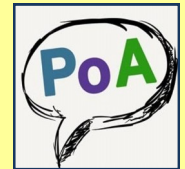


# Let's Talk About Power of Attorney



## A guide for Older People living in Midlothian

Why do I  
need one?

What is it?



What will  
it cost me?

Who can help  
me make one?



This guide has been prepared by the Midlothian Financial Inclusion Network for our Power of Attorney Awareness Month during November 2016

### Midlothian Power of Attorney Awareness Month

During November 2016 we are encouraging older people to plan ahead for their future decision making and **start a conversation** about Power of Attorney (PoA) with family members, friends or other trusted persons.

Further information is available during November by phone: **0131 663 9471** or email [mfin.penny@outlook.com](mailto:mfin.penny@outlook.com)

**Keep hold of this guide as it provides helpful information on PoA**

This guide was produced by MFIN with funding from Midlothian Council and the Robertson Trust



**VOCAL offers carers free monthly appointments with an independent advisor, to support them to write and register a Power of Attorney document.**

**To book an appointment, please get in touch:**

Telephone: 0131 663 6869

Email: [midlothian@vocal.org.uk](mailto:midlothian@vocal.org.uk)

This free service should replace the need to visit a solicitor, however if you qualify for Legal Aid this can also cover the Registration and Doctors fees so using a solicitor may be a better option for you.

**VOCAL Carer Centre**  
Hardengreen Estate  
30/1 Dalhousie Road  
Dalkeith EH22 3NX



## Power of Attorney (PoA): Your Questions Answered

### What is Power of Attorney (PoA)?

A Continuing (financial) and/or Welfare Power of Attorney is a written document giving someone else authority to take actions or make decisions on your behalf.

### Why might I need one?

If you become incapable of managing your financial affairs or making decisions for yourself it will give authority to your Attorney to take actions or make decisions on your behalf. Without PoA no one has the automatic right to take actions on your behalf - not even your partner or next of kin.

### What do you mean by incapacity?

Your capacity may be impaired gradually or suddenly as a result of an accident or illness. If you ask a solicitor to write a PoA for you they will be able to say whether you have capacity otherwise a medical doctor will be able to assess your capacity.

### Who can I appoint as my Attorney?

You can appoint anyone over 16 unless they have been declared bankrupt. This could be a family member or friend, a solicitor or accountant.

### Can I appoint more than one person?

It's usually a good idea to appoint more than one Attorney. You can appoint someone to deal with your financial affairs and someone different to deal with your welfare.

### Can PoA be used straight away?

The welfare part of PoA doesn't come into effect until you have lost capacity, but the financial part can come into operation as soon as it has been registered with the Office of the Public Guardian. Your bank will need to see and process the PoA document before your Attorney can access or get information for your account.

### Is PoA just for older people?

No, anyone over 16 who is capable can make a PoA. Nobody likes to think they may be unable to look after themselves but an accident or illness can happen to anyone.

### What if I change my mind?

If you still have capacity you can withdraw or change the details on your PoA.

### If I have a will do I still need a PoA?

Yes, a PoA is about helping to look after your affairs while you are alive, whereas a will gives your instructions about what you want to happen after you die.

### I haven't got much just my pension do I still need a PoA?

Yes, you may still need someone to help you pay your bills. It can also let you plan who should decide personal welfare issues for you.

### How or where do I get a PoA?

A solicitor should be able to assist you to draft a PoA and provide legal advice, although it is not essential to use a solicitor (see next page for more details).

## Getting Legal Advice and Assistance

### How much will it cost me to set up a power of Attorney?

Solicitor fees for Power of Attorney are usually between £200 – £300 exclusive of VAT. There is often a discount available for couples if you are both granting a Power of Attorney. In addition to legal fees there is a £74 Registration Fee. In some circumstances a medical report may also be required and this usually costs between £50-150. Always ask about fees and charges before arranging an appointment.

### Do I qualify for help with the legal costs of a Power of Attorney?

Many older people qualify for help with these costs under the Legal Aid Advice and Assistance Scheme. For example Pensioners with up to £25,000 in savings may still qualify for Legal Aid to cover the full costs depending on their income. Not all solicitors are registered with the scheme so do ask about Legal Aid before making an appointment. To find out if you qualify for Legal Aid for granting a Power of Attorney telephone the **Scottish Legal Aid Board** Financial Verification Unit on **0131 226 7061 Ext. 469**

### Will a solicitor visit me at home?

Yes most solicitors can make home visits especially if you have a disability or health condition that makes it difficult for you to get to appointments outside your home. Additional charges may apply to cover travel time and costs.

### How do I find a solicitor?

If you have access to the internet you can search for a local solicitor on the Law Society of Scotland website <http://www.lawscot.org.uk/find-a-solicitor/>

You can search by your postcode or town and to find a solicitor that offers advice and assistance for Power of Attorney the area of law to search for is “family and relationships” then click on the filter option “Advice for Older People—Power of Attorney”. If you tick the Legal Aid box it will also show which solicitors are registered with Legal Aid Advice and Assistance Scheme, although it is always best to check this when you contact a solicitor to make enquires about their service.

On the next page we have provided a table giving details for local solicitors who are available to provide legal assistance with Power of Attorney and many are offering **special discounts** for the Midlothian Power of Attorney Awareness Month during November 2016. Please telephone solicitors to enquire about what discounts are available.

## Solicitors offering legal advice for PoA to Midlothian residents

Solicitors	Contact Person	Telephone	Local Branches	Legal Aid for PoA	Discounts Offered in Nov 2016
<b>Stuart &amp; Stuart W.S.</b>	Jane Gisoldo	0131 663 7135	Bonnyrigg Penicuik Edinburgh	Yes	Yes
<b>McQueen Legal</b>	Linda Egan	01875 821 960	Gorebridge Edinburgh	Yes	Yes
<b>Allan McDougall</b>	Hilary Peppiette	0131 225 2121	Dalkeith Penicuik Edinburgh	No	Yes
<b>Health Law Limited</b>	William Gilmour	0800 920 2080	Edinburgh	Yes	Yes
<b>Helen McGinty &amp; Co</b>	Helen McGinty	0131 220 8380	Edinburgh	Yes	Yes
<b>Legal Services Agency</b> (For those with mental illness or dementia)	Carrie-Anne Clifford	0131 228 9993	Edinburgh	Yes	Yes
<b>Fergusson Law</b>	Janice Nisbet	0131 556 4044	Edinburgh	Yes	Yes
<b>Will Services Scotland</b>	David Silvester (Professional will writer)	0131 332 1329	Edinburgh	No	Yes
<b>Aiken Nairn W.S.</b>	Emily Allan	0131 556 6644	Edinburgh	No	Yes
<b>Alex Mitchell &amp; Sons</b>	Gary Pirrie	0131 665 2468	Musselburgh	No	Yes
<b>Brodies LLP</b>	Lynnette Jones	0131 656 0022	Edinburgh	No	Yes
<b>Millard Law</b>	Richard Mill	0131 322 7222	Edinburgh	Yes	Yes
<b>Paris Steele W.S.</b>	Fiona Watson	01620 820 982	Haddington	Yes	No
<b>MHD Law</b>	Kieran Fitzpatrick	0131 555 0616	Edinburgh	No	No