

A Power of Attorney (PoA) is not a Will

It does not relate to what happens after you die. After your death the executor named in your will is responsible for sorting out your estate, but the will doesn't give them any rights or responsibilities while you are alive.

For more Information on Power of Attorney

Office of the Public Guardian in Scotland

Website: www.publicguardian-scotland.gov.uk

Email: opg@scotcourts.gov.uk

Telephone: 01324 678300

East Dunbartonshire Citizens

Advice Bureau (CAB)



Website: <https://edcab.org/>

Email: bureau@eastdunbartoncab.casonline.org.uk

Telephone: 0141 775 3220

CEARTAS Advocacy



Website: <https://www.ceartas.org.uk>

Email: info@ceartas

Telephone: 0141 775 0433



*Fees for PoA vary, please see the Office of Public Guardian (OPG) website for all PoA registration fees.

- Please contact CAB or Ceartas for independent advice.

Contact us

Kirkintilloch Health and Care Centre

10 Saramago Street

Kirkintilloch

G66 3BF

EDPSUC@ggc.scot.nhs.uk



A Guide to Power of Attorney (PoA)

Important Information for East Dunbartonshire residents



Created by the East Dunbartonshire Public, Service User and Carer (PSUC) group

What is Power of Attorney (PoA)

You will make decisions every day about your life and your future; small decisions such as what to wear or eat, and bigger decisions about things like money, your family and your home. But what happens if you do not have the capacity to make decisions?

A PoA is a written document that lets you give legal authority to other people i.e. your attorney(s), to make decisions on your behalf. The PoA lists all of the specific individual powers you wish your attorneys to have.

Are there different three types of PoA?*

You can have a:

- Continuing PoA – for decisions to be made about your property and financial affairs
- Welfare PoA –for decisions to be made about your health and welfare matters, and;
- Combined PoA – gives continuing and welfare powers.

Why should You have a Power of Attorney?

Having a Power of Attorney (PoA) can give you peace of mind, as you know you will have the support of someone you trust if you are unable to make decisions for yourself.

- Your attorney will have the information they need to make those decisions with confidence.
- If you don't set up a Power of Attorney and you lose the ability to make decisions for yourself, the person who makes decisions on your behalf may not be the person you would have chosen.
- Your next-of-kin, family or other people close to you do not have the legal right to make decisions for you if you lose the ability to do so yourself.

In a medical emergency hospital staff will try to involve you in decisions about your treatment options. This may not be possible if you are unable to communicate your wishes and you don't have an attorney.

Who Could be Your Attorney?

Your attorney should be someone you trust, someone who knows what your wishes and feelings are. It's important you have the same understanding about how and when your PoA is to be used.

You can appoint anyone as your attorney such as:

- a relative, a friend, a solicitor or a spouse or partner.

Attorneys must be over the age of 16 and if you give continuing powers they must not be bankrupt.

- There is no limit to the amount of attorneys you can have. It's worth thinking about appointing more than 1 just in case something should happen.
- Attorneys must confirm that they are willing to act on your behalf.

When should your PoA to begin?

For a continuing PoA this could be as soon as the PoA is registered with the Office of Public Guardian. Welfare PoAs only begin if you become incapable of making decisions about your own welfare.