



Power of Attorney – How one support group for unpaid carers provides help

VOCAL (Voice of Carers Across Lothian) is a Scottish charity, based in Edinburgh and Midlothian, that provides support to unpaid carers through individual support, information, training and access to services. They support carers ‘whether defined by kinship, partnership, friendship, affection or obligation’.

The [VOCAL](#) team has extensive expertise in helping carers secure Power of Attorney on behalf of those who wish this to be arranged or for whom it is needed – whether this follows a recent diagnosis of illness such as dementia or cancer, or perhaps involves a parent wishing to empower their children should they as parents become incapacitated in future and unable to make decisions for themselves.

Peter Horn is an experienced Carer Support Practitioner with VOCAL and is frequently the first point of contact for friends and family members seeking help in drawing up Power of Attorney. VOCAL often receives referrals from area hospitals, GPs and psychiatrists.

Peter explains just a few of the situations where it is important that Power of Attorney is authorised: “In the past, we’ve been contacted after a diagnosis of Alzheimer’s or dementia, where the illness has taken hold and progressed to the point where the person will likely become unable to make decisions for themselves.

“We try to provide as much support as possible. Often the friend, carer or family member contacting us is reeling from the shock of discovering that they have no automatic legal rights to direct the welfare or financial affairs of their loved one.

“Many people believe, mistakenly, that they automatically have rights for their partner or next of kin. However, only when Power of Attorney has been granted and registered with the Office of the Public Guardian (Scotland) is this the case. Being a named executor of a person’s will doesn’t confer these rights either because Power of Attorney is a living document that holds sway during the person’s lifetime and no longer applies should they pass away.

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“Power of Attorney is for people of all ages since it ensures that your instructions governing your personal welfare or financial affairs, or both, are followed through by a named ‘Attorney’ or ‘Attorneys’ – those individuals whom you trust and have nominated to carry out your wishes in the event that you become incapacitated. We often suggest appointing more than one ‘Attorney’”.

The VOCAL team offers insight into other situations that can require Power for Attorney. For example, the family of a young person who has suffered a head injury in a car or motorbike accident or traumatic accident at work, or the parent of an adult with autism. The team also assists in fast-tracking developments for patients in palliative care for whom an expedited Power of Attorney has become critical. In many of these cases, discussions have never taken place regarding the type of care the person might want or whom they would wish to act on their behalf.

Though many Powers of Attorney are drawn up by solicitors, medical practitioners are also legally empowered to authorise Power of Attorney.

The team at VOCAL has a specialist volunteer - with extensive expertise in helping next of kin secure Power of Attorney - who can offer a phone or in-person consultation service free of charge to some carers, drawing on VOCAL’s portfolio of proprietary Power of Attorney guidance documents. They can also involve family doctors or GPs who are empowered to legally authorise Power of Attorney and generally charge a fee for this service.

The services of VOCAL’s specialist volunteer can be retained on a paid-for basis should circumstances dictate a fast-tracked Power of Attorney as the preferred option. For example, for patients in end-of-life palliative care who need the process to be expedited as a matter of urgency. In such cases, VOCAL’s volunteer will make in-person visits to reaffirm that the person commissioning the Power of Attorney has capacity to do so, that their wishes and instructions are captured accurately, and that their nominated Attorneys are accurately recorded within the document.

All Powers of Attorney must then be registered with the Office of the Public Guardian (Scotland) for which a fee of £81 applies, though this charge can be waived for certain groups on low or modest incomes or in receipt of some forms of benefit.

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Peter continues: “As a charity, we’re more than happy to provide multi-layered support to unpaid carers in Edinburgh and Midlothian. And we’ve never been so busy due to our number of referrals steadily climbing. Perhaps it was the lockdown affecting people’s mental health or focusing minds that any one of us could become incapacitated whether by Covid-19 or some unforeseen accident at work or on the roads.

“We feel it’s important to stress that Power of Attorney isn’t just for older people – and it doesn’t need to be a difficult or expensive process. Preparing your Power of Attorney, ahead of time, reflects good advance planning because it ensures that your wishes and instructions will be respected should something untoward take place and you can’t make these decisions for yourself. You can choose to authorise Power of Attorney purely for your welfare, or your finances, or both. Power of Attorney is a living document that relates to your lifetime, and only comes into force should something happen to you.”

Peter and the team at VOCAL counsel taking time to decide carefully who to choose as your ‘Attorney’ and, ideally, choose more than one ‘Attorney’ and not simply nominate your partner.

More details from www.mypowerofattorney.org.uk, and social channels @StartTalkingPoA (Twitter) and StartTalkingPoA (Facebook).

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