



## **Power of Attorney – When the professional becomes personal**

From time to time, our personal and professional lives can become unexpectedly and closely entwined as became the case for Sally Wilson, Integration Improvement Manager for Angus Health and Social Care Partnership.

Sally had become aware of the importance of carers and family members being granted Power of Attorney through her professional life, specifically her involvement with anticipatory care planning.

She explains how Power of Attorney crossed over to become a pressing personal issue for her family: “With my father having already passed away, my mother was living on her own in the home they had shared.

“After a number of falls within the home, I observed that my mother’s Parkinson’s condition and early dementia was clearly deteriorating such that she would have limited time to continue living by herself without having to call on 24-hour care. My professional life had already uncovered the surprising fact to many that next of kin have no automatic legal rights over a loved one’s welfare or financial affairs. No one likes to have these difficult conversations, however I spoke with my sister and we agreed that we needed to talk to our mother to find out what she needed and wanted with regard to her health, welfare and financial affairs.”

Already conscious of the increasing changes affecting her health, and with absolute trust in her daughters, Sally’s mother confirmed that authorising a Power of Attorney was the correct course of action and that the family solicitor should become involved to begin the process as soon as possible.

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Since these events took place pre covid, two in-person consultations with the family lawyer followed to ascertain that Sally's mother possessed sufficient capacity and was therefore making an informed decision to authorise a Power of Attorney for her two daughters, as doing so would grant them legal rights to manage her welfare and finances in the event that she should become unable to make such decisions for herself.

Sally stresses the importance of as many people as possible understanding that they do not, in fact, have any legal rights to oversee their next of kin's care or finances in similar situations. Nor does being an executor of their will confer these rights, as many have mistakenly understood. Power of Attorney is a living document that ensures the person's instructions are carried out during their lifetime whereas a will comes into force only after the person has died.

Sally continues: "Securing Power of Attorney for my mother was a really simple process which gave us all peace of mind that her wishes and assets would be managed exactly in the way she wanted, even when she could no longer do this for herself. Ultimately, this came about more swiftly than we had imagined making the transition into a care home less distressing since it was fully in line with her wishes.

"With hindsight, part of me wishes that we had had the conversation earlier, with both my parents, even though no one likes to broach this challenging topic since it means facing up to our own mortality. That said, the experience with my mother has led my husband and I to commission our own Powers of Attorney. We have confidence that our children know our wishes regarding future care and finances and will be empowered to carry these out if required.

"It's so important that people understand that next of kin have no legal rights when their loved one cannot make decisions for themselves. It's never too early to make these plans and arrange for Power of Attorney. It's not enough to have made a will. Arranging for Power for Attorney is easier than you might think and allows for peace of mind."

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