UNDERSTANDING POWER OF ATTORNEY

Choosing the right person to help manage your affairs

A **Power of Attorney** is a valuable tool that can provide protection and peace of mind.
It is essential to choose your attorneys carefully, understand the responsibilities involved, and remain alert to the signs of financial abuse.

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Information based on a presentation by Sheree Green, Greenchurch Legal Services Ltd. "Fraud by Abuse of Position"

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WHAT IS A POWER OF ATTORNEY?

A **Power of Attorney** (PoA) is a legal document that allows you to appoint someone you trust to make decisions on your behalf if you are unable to do so yourself.

Unlike a will, which only takes effect after your death, a **Power of Attorney operates during your lifetime**. For this reason, many legal professionals consider it one of the most important decisions you can make.

WHY CHOOSING THE RIGHT ATTORNEY MATTERS

A Power of Attorney can be incredibly useful, helping to ensure your finances and affairs are managed when you need support.

However, it also gives another person significant responsibility and access to your financial affairs. If the wrong person is appointed, there can be serious risks.

When choosing an attorney, it is important to make a careful and practical decision based on trustworthiness and ability, rather than simply choosing someone because they are a close family member or friend.



WHAT MAKES A GOOD FINANCIAL ATTORNEY

A financial attorney should be:

- Completely honest and trustworthy
- Good at managing money and keeping records
- Financially secure and responsible themselves
- Committed to putting your interests first
- Able to work well with others if more than one attorney is appointed

APPOINTING MORE THAN ONE ATTORNEY

Attorneys can be appointed to act:

Jointly - They must make decisions together.

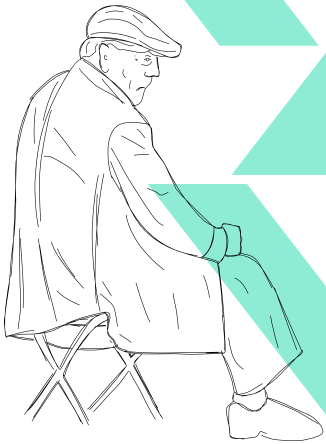
Jointly and Respectively - They can make decisions together or individually.

Before appointing multiple attorneys, consider:

- Can they work together effectively?
- Do they trust one another?
- Would other people trust them to act in your best interests?

THE IMPACT OF ISOLATION

Isolation is often a major factor in financial abuse.
People who have limited contact with family, friends, neighbours, or support services can be more vulnerable to exploitation.
Staying connected, maintaining regular contact with trusted people, and encouraging independent support can help reduce the risk of abuse.



UNDERSTANDING FINANCIAL ABUSE

Unfortunately, some people misuse their position of trust for financial gain. Financial abuse can include:

- Taking money from your purse, wallet, or bank account
- Stealing personal possessions or valuables
- Pressuring or forcing you to hand over money
- Taking control of your finances without your agreement
- Charging for goods or services that are never provided
- Monitoring or controlling how you spend your money
- Restricting your access to your own funds
- Interfering with employment, education, or independence
- Setting up credit cards or loans in your name
- Arranging direct debits or standing orders that benefit them

WARNING SIGNS OF FINANCIAL ABUSE BY AN ATTORNEY

Be concerned if an attorney:

- Avoids questions or is secretive about finances
- Refuses to engage with professionals or authorities
- Fails to pay bills or legitimate expenses
- Leaves the person without enough money for daily living
- Transfers money or property to themselves without proper authority
- Borrows money from the person they represent
- Makes gifts to themselves, family members, or friends using the person's money
- Places their own interests above the person's needs
- Appears to be enjoying a lifestyle that cannot be easily explained

IF FINANCIAL ABUSE IS SUSPECTED

Contact Duty Social Work for Adults:

During Working Hours
Mon to Frid 9am-5pm Tel: 01595 744468
Out of Hours Tel 01595 695611
Or Police Scotland Tel 101
In an emergency call 999