

Where can I get more information?

OPG staff will be happy to answer any enquiry about how to go about your application and what happens afterwards. Your local Citizens Advice Bureau or solicitor may also be able to help. For welfare matters the social work department of your local authority may be able to give you advice and guidance.

Please note there are more detailed guidance books available from the OPG.

Office of the Public Guardian (Scotland)

Hadrian House
Callendar Business Park
Callendar Road
FALKIRK FK1 1XR

- Telephone: 01324 678300
- Email: opg@scotcourts.gov.uk
- www.publicguardian-scotland.gov.uk
- Opening hours: 9am-5pm Monday-Friday

Citizens Advice Bureaux provides free independent advice and information to people in need. You can find addresses of your local Citizens Advice Bureau from your phone book or local library. Or contact Citizens Advice Scotland to locate a bureau in your area: www.cas.org.uk

This leaflet is available in other formats and languages. Please contact OPG if you would like to receive this leaflet in a particular format or language.

The OPG subscribes to Language Line and to the RNID Typetalk service.

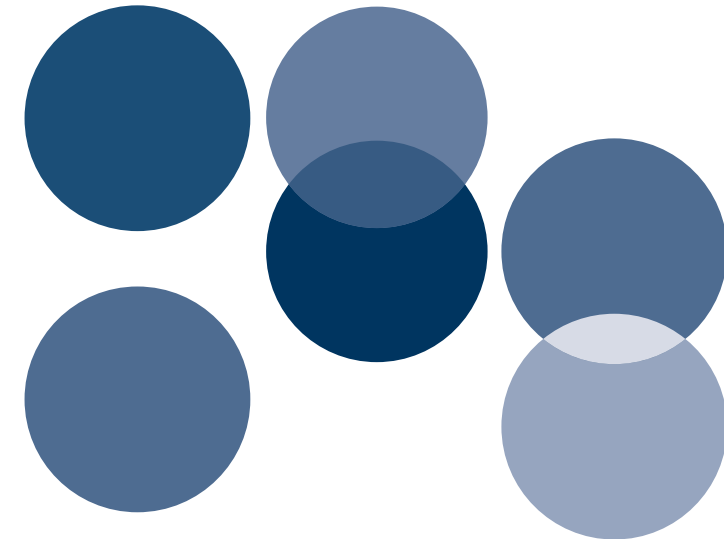
Other leaflets available in this series:

A Power of Attorney

Intervention Order

Access to Funds Scheme

What is... A Guardianship Order



The OPG welcomes any feedback or comment you may have on the content of this leaflet

OPG IS PART OF THE SCOTTISH COURT SERVICE.

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What is it?

It is an order under the Adults with Incapacity (Scotland) Act 2000 from the sheriff court stating who the Sheriff has appointed to look after the affairs of someone who is not able to look after those affairs for himself or herself. It also says what the appointed person or persons can actually do.

What does it do?

The order could allow whoever has been appointed by the Sheriff, called **Guardians**, to manage on an ongoing basis the financial or welfare affairs or both, of someone who is unable to deal with those matters.

Why would I need it?

If a person is incapable or unable to make a decision then you may need legal authority to do certain things for that person. If there is not already something in place such as a power of attorney giving you or someone else power to do those particular things then a court order may be the only way to be able to do it.

What does incapable mean?

Someone's capacity could be impaired gradually or suddenly as a result of an accident or illness. A registered and licensed medical doctor will be able to say whether or not that person is unable to make decisions.

Would I be able to help my partner or relative without a Guardianship Order?

Depending on the nature of the decisions which need to be made, you may not have the automatic right to take actions on behalf of someone who is unable of doing so for himself or herself.

How much does it cost?

There are various costs – court fees for the application, a fee to register the order with the Office of the Public Guardian (OPG). There may be fees for the medical reports. There may also be legal fees if you employ a solicitor to help with your application to the court. As costs may vary it is worth checking a few options first.

How long does the Guardianship Order last?

The Sheriff can give an order for 3 years or in certain circumstances for an unlimited time.

How do I make an application?

An application called a “Summary Application” is made to the sheriff court. The application will require to be sent along with 2 medical reports (which are completed by 2 individual registered and licensed medical doctors) and other supporting documentation. For more information on the forms that are needed please contact the OPG. Your local Citizens Advice Bureau or solicitor may also be able to help you.

Who can be a guardian?

Anyone can apply including a partner, family member, friend or professional such as a solicitor, accountant or someone from the person's local authority social work department.

What is the difference between a Guardianship Order and an Intervention Order?

A guardianship order allows someone to make ongoing decisions and actions for someone such as paying for bills or making ongoing decisions about someone's care.

An intervention order is designed to allow someone to do a specific thing such as sell a home belonging to someone who is unable to make decisions for himself or herself or to decide what treatment is best for that person at a particular time. It is possible for the Sheriff to allow an intervention order to do a specific thing and someone else to be a guardian to the same person.

If I am given a Guardianship order will anybody check what I am doing?

Yes, OPG supervise orders dealing with money or property. You will need to send an Inventory and a Management Plan to OPG to say what money you are looking after and what you plan to do with it. You will also need to keep good records so that each year you can give accounts to OPG. The local authority social work department will supervise guardians with welfare powers.