

Access to Funds

What is a Hearing?



AN OBJECTION HAS BEEN RECEIVED

The Public Guardian has received a written objection to the application made to access the funds of an incapable adult.

WHAT HAPPENS NEXT?

The Public Guardian will decide whether to refuse the application on the basis of the objection received. However, more information is needed before a fair and impartial decision can be made.

The Public Guardian may therefore decide to hold a hearing in relation to the objection(s) received.

WHAT WILL HAPPEN IF A HEARING IS TO TAKE PLACE?

A hearing can be dealt with over the phone or by letter. However, it may be more appropriate for a meeting to take place face-to-face. Normally such a meeting will take place at the office of the Public Guardian, Hadrian House, Falkirk. However, in exceptional circumstances it might be possible to arrange a meeting elsewhere.

WHAT WILL HAPPEN AT THE HEARING?

The purpose of a hearing, whether conducted over the phone, by letter or at a face-to-face interview is to give interested parties the opportunity to provide additional, relevant information and for the Public Guardian to ask any further questions.

Hearings will normally take place at the office of the Public Guardian, Hadrian House, Callendar Business Park, Callendar Road, Falkirk, FK1 1XR

A face-to-face hearing will normally take place at Hadrian House in Falkirk where comfortable, modern accommodation is available. A letter will be issued inviting the person making the objection to attend.

If you receive a letter asking you to attend a hearing in person and the date and time is not suitable, please let this office know as soon as possible so that alternative arrangements can be made.

Please do not worry if you are asked to attend a hearing; remember the main purpose of holding a hearing is to help determine what best serves the interests of the adult concerned. It is important however, that you can give as truthful and complete account as you are able.

The Public Guardian may instruct that other people relevant to the case attend the hearing. This might include, for example, social workers, mental health officers, GPs or anyone else whom the Public Guardian considers has an interest.

A decision will not be made on how the case will proceed at the hearing itself. You will be contacted about this later.

WHAT DO I NEED TO BRING TO THE HEARING?

You may wish to submit for the Public Guardian's consideration any evidence, documentary or otherwise, that you think will support your case.

WILL I NEED TO HAVE A SOLICITOR PRESENT?

No. However you may wish to seek legal advice and your solicitor can attend if you think that this is necessary. If you wish your solicitor to attend you should contact this office as soon as possible.

You will have to meet your own legal expenses.

WHAT HAPPENS NEXT?

The Public Guardian will make a decision based on all the information and evidence presented. The decision will be to:

- grant the application; or
- give the applicant an opportunity to object to any proposed refusal; or
- remit the application to the Sheriff for a decision.

You will be informed of the outcome in writing.

WHAT IF I DISAGREE WITH THE DECISION?

You can appeal the decision to the Sheriff. The letter you receive will tell you how to go about this.