking through the options available for your individual situation and discuss any questions you may have.

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# What is Power of Attorney (POA)?

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A Power of Attorney is a legal document which features statements called 'powers'. These powers give someone else the authority to make specific decisions about your life if you were to need help or lose the ability to make decisions for yourself. The person who gives permission is known as the 'Granter' and whoever agrees to act on that person's behalf is the 'Attorney'.

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There are three different types of Power of Attorney.

1. **General Power of Attorney (GPA)** is usually created for a set amount of time or for a specific issue. For example, to plan for the eventuality that someone will go into hospital or goes abroad and would like someone else to have the authority to make decisions on their behalf during this time. Importantly, it only lasts as long as you have 'mental capacity'. Unlike the options below, the document does not need to be registered with the Office of the Public Guardian.
2. **Continuing Power of Attorney (CPA)** allows you to appoint someone to look after your property and financial affairs and could include the powers to manage bank accounts or sell a house. You can arrange for this to become effective immediately (to get some help to manage your finances) and it can continue on if you were to lose capacity. Alternatively, you could choose that the CPA would only become effective if you lose the ability to make decisions. If you want to authorise someone to act on your behalf whilst you are still mentally capable, this is only to assist you - your decisions still lie with you.

If you do not think this is for you but you want someone else to help you with your basic finances, contact Silver Line Scotland on 0800 4 70 80 90 (8am-8pm, Monday-Friday).

3. **Welfare Power of Attorney (WPA)** enables the Attorney to make decisions about your health and welfare but only if you are unable to do this yourself. No-one can make decisions about your welfare whilst you have the ability to do this for yourself. Welfare powers can include things like deciding where you will live, medical treatment and personal care. If your Attorney needs to step in to make decisions on your behalf, you should still be given the opportunity to make your own decisions and be consulted as much as possible.

**A key distinction to make is that a Power of Attorney document is not a Will and it does not relate to matters that apply to you after you die.**

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# *What does the law say about mental capacity?*

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In Scotland, when somebody becomes incapable of managing their finances or making decisions about their welfare, the Adults with Incapacity (Scotland) Act 2000 provides protection for them. It is sometimes just called 'the Act' and it was created to safeguard people who have lost capacity or the ability to communicate, along with those who want to help them.

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The Act states that a person may not have 'mental capacity' if they are unable to act on or make decisions, communicate decisions, understand decisions or remember decisions. This covers people who have a mental disorder (such as severe dementia or a brain injury) and people who cannot communicate because of a physical disability (for example, as a result of a stroke or sensory impairment).

Mental capacity can change both in the short term and long term so someone's ability to make decisions can vary from day to day. The Act takes this into account and recognises that, for example, if somebody has been diagnosed with dementia this does not automatically mean that they have lost the ability to make decisions about their life.

It is therefore very important that an Attorney takes into account the person's "present and past feelings and wishes as far as possible" (see page 13 for further details).

The main point to take from the Act is that it gives people the opportunity to plan ahead and make sure that everything is in hand for their future, no matter what it might hold. If the unfortunate event occurs where someone can no longer make decisions for themselves, it spells out who can make those decisions and how they should go about it.

For most of us it will never have to be used, but it's good to know it's there.

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# What happens if there is no Power of Attorney in place?

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**Many people think that if they become ill or unable to make decisions for themselves then a family member (such as a partner or adult child) can act on their behalf. This is simply not true.**

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Nobody has automatic authority to make decisions about your life if you lose capacity, unless there is a Power of Attorney set up in advance. If you have not appointed an Attorney, another person would, in most cases, have to go to Court to get the authority to act on your behalf.

This process may take a long time, cost a lot and above all it can be a very stressful and emotional experience for everyone involved. Importantly, this person may not be who you would have chosen as your Attorney. They may also struggle to know what your wishes would

have been and this could lead to very different decisions being made to what you personally would have wanted.

You can avoid this by granting someone as your Attorney to make decisions on your behalf, whilst you are still capable.

Call Silver Line Scotland on 0800 4 70 80 90 (8am-8pm, Monday - Friday ) for further information and advice if you or someone you know is in this situation and Power of Attorney is no longer an option.

## Common problems if there is no Attorney in place

*Sarah's husband has been left unable to speak and is confused following a stroke.*

*They don't have joint bank accounts therefore she can't access her husband's money. She is struggling to pay the bills and their daughter's university fees.*

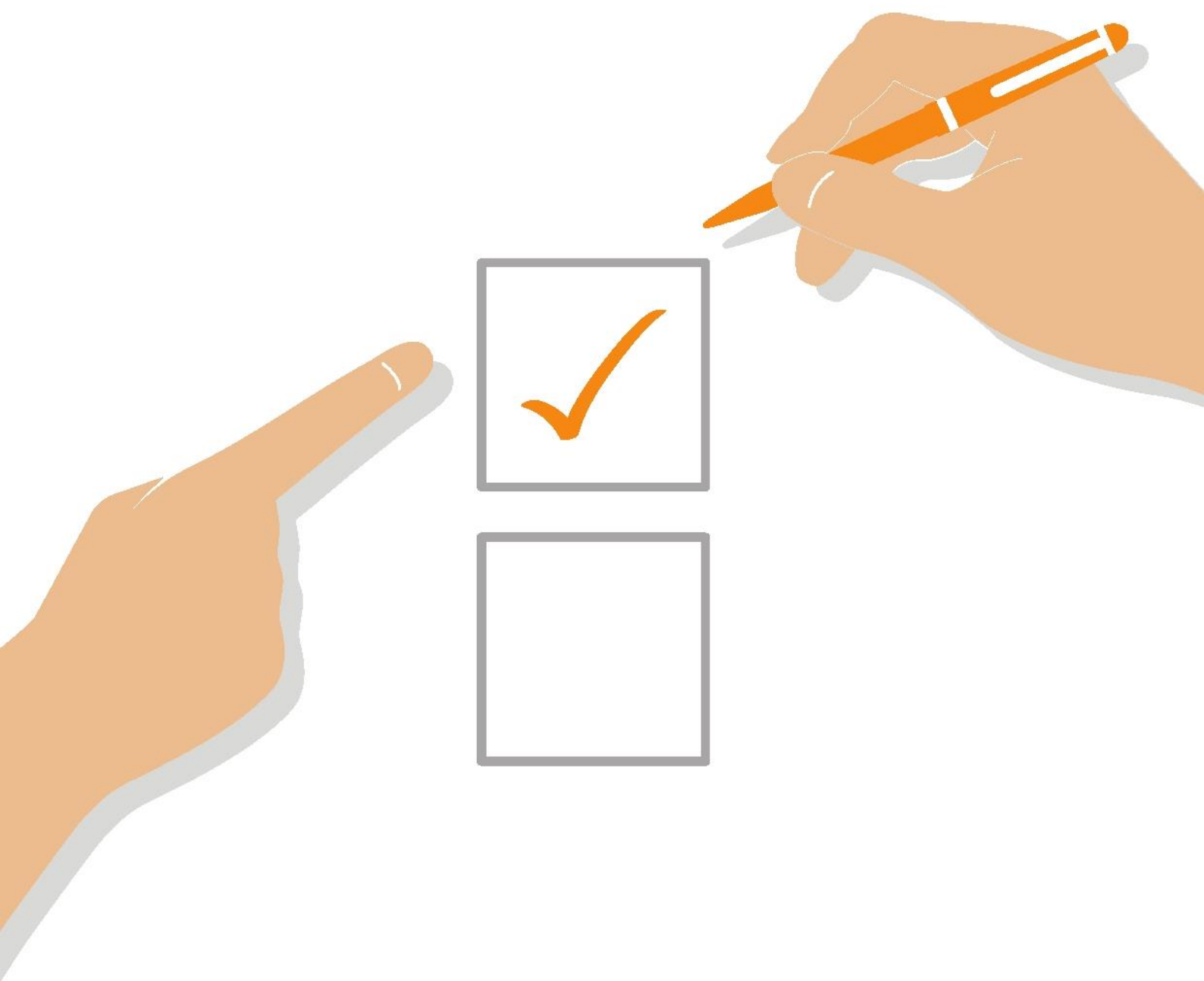
*Mary feels frustrated that she has been excluded from meetings and decisions about her sister's health and care. Her sister has been assessed as no longer having mental capacity and now resides in a care home.*

*Andrew became ill very suddenly and can no longer make decisions about his finances. His children disagree about who should go to Court in order to act on his behalf.*

*Andrew always knew that he would prefer his son to do this for him (and had let him know this), but he didn't know he had to officially state it in a POA.*

# ***Section 1***

*If you are thinking of granting  
someone Power of Attorney.*





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## Points to consider

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Planning ahead brings about a sense of relief and peace of mind. Knowing that you have discussed your wishes with someone you trust, and that they are formally written down, means that you can relax in knowing what you would choose to happen, will happen. By clearly stating this now, if decisions have to be made in the future on your behalf, you know, and other people know that the right decision is being made. This is only a possibility if a Power of Attorney is in place.

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You may be worried about how you will be cared for or where you would live if you were to become ill or unable to make decisions for yourself. In a medical emergency for instance, the hospital staff would have a duty of care towards you. They would also use the principles set out in 'the Act' to make decisions if you are not able to do this yourself. However, if your thoughts are not known by anyone else this creates a very hard situation for everyone involved at a very difficult and emotional time. If there are options available for medical treatment or the type of care you could receive, the decision made may not be what you would have wanted. As well as this, the people that healthcare professionals involve in decisions (such as close family or friends) may worry that they have made the wrong choice.

If you are considering getting a Power of Attorney drawn up, make sure you have thought carefully about what you want and who you could trust with the responsibility of

making sure your wishes are met. Whether your priorities are decisions about health and care, or housing and finances, give yourself time to reflect and think about it. The document itself should be tailored to you and it acts as your communication and instructions to your Attorney.

*Matt's partner is in hospital following a car crash. The doctor consulted him about the medical treatment available and he is struggling to know what his partner would have wanted in this situation.*

Granting a Power of Attorney shows absolute trust in the person you appoint and you should never feel pressured into taking this step. As long as you are able to make decisions for yourself you can withdraw the Power of Attorney immediately for any reason. For example, your chosen Attorney becomes ill or either of you are no longer comfortable with the agreement.

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# *Who can be appointed as your Attorney?*

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The Attorney could be a partner, husband, wife or civil partner, a solicitor, friend or relative. They have to be over 16 years old and cannot be bankrupt (or 'sequestrated'). Whoever you choose, you need to have confidence that they would act responsibly on your behalf and that they have the necessary skills to carry out the tasks. Whilst most Attorneys are family members, they don't have to be. Family members have no right to be appointed Attorneys and you should choose the person you trust most.

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## *Joint attorneys*

You can give more than one person the authority to make decisions about your life. There are two different options available to you.

1. You can choose to involve more than one person to make the same types of decisions about you, for example both your finances and welfare. When choosing the people you would like to take on this role, do consider their relationship with each other and the likelihood of them agreeing on important decisions about your life.
2. You can choose different people to make decisions about your welfare and about your finances. For instance, you may feel that a brother or sister is best suited to managing your finances, however your partner or child may be better at making decisions about your welfare.

## *Substitute attorneys*

If your Attorney chooses to (or has to) step down from their role, the Power of Attorney stops and nobody else would be automatically permitted to become your Attorney. It is a good idea to include someone else as a 'substitute' Attorney who could take on this role if your original Attorney cannot continue. This is particularly important if a couple have each other as Attorneys and one dies before the other. If a substitute is already in place then that person can automatically step in. If not, you would need to set up another POA or, if you no longer have capacity, another person would have to go to court to get legal authority to help you.

## *Other options*

If you do not have any suitable close relatives or friends who you could trust to act on your behalf, your options are limited because Power of Attorney is about putting your trust in someone who knows you well. You could choose someone you know professionally, such as a solicitor or accountant, but they will charge a fee for acting on your behalf. If you are in this position, give us a call at Silver Line Scotland on 0800 4 70 80 90 to talk about other provisions that can be put in place to plan for your future.

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# *How do I set up a Power of Attorney?*

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**The 'powers' within the Power of Attorney document should be tailored to your personal preferences. There are two different ways in which you can set up a Power of Attorney agreement. You can do this by:**

- 1. Using a solicitor**
  - 2. Writing the document yourself**
- 

## **1. Through a solicitor**

Most people use a solicitor to draw up the formal document. This is because the way in which the solicitor writes the Power of Attorney can ensure that the interests of both the person who grants it and the person who is appointed are safeguarded. In other words, they can make sure that the wishes of the Granter are met and the responsibilities of the Attorney are clear, correct and understood.

The solicitor also has to confirm that you have 'mental capacity'. If they agree that you are able to grant Power of Attorney, they will then send the document to the Office of the Public Guardian to be registered.

The solicitor can also go through with you the different scenarios that may crop up in the future to make sure that as much as possible is covered in the document.

If powers are not clearly written, common problems are:

- » When something is written that is open to interpretation. You may think that a 'power' that you want to grant is clearly written, but when it comes to reading how it is worded it may be ambiguous in some way and open to different legal or practical interpretation. This could lead to your wishes not being met.
- » The Attorney has not confirmed in writing that they have agreed to take on this role. The Office of the Public Guardian cannot accept the document if they do not have this agreement.
- » If someone tries to register a specific document such as financial (Continuing) Power of Attorney but it also mentions unrelated points (such as welfare issues), this cannot be accepted and would have to be re-written.

## 2. Do it yourself

If you choose to draw up a Power of Attorney yourself you would be required to:

- » Write the document and set out the 'powers' you want your Attorney to have.

### AND

- » Include a Certificate from a solicitor or a doctor to confirm that you have the capacity to understand the powers given and to make sure that you have not been pressured or forced into it in any way.

The Office of the Public Guardian (Scotland) website features step by step guidance for people who are looking to write their own POA. This covers how to construct the document and provides an example of what this may look like once completed. You can find the website address under 'Where can I go for advice?' at the back of this guide. You can also buy Power of Attorney guides at certain high street stationery suppliers. If you are thinking of getting one, be very wary of the type of guidance it gives as it may not be accurate for Scottish Law or take into account the issues which are important to you. If you do not get correct advice or read accurate guidance, there is a risk that the document may end up featuring powers that are unintentionally jumbled together. The different types of Power of Attorney available (see page 5) are very clear cut, therefore no financial issues should be featured in a Welfare Power of Attorney document and vice versa.

## Points that apply to both

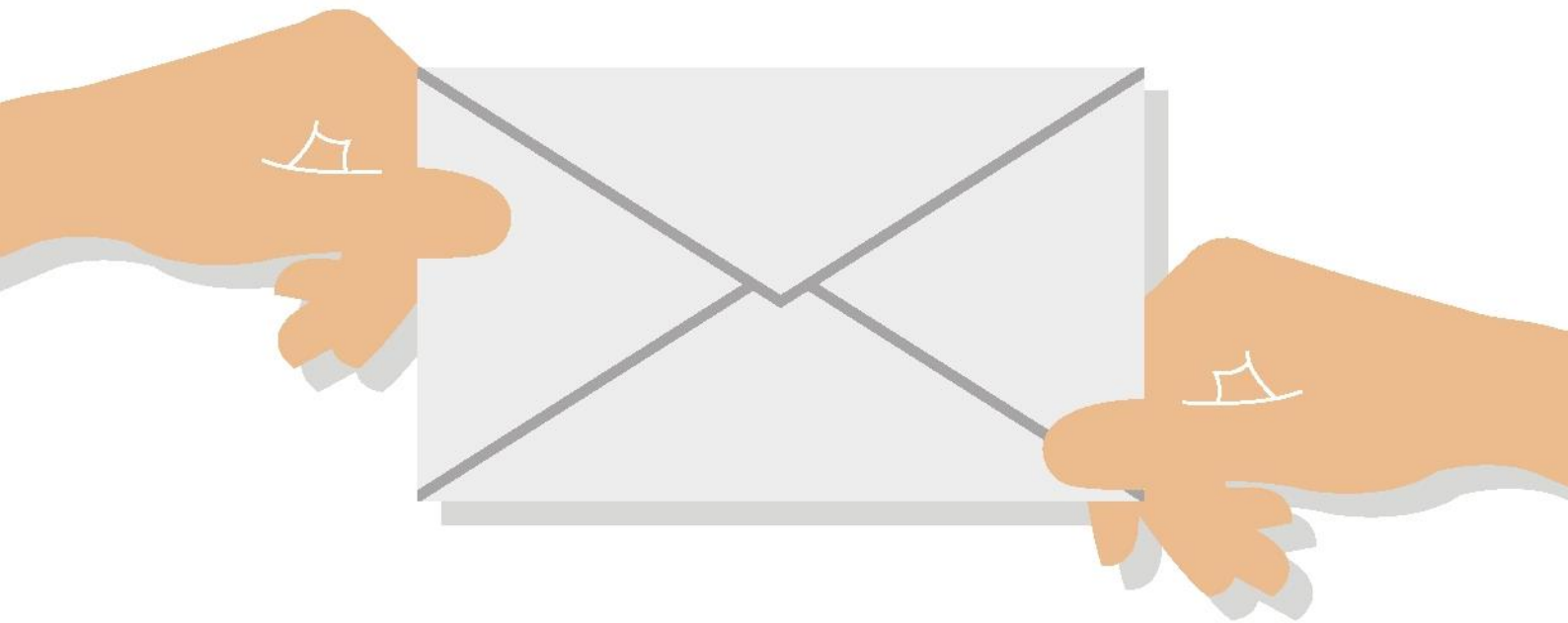
Whether you choose to write it yourself using the guidance provided by the Office of the Public Guardian (Scotland) or a solicitor's template, carefully consider which sections apply to you. The very reason why you create and sign the document is to communicate your wishes, nobody else's.

You could include your preferences for general aspects of your life such as where you should live (welfare) and how you would want your money to be spent (financial). However it can also include the more intricate details of your life, for example decisions about personal appearance and what you like to eat.

You may also want to make sure that the document takes into account your sexual orientation or incorporates cultural or religious beliefs. You can even state very specific wishes, such as items that you would like to be kept near you at all times.

## ***Section 2***

*If you are thinking  
of becoming an Attorney*



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## Points to consider

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**Becoming an Attorney is a big responsibility. It is hard to predict the types of decision you may have to make on somebody else's behalf and you need to feel completely comfortable with taking on this role.**

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Take some time to think about what the role of Attorney may involve. Carefully consider whether you would want to take this on and whether you are capable of providing the support that is needed. Managing someone's finances and/or welfare can be time consuming, stressful and may involve significant personal responsibility. You will need to ensure that you have time and patience to provide the support needed.

The position of Attorney is based on absolute trust.

It is a responsibility that you take on, not a 'right' over someone else's life. This is an important distinction to make as someone has put their trust in you to act on their behalf and to carry out their personal wishes. You have a duty of care to carry out the person's instructions as they wanted. If you feel that there could be a serious conflict of interest for you (for example you find it hard to accept the person's religious beliefs or lifestyle choices) you should not accept the position of Attorney.

This could be relevant to both Continuing (financial) and welfare matters.

Depending on the nature of the person's financial position, you may have to deal with shares, pensions, trust funds, benefit claims, care home fees, sale of property and tax, all of which can be complicated to deal with. For welfare matters, you may find yourself being asked life-changing questions to do with the person's medication or treatment amongst other aspects of their care.

These are big decisions to make and so you need to ensure you have the ability to provide the support required, or know where to find expert help for yourself. Many organisations are happy to help Attorneys make informed decisions about another person's life - see 'Where can I go for advice'.

*Jeremy has a lot of health problems and is worried that if he becomes his wife's Attorney he won't be able to carry out the tasks involved. He is going to explain this to his wife and should not agree to become her Attorney.*

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# ***Your responsibilities as an Attorney***

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**The types of responsibility that you will have as an Attorney will depend on the type of 'powers' that have been granted to you. In general terms the law covers five key principles that all Attorneys must follow.**

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**1. Any decision taken must benefit the person.**

This might seem obvious but you may be faced with quite tough decisions and you need to be sure that they all link back to making the person's life better in some way. Carry out all your actions carefully and be aware that you have a duty of care towards the Granter. You must not take advantage of your position in any way.

**2. The least restrictive option should always be taken.**

The wider picture of the consequences of a decision should always be considered and any option taken should preserve the person's privacy and independence as far as possible.

**3. The wishes of the person must be taken into account.**

Only make decisions that the Power of Attorney document gives you authority to make. You must carry out the person's instructions, respect confidentiality and keep records of the actions you have taken so you have evidence of what you did and why, in case you need it later.

If the person has not given specific instructions or mentioned a certain matter in the document (for example, selling their house) then you would need to seek legal advice.

**4. Other relevant people must be consulted before a decision is made.**

Acting as Attorney does not mean that your view is the only one that should be considered. Part of your role is to ask other people who are involved in the person's life what their view is and to take this into account. This could be the person's carer, relatives or others who are close to them.

**5. The person must be encouraged to use their own skills and develop new skills where possible.**

Consider whether the person has the ability to make particular decisions themselves and always consult them as far as possible. If someone is unable to make a decision at a particular time, you must consider whether they are likely to be able to decide later that day or at another time.



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## *If I do agree to be Attorney, what happens next?*

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When the Power of Attorney has been registered with the Office of the Public Guardian, they will send you a registered copy of the document. If you need to act as Attorney, you will have to show this to organisations which are relevant to your powers (e.g. the person's bank or GP surgery) together with proof of your identity.

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There is generally little supervision of Attorneys unless a complaint is brought or a particular investigation is made. The 'Adults with Incapacity (Scotland) Act 2000: Code of Practice for Continuing and Welfare Attorneys' covers the main responsibilities of Attorneys. It is there for you as a guide and it is very important that you follow the principles that it covers. See page 19 for more information about the 'Code of Practice'.

If you need to give up the role of Attorney for any reason, you can formally resign by contacting the Office of the Public Guardian. The role of Attorney comes to an automatic end if:

- » The Granter dies. If this happens it will be up to whoever has been appointed as Executor in the person's Will to make any decisions.
- » Either the Granter or Attorney becomes bankrupt.
- » A separation of marriage or formal partnership occurs (if either person, or both, had been an Attorney for the other).
- » Someone is appointed as a Guardian through the Court and given equivalent powers.

*Josie granted Continuing and Welfare Power of Attorney to her son a few years ago and registered it straight away with the Office of the Public Guardian (Scotland). She is still fit and well but she is glad that if anything were to happen, her son will be able to act on her behalf straight away.*



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## Prices and help with costs

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### Everyone has to pay a fee to register a Power of Attorney with the Office of the Public Guardian (OPG).

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To find out the current fee amount, contact the OPG or visit their website (see page 18).

You may be entitled to some help towards the legal fees involved in a solicitor drawing up a Power of Attorney. This is called 'legal advice and assistance' from the Scottish Legal Aid Board (SLAB).

In order to get 'legal advice and assistance' you must apply through a legal aid solicitor. This may be a solicitor working in private practice, a law centre or other advice agency, or in one of SLAB's Civil Legal Assistance Offices.

SLAB **does not** give legal advice but they do have a Legal Aid Information Line for general enquiries. They can also give information about where to find a legal aid solicitor in your area. You can reach them on 0845 122 8686, or visit their website at [www.slab.org.uk](http://www.slab.org.uk). They also have a leaflet called 'Civil legal aid - information for applicants' which is available in paper form and online.

Another option, if you are not entitled to 'legal advice and assistance', is to find out if you are eligible for a charitable grant. Call Silver Line Scotland on 0800 4 70 80 90 for advice. (8am-8pm, Monday - Friday)

If you would like to grant a professional such as a solicitor or accountant the authority to act as your Attorney, they will charge a fee for their work. For example, if a solicitor deals with a property or legal matter for you on your behalf they would charge for their time to carry this out.

Whilst friends and family will probably not charge fees, they might need professional help to deal with complicated issues. Attorneys can be entitled to money back for costs directly related to their duty as Attorney. However, this is only possible if the Granter gives them the power within the document to reimburse themselves in this way.

*Alexander is on a low income and couldn't afford the legal fees involved in getting a Power of Attorney drawn up by a solicitor. After phoning SLAB he was put in touch with a 'legal aid solicitor' and found out that he would be eligible to get the cost covered in full.*

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# Where can I go for advice?

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## **Silver Line Scotland**

Silver Line Scotland, delivered in partnership with Age Scotland, provides information, friendship and advice to older people, their relatives and carers. The helpline is open 24 hours a day, every day of the year.

Telephone: **0800 4 70 80 90**

Textphone: **0845 226 5851**

(For advice issues call between 8am and 8pm, Monday to Friday)

Telephone interpretation is also available.

[www.agescotland.org.uk/silverlinescotland](http://www.agescotland.org.uk/silverlinescotland)

## **The Office of the Public Guardian (Scotland)**

The Office of the Public Guardian in Scotland has a general function to supervise those individuals who have been appointed to manage the financial or property affairs of adults who lack the capacity to do so for themselves. The office is based in Falkirk and covers the whole of Scotland. Every Continuing and Welfare Power of Attorney document has to be registered with them.

Tel: **01324 678 300**

[www.publicguardian-scotland.gov.uk](http://www.publicguardian-scotland.gov.uk)

## **Alzheimer Scotland - Action on Dementia**

Alzheimer Scotland is the leading dementia organisation in Scotland. They campaign for the rights of people with dementia and their families and provide an extensive range of innovative and personalised support services.

Tel: **0131 243 1453**

Scottish 24 hour Dementia Helpline:  
**0808 808 3000**

[www.alzscot.org](http://www.alzscot.org)

## **Anticipatory Care Planning**

Anticipatory care encourages people to make positive choices about their care before their condition deteriorates. This can relate to what someone can do themselves, who they would want to seek support from, or what they would choose in the event of care service issues. To find out more, visit the Scottish Government website at **[www.scotland.gov.uk](http://www.scotland.gov.uk)** then type the

following in the search bar at the top of the page - "Anticipatory Care Planning: Frequently Asked Questions". If you are a carer and thinking of becoming an Attorney for the person you care for, specialist charities can offer you support.

## **Carers Scotland**

Carers Scotland offers general help and advice for all carers through its free Carers Line helpline. They are part of Carers UK.

Carers Line: **0808 808 7777**

[www.carersuk.org/scotland](http://www.carersuk.org/scotland)

## **Carers Trust Scotland**

Carers Trust Scotland (formerly the Princess Royal Trust for Carers) is the largest provider of comprehensive carer support services in Scotland. To find your nearest carers centre, please contact us or visit the website.

Tel: **0300 123 2008**

[www.carers.org/scotland](http://www.carers.org/scotland)

## **Your local Citizens Advice Bureau (CAB)**

Your local Citizens Advice Bureau provides independent information and advice. If you are an Attorney and want to speak to someone face to face about a particular part of your role (such as benefit application forms), your local CAB is a good source of advice. You can find your nearest CAB by calling Citizens Advice Direct (below) or visit the Citizens Advice Scotland website and enter your post code.

Tel: **0808 800 9060**

[www.cas.org.uk/bureaux](http://www.cas.org.uk/bureaux)

## **Disability Rights UK**

Disability Rights UK is led, run and controlled by disabled people. Disability Rights UK focuses on promoting meaningful independent living for disabled people.

Tel: **020 725 03222**

[www.disabilityrightsuk.org](http://www.disabilityrightsuk.org)

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### **Law Society of Scotland**

The Law Society of Scotland is the professional body for Scottish solicitors. They regulate and represent all solicitors in Scotland and can provide details of local solicitors.

Tel: **0131 226 7411**

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

### **Mental Welfare Commission for Scotland**

The commission aims to ensure that care, treatment and support are lawful and promote the welfare and rights of individuals with mental illness, learning disability and related conditions.

Tel: **0131 313 8777**

Free advice line: **0800 389 6809**

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

### **Money Advice Service**

The Money Advice Service helps people manage their money directly through their own free and impartial advice service. They also work in partnership with other organisations to help people make the most of their money. They are an independent service, set up by government. If you are a financial (Continuing) Attorney you can phone them on the Granter's behalf.

Tel: **0300 500 5000**

[www.moneyadvice.service.org.uk](http://www.moneyadvice.service.org.uk)

### **Scottish Consortium of Learning Disability (SCLD)**

SCLD is a consortium of partner organisations who work together to encourage best practice in the support of people with learning disabilities through training, information, research and public education.

Tel: **0141 559 5720**

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

### **Scottish Legal Aid Board (SLAB)**

The Scottish Legal Aid Board is responsible for managing legal aid in Scotland. Legal aid allows people who would otherwise not be able to afford it, to get help for their legal problems. 'Advice

and assistance' is part of this and it is worthwhile getting in touch to see if you qualify for help towards the legal fees associated with getting a solicitor to draw up your Power of Attorney.

Tel: **0131 226 7061** (open Monday to Friday 8.30am to 5pm)

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

### **Social Work Department at your local authority.**

Check your local telephone directory or council's website. Alternatively, *call Silver Line Scotland*.

### **Solicitors for the Elderly (SFE)**

SFE is an independent, national organisation of lawyers such as solicitors, barristers, and legal executives who provide specialist legal advice for older and vulnerable people, their families and carers.

Tel: **0844 567 6173**

[www.solicitorsfortheelderly.com](http://www.solicitorsfortheelderly.com)

### **Solicitors for Older People Scotland (SOPS)**

SOPS is a group of Scottish Law firms that have particular experience and interest in older people's issues. They are dedicated to providing legal services to older people in a caring and sensitive way and are regulated by the Law Society for Scotland. They also work in partnership with Age Scotland.

Tel: **0800 152 2037**

[www.solicitorsforolderpeoplescotland.co.uk](http://www.solicitorsforolderpeoplescotland.co.uk)

### **Tax Help for Older People**

Tax Help for Older People is a charity service from 'Tax Volunteers' that provides free, independent and expert advice and help for older people on lower incomes - (£20,000 gross per annum or less.) This is a useful organisation for financial (Continuing) Attorneys to get some help and advice when dealing with tax matters for another person.

Tel: **0845 6013321**

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

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## Where to find out more...

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As Power of Attorney is a legal document, lots of guidance is available in Scotland that covers the more technical aspects to think about.

Here

are some examples of where you can go for further information. If you don't have internet access, call Silver Line Scotland and we can print off the relevant part for you.

### **Code of Practice for Welfare and Continuing Attorneys**

To see the full version of the Code of Practice go to the Scottish Government website at [www.scotland.gov.uk](http://www.scotland.gov.uk) and type 'POA Code of Practice' into the 'search' bar at the top right of the screen. It should be the first option on the list. Chapter 2 'Creating a Power of Attorney' is particularly useful for someone who is thinking of granting this as it takes you through a list of the types of 'powers' you may want to include in the document amongst other key points to think about.

Annex 1 'A guide to communicating with the persons with impaired capacity' is also a very useful source for Attorneys and can really help with day to day communication.

### **The Adults with Incapacity (Scotland) Act 2000**

The Act can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk). Once you reach the home page, type in 'Adults with Incapacity Scotland' in the 'Search for legislation' search bar and again it should be the first option on the list. This sets out the Act in its fullest form.

A booklet is also available called 'Adults with Incapacity (Scotland) Act 2000: A short guide to the Act' which covers all the key points in general terms. This can be found by typing in the title to a search engine and it should be the first result.

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