

Community Care and Dementia Learning System Event

Increasing knowledge to improve the uptake of Power of Attorney (POA) Flash Report

13 December 2022

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🐦 @focusondementia

Thank you for joining the Increasing knowledge to improve the uptake of Power of Attorney (POA) webinar via MS Teams Live

We were delighted to have 355 attendees from health, social care and the third sector join us from across Scotland for our lunchtime webinar on Tuesday 13 December. The aim of the webinar, chaired by Michelle Miller, Community Care and Dementia Portfolio Lead, Healthcare Improvement Scotland, was to share practical advice with practitioners to help better understand and support uptake of POA.

The webinar featured Jill Carson, Consultant Public Policy, Alzheimer Scotland who talked about what a POA covers, the implications of not having POA in place and key legal decisions, specifically [Bournewood 2004](#) and [Cheshire West 2014](#).

Jill also shared information on the My Power of Attorney campaign. The campaign was responsible for 276 of the 1,165 registrations in Glasgow City in the first quarter of 2015. The campaign states that if all 276 lost capacity and were admitted to hospital, the savings made by avoiding delayed discharge would be in excess of £7m – quite a sobering thought!

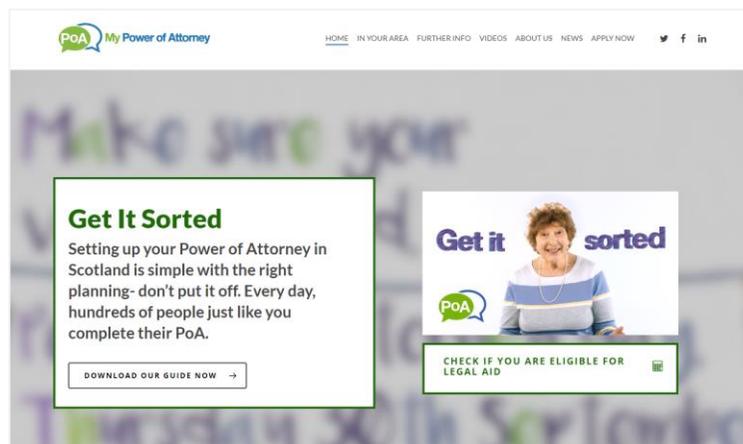
You can find out more and access helpful videos on the [mypowerofattorney website](#).

Jim Brown, Development Worker, Carers of West Lothian (CoWL) presented on the collaboration between CoWL and the West Lothian Dementia Post-diagnostic Support (PDS) Services. To date, West Lothian Dementia PDS Services has referred 150 people to the Carers Centre for ongoing support and to instigate discussions around POA. The support offered to carers to manage their role can mean the difference between a hospital admission or the person being managed at home.

Jim advises the use of local Carers Centres, they are there to help and some will already have the ability to help with POA appointments.

Following the presentations there was a moderated Q&A discussion involving Jill, Jim and Dr Vivek Pattan, Consultant Psychiatrist, NHS Forth Valley. We will be recording a session in early 2023 with Jill, Jim and Vivek to answer the questions posed that we were unable to cover due to time. This will be available on our website and the link circulated to all those who registered for the POA webinar.

The webinar recording is available on our [Learning System webpage](#) alongside other useful resources.





Feedback

Thank you to those who have completed our evaluation form, we had 63 responses and some very positive comments which included . . .

'interesting speakers'

'Great, informative presentations'

'Good to see the partnership working happening in Lothian'

'Engaging presenters, interesting topic'

'clear explanations of what POA involves'

'Being able to ask questions during the webinar was helpful'

Community Care and Dementia learning system future webinars

Frailty Improvement Programme
7 steps to polypharmacy
Tuesday 31 January 2023
13:00 - 14:00

Email his.frailty@nhs.scot for more information.

Frailty Improvement Programme
Frailty journey in Orkney
Tuesday 28 February 2023
13:00 - 14:00

Email his.frailty@nhs.scot for more information.

Focus on Dementia
Supporting people with an learning disability and advanced dementia moving into a care home
Wednesday 8 March 2023
14:00 - 15:30

Email his.focusondementia@nhs.scot for more information.

Join our network to receive our quarterly newsletter and stay up to date with our programmes of work, events, resources and news. Email us at: his.focusondementia@nhs.scot



What is a Power of Attorney (PoA)?

You make decisions every day about your life and your future: small decisions such as what meals to eat or how to dress and bigger decisions about things like money, your family, and your home. You make judgements about what is right for you. The law says that everyone over 16 years old in Scotland has the legal capacity to make decisions, unless a legal decision is made that this is not the case. A Power of Attorney is a legal document that allows someone to make decisions on your behalf when you no longer have the mental capacity to make an informed choice. The person who gives someone else the powers to make decisions on their behalf is called 'the grantor' and the person who is given the powers is called 'the attorney'.



Why should I have a Power of Attorney?

Having a Power of Attorney can give you peace of mind, as you know you will have the support of someone you trust if you are unable to make important decisions about the things that matter for yourself. Your attorney will have the information they need to make those decisions with confidence. **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.**

If you don't set up a Power of Attorney, either by a solicitor or making your own PoA, 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. They may not even know you. 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.

By granting a Power of Attorney to a person you trust, for example, a family member or friend you are keeping control of making decisions about your welfare within your family or friendship group, instead of these decisions being made by the local authority on your behalf in situations where a decision needs to be made.

You can have a Power of Attorney for financial and/or welfare matters, and you can nominate more than one person as your Attorney.



How much does it cost?

There is a financial cost attached to a PoA drawn up by a solicitor, and this will vary depending on the solicitor you use. It is worth considering if you need to make or change your Will, as circumstances can change, you may ask your solicitor to draw up your Power of Attorney at the same time.

- There is also a cost of to register your PoA with the Office of the Public Guardian (OPG). At the time of publication, this is around £83, but costs can change, so please check with the [OPG website](https://www.opg.gov.uk) for the most up to date information or call [01324678300](tel:01324678300).



Help with legal fees

Legal assistance may be available if you are on a low income. Depending on your benefits, earnings and savings, you may be entitled to legal assistance, to help with the legal fees for drawing up a Power of Attorney. Legal assistance is means tested, based on the income and capital of the grantor, not the attorney.



What to do next

There are options depending on what you would prefer...

- You can contact a solicitor through the [Law Society of Scotland](https://www.lawscotland.org.uk). Call [0131 226 7411](tel:01312267411).
- You can call [0800 028 1456](tel:08000281456) for the [Scottish Citizens Advice Helpline](https://www.scottishcitizensadvice.org.uk) to speak with an adviser at your local Citizens Advice Bureau. Or, if you have a community law centre in your area you can find out how to contact a [Scottish Law Centre](https://www.scottishlawcentres.org.uk).
- You can complete your own PoA but you will still need a solicitor or GP to undertake a capacity assessment and this has a cost attached. There is also a charge to register the POA with the Office of Public Guardian (OPG). Visit the [OPG website](https://www.opg.gov.uk) or call [01324678300](tel:01324678300).