

FACTSHEET – Giving someone the power to make decisions for you (Scotland)

This is a quick guide to Welfare Powers of Attorney in Scotland. Contact Compassion in Dying if you would like more information.

INFORMATION LINE: **0800 999 2434**

What is a Welfare Power of Attorney?

A Welfare Power of Attorney is a legally binding document that gives someone the power to make health and welfare decisions for you in case you can't do so yourself - for example, if you had severe dementia or were in a coma.

The person you appoint is called your **Attorney**.

You can choose to give your Welfare Power of Attorney extra powers so that they can make decisions about life-sustaining treatments (e.g. resuscitation, artificial nutrition and hydration, or ventilation).

How do I make a Welfare Power of Attorney?

To make a Welfare Power of Attorney, you need to take the following three steps. Go to the Office of the Public Guardian (Scotland) website to download the certificate and registration form, and see an example of the written document.

1. Write up a document of your wishes. This sets out the powers which you are giving your Attorney. It is important that you choose someone you trust.
2. Get a certificate of capacity signed by a doctor and a solicitor. This proves that you understand your decisions and are making the Welfare Power of Attorney of your own free will.
3. You have to register your Welfare Power of Attorney with the Office of the Public Guardian (Scotland) for it to be legally binding.

Send the form back with the correct payment to register your Welfare Power of Attorney. This usually costs £70. Some people are eligible for reduced costs.

The Office of the Public Guardian

Tel: 01324 678300

Web: www.publicguardian-scotland.gov.uk

Continuing Powers of Attorney and Advance Directives

A Continuing Power of Attorney is a type of Scottish Power of Attorney that cover finance and property decisions. Contact the **Office of the Public Guardian** for more information about Continuing Powers of Attorney.

An Advance Directive is a document that you can use to set out your wishes for treatment so that doctors will know what you want if you can't make or communicate your own decisions. They do not have the same legal power as a Welfare Power of Attorney.

How can we help?

- We can help you to write the document of your wishes
- We can give you more information about Advance Directives
- We can send you a free **Advance Decision** form and help you to fill it in
- Call our free **Information Line** if you have any questions about Welfare Powers of Attorney

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