

## SAFEGUARDING YOUR FUTURE: POWERS OF ATTORNEY

### WE SPECIALISE IN HELPING YOU AND YOUR FAMILY WITH:

- Drafting Powers of Attorney to safeguard your future against loss of ability to make financial and welfare decisions
- Helping your elderly relatives to put their own affairs in order while they're still able to do so
- Supporting vulnerable individuals and using the options available under the Adults with Incapacity (Scotland) Act 2000
- Managing the transition to adulthood of children with additional needs
- Securing financial and welfare Guardianship for adults who are incapable of granting Powers of Attorney
- Preparing 'Living Wills'

### PROTECTING YOURSELF AGAINST THE UNEXPECTED

It may be unpleasant to think that you might one day be incapable of making your own financial or welfare decisions, but who can honestly say that they do not know someone in that position?

Much time, money and anxiety can be saved by granting a Power of Attorney, which would authorise someone you trust - typically family, friends or professionals - to act on your behalf if you later wanted or needed help managing your affairs. You can even give different powers to different people, so that particular decisions would always be made by the most appropriate person.

### HOW DO POWERS OF ATTORNEY WORK?

A 'Continuing' Power of Attorney allows you to appoint someone to deal with the financial side of your life - bank accounts, investments, property etc. A 'Welfare' Power of Attorney enables an appointed person to make personal decisions, such as care and accommodation arrangements, and consenting to medical or dental treatment.

It's important to stress that granting a Power of Attorney doesn't mean giving up the right to make your own decisions. You're simply making sure that people you trust could assist you if that becomes necessary in the future.

It's also worth bearing in mind that, in the absence of a Welfare Power of Attorney, the right to decide where incapable individuals live and what care they receive rests by default with their local Social Work Department, rather than with nominated relatives or friends who know them well.

### WHEN SHOULD YOU GRANT A POWER OF ATTORNEY?

It's wrong to think that Powers of Attorney are just for older people. Regardless of age, capacity can be lost either unexpectedly – due to an accident or sudden illness – or as a predictable consequence of an existing medical condition. We encourage every client over 16 to consider signing a Power of Attorney, even though they might never need to be used.

## WHAT IF YOU DON'T BOTHER?

Without a crystal ball, it is impossible to say, but if you do lose the ability to make your own decisions in the future, a 'Guardian' - a bit like a court-appointed Attorney – may need to step in. Guardianship applications can cost thousands of pounds and take months to complete, during which time your assets could be effectively frozen and unavailable to meet bills and other liabilities. There's also no guarantee that the person appointed by the court would have been your preferred choice. Granting a Power of Attorney is the simplest way to avoid these risks.

## A HELPING HAND

At Gillespie Macandrew, we have extensive experience helping families safeguard their future against loss of ability to make financial and welfare decisions. Clients entrust us with the legal aspects of their most personal issues and we help them to achieve the best possible outcome. Our service is shaped by the law - but also by the care we take to understand the individual needs of each person.

If you'd like to discuss putting a Continuing and/or Welfare Power of Attorney in place, please contact a member of our Private Client team at one of the following offices:

Edinburgh - 0131 225 1677

Perth - 01738 231 000

This note is for general information only. Advice can only be given after a detailed consideration of the particular circumstances. Accordingly, you should not take any decision or action in reliance on this note.

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