

Where can I get more information?

The Investigation Team at OPG will be happy to answer your queries. Alternatively the OPG website may be useful. Your local Citizens Advice Bureau or your local solicitor may also be able to help.

For information visit the website
www.publicguardian-scotland.gov.uk

Or contact the investigation team at:

Office of the Public Guardian (Scotland)

Hadrian House
Callendar Business Park
Callendar Road
FALKIRK FK1 1XR

- Telephone: 0845 603 1185
- Email: opginvestigationteam@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:

Financial Provisions of the Adults with Incapacity (Scotland) Act 2000

The Public Guardian

A Power of Attorney

Intervention Order

Guardianship Order

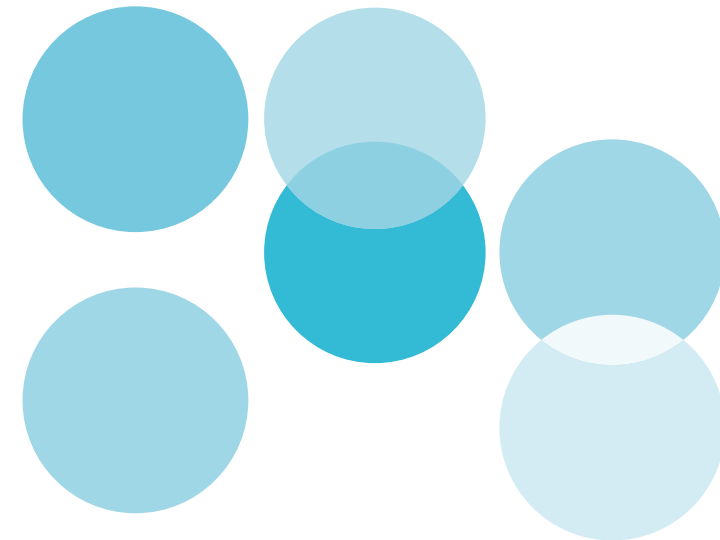
Access to Funds Scheme



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

OPG IS PART OF THE SCOTTISH COURT SERVICE.

What is... An Investigation



What is it?

An investigation maybe carried out when the Public Guardian receives a concern that there may be a risk of misuse or abuse of the property or funds of an adult who is incapable of looking after their own affairs.

What does incapable mean?

Someone's capacity could be impaired gradually, or suddenly as a result of an accident or illness, meaning they are no longer able to deal with their own financial affairs.

What is considered misuse or abuse?

When an adult's funds are not being used for their benefit, to meet their needs or in line with their wishes then that may be considered misuse or abuse.

Who carries out the investigation?

Staff of the investigation team within the Office of the Public Guardian (OPG).

Who is the Public Guardian?

The OPG was created by the Adults with Incapacity (Scotland) Act 2000. This Act gives the Public Guardian certain powers to investigate concerns and take steps to safeguard financial matters where it appears they are at risk. The Public Guardian is there to safeguard the interests of the incapable adult and does not represent any other person or public body.

What do we do in an investigation?

An investigation involves gathering information from all relevant parties by interviewing people and reviewing documentation such as bank statements, financial records, receipts, legal papers, etc. Information gathered is kept confidential and is not disclosed to anyone except where required to do so by law.

If information is not provided to the Public Guardian when it is sought, the Public Guardian has powers to obtain records when carrying out an investigation.

What can happen as a result of an investigation?

The Public Guardian will come to a view as to whether an incapable adult's property or financial affairs are considered to be at risk. If not, no further action will be taken. If they are considered to be at risk, the Public Guardian will seek to ensure safeguards are put in place to protect the incapable adult's financial affairs. These safeguards could be anything from monitoring the financial transactions of someone, acting on behalf of an adult, to applying to the court to have someone's financial powers removed. The matter could also be referred to the police.

I am concerned about an adult's property or financial affairs, what do I need to do?

You should write to the Public Guardian (address is noted overleaf) to explain the

reasons why you think that an adult is at risk, including any evidence which you may have in support of your concerns. If you are unsure about the situation, one of the investigation team will be able to talk to you in confidence over the telephone to provide advice and guidance.

A form to assist you in raising concerns is available from OPG or a version can also be found on our website.

Is there a fee charged for an Investigation?

No.

How long does an investigation take?

On average 3 to 6 months. However this will depend on the complexity of each case.

Will the name of the person who complains be disclosed?

No.

Who should I contact if I think the adult's personal welfare is at risk?

In the first instance you should contact the local authority (usually the Social Work Department) in the area where the adult lives. You may also wish to contact the Mental Welfare Commission for Scotland for guidance.