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Power of Attorney – It’s for people like you

No one wants to be left in limbo should the worst happen, finding themselves suddenly incapacitated - struck down by Covid-19 or other serious illness or accident.

Whether brought about by the pandemic, a dementia diagnosis, mental health issue, traffic accident or injury at work, distressed families, friends and partners frequently discover – to their dismay – that they have no automatic legal rights to direct the medical welfare or financial affairs of a loved one who can no longer make these decisions for themselves. In such cases, a court-appointed Guardian generally steps in to oversee their welfare.

Yet it needn’t be this way. Contrary to urban myth, the only officially recognised way to ensure that a trusted family member or friend is legally empowered to oversee their loved one’s affairs is to have a Power of Attorney (PoA) registered with the [Office of the Public Guardian \(Scotland\)](#) ahead of time. Anyone aged over 16 years can grant a Power of Attorney, either solely addressing their welfare or financial affairs or combining both in a single document.

This is such a crucial issue, potentially affecting millions of Scots, that Scotland’s health and social care partnerships have come together to actively support and spread the word about [Power of Attorney Day 2021](#) which will take place on 30 September, spearheaded by [Health and Social Care Scotland](#). Multiple partners from the public, private and voluntary sector are on board, including the [Office of the Public Guardian \(Scotland\)](#), [Scottish Legal Aid Board](#), the [Law Society of Scotland](#) and [Alzheimer Scotland](#) with support from carers’ networks and advocacy groups Scotland-wide.

Social Care Minister Kevin Stewart said: “Every adult should appoint an Attorney, they are not just for older people. If for some reason you become unable to make decisions about your health and care, the only way to be sure that a trusted friend or relative can act on your behalf is to have a Power of Attorney.

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“If the worst should happen and any of us become incapacitated, PoA is a sensible insurance policy to ensure someone you have chosen can help look after your interests. This could be about your health and care, but also covers any property or financial affairs.

“Anybody worried about the cost may be entitled to financial assistance. I encourage everybody over 16 to look into appointing an Attorney.”

Judith Proctor, chair of the chief officers’ group, Health and Social Care Scotland said: “Care professionals across Scotland will be supporting Power of Attorney Day by raising awareness of the many benefits of registering a Power of Attorney. Perhaps surprisingly, only around 80,000 Scots – less than 1.5% of the Scottish population - have registered a PoA each year between 2018 and 2021.

“To raise awareness, Power of Attorney Day 2021 will highlight the practical benefits of granting PoA while busting a few myths and commonly held misunderstandings, such as Power of Attorney isn’t just for the elderly or infirm. It’s for people like you.

“Power of Attorney does not mean giving away your power or legal rights nor does it replace your will. It’s more akin to the insurance policies we may have for our homes and cars, so why not this straightforward document to safeguard your own wishes during your lifetime? With PoA in place, a trusted family member or friend can carry out your instructions should you lose the ability to make your own decisions.”

Fiona Brown, Office of the Public Guardian (Scotland) said: “The Office of the Public Guardian is responsible for registering Powers of Attorney, and since 2001 has registered in the region of 675,000 deeds. This equates to around 14% of the adult population of Scotland, so as a nation we have some work to do to ensure as many adults as possible prepare and register their Power of Attorney deed.

“There are a few misapprehensions around the need for a Power of Attorney, which are being addressed by this campaign, but if I had a plea to the adult population of Scotland, it would be to please prepare your deed and have it registered by us. We all need one regardless of our age, health, wealth, or relationship status.

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“You never know when your physical or mental health could change as a result of accident or illness, so to ensure you are the one who decides who should look after your affairs if you cannot, and to reduce the burden and stress on your family at that time, please appoint a legal proxy by organising and registering your Power of Attorney.”

Kirsteen Watson, Assistant Manager of Civil Legal Services at the Scottish Legal Aid Board, said:

“Anyone with a weekly disposable income of up to £245 could be eligible for advice and assistance to have a solicitor prepare a Power of Attorney on their behalf.

“Our website has an online calculator to help find out whether you may qualify for advice and assistance. We also have a listing of solicitors you can search to see if there is one who can act for you locally, and some may offer online consultations during these pandemic-restricted times.”

Both medical professionals and solicitors are legally empowered to authorise Power of Attorney.

More details from www.mypowerofattorney.org.uk, and social channels @StartTalkingPoA – hashtags #PoA21 and #PoADay21 (Twitter), and StartTalkingPoA (Facebook). All campaign videos and TV advertising created by award-winning Glasgow agency [Enterprise Screen](#).

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