



Appointing someone to manage your affairs

What you need to know

CONTENTS

Arranging third party access to your accounts	3
Your third party access options explained	4
Your options in more detail:	
– If you still have mental capacity	5
– If you no longer have mental capacity	8
Registering your third party choice with us	9
If you need urgent financial help	10
Where to go for more help	11

How we can help you

Arranging third party access to your accounts.

Giving someone else access to your bank account, and the right to operate it, is an important decision to take, but one that could be essential for your future comfort and well-being.

There are many reasons why you may need to arrange third party access to your account.

The most common reasons are:

- You're living abroad
- You've become incapacitated following an accident
- You're suffering from ill-health
- You've been diagnosed with a mental illness such as dementia.

Through no fault of your own, any of these situations could make important everyday things, such as paying bills and making financial decisions, difficult or even impossible in some cases.

We understand that taking this decision can come at a stressful time for you and your family and friends. We will make it as easy and straightforward as possible to register your decision with us, and will be here to help support you and your representatives now and in the future.

Next steps

In this brochure we have set out the steps you may need to take during this time. If you'd like to discuss any of the topics in more detail, please call us on **0345 609 4343**.

What choices are available?

Your third party access options explained.

There are different ways that your chosen representative can manage your accounts. The right one for you depends on your circumstances, and your level of mental capacity – you may still have the capacity to make certain decisions, but not others.

- **Power of Attorney** – this gives someone the legal authority to deal with third parties such as banks or the local council on your behalf, and in some cases the legal power to make a decision on your behalf such as where you should live. You can find out more about the different types of Power of Attorney on pages 5 to 7.
- **A deputy appointed by the Court of Protection** – usually in the case that it's no longer possible for you to make a Power of Attorney.

What will my representative be able to do

By allowing someone control of your finances you give them permission to:

- Use your account(s) in the same way that you had done previously.
- Open additional accounts on your behalf.

Depending on the type of third party access you have granted, your representative may not be able to do all of these things.

Your options in more detail

Support and advice to help with your decisions

As there are a number of different types of third party access, it's important to choose one that suits your circumstances best. If you are unsure which type will suit your needs best, you should seek specialist legal advice. For further advice and information, contact your solicitor, Citizens Advice (www.citizensadvice.org.uk) or Office of the Public Guardian (Office of Care and Protection in Northern Ireland).

The following pages provide more details about the types of third party access that we will recognise and accept on your behalf.

Deciding how much help you'll need

If you still have the mental capacity to make your own decisions.

Power of Attorney

When you make a Power of Attorney, you appoint someone else to act on your behalf. As the person making the Power of Attorney you are called **a donor** and the person you appoint to act on your behalf is called **an attorney**.

To set up a Power of Attorney, you must be capable of making decisions for yourself, known as having mental capacity.

Different types of Power of Attorney give your attorney the legal power to make a variety of decisions on your behalf – we list the four main options on the following pages.

General/Ordinary Power of Attorney (UK)

If you want someone to look after your financial affairs, you can give them a General Power of Attorney (GPA). You might choose this option if you have a physical illness, injury, or are abroad for a long period.

You should not use this if you have been diagnosed with or think you may develop a mental health problem or disease which can lead to mental incapacity. This is because a GPA does not continue if you lose your mental capacity.

To make a GPA, you may wish to contact your solicitor or Citizens Advice for guidance.

Lasting Power of Attorney (England, Wales)

A Lasting Power of Attorney (LPA) allows someone to look after your affairs but is different to a General/Ordinary Power of Attorney as it can include your personal welfare as well as your property and financial affairs. We will accept a LPA that gives your attorney the power to manage your financial affairs.

You should make a LPA if you have been diagnosed with or think you may develop an illness which may prevent you from making decisions for yourself in the future such as dementia, mental health problems, brain injury, side-effects of medical treatment or other illness or disability.

You must make a LPA while you are still capable of making decisions for yourself. This type of Power of Attorney has to be registered with the Office of the Public Guardian (OPG) before you can use it. There is a registration fee which you can find more about from the OPG.

Enduring Power of Attorney (England, Wales, Northern Ireland)

It is possible that before 1 October 2007 you made an Enduring Power of Attorney (EPA), allowing someone to manage your property or financial affairs but not your personal welfare. This would allow your attorney to look after your affairs if you still had mental capacity and, if it was registered, could also continue if you lost your mental capacity.

It is no longer possible to make a new EPA (except in Northern Ireland), however one can still be registered if it was made before 1 October 2007 and is still valid.

If the EPA has not been registered, and you lose your mental capacity, your attorney can apply to continue using the EPA by registering it with the Office of the Public Guardian. There is a registration fee which you can find more about from the OPG.

Continuing Power of Attorney (Scotland)

A Continuing Power of Attorney (CPA) allows someone to take care of your day-to-day finances and, depending on the wording in the document, to pay bills, look after bank accounts, collect benefits and buy or sell property. These powers can be used when you (**the granter**) still have mental and/or physical capacity and will continue if you are no longer able to manage your own affairs. The CPA must be made by you and you can choose whether the attorney has access immediately or not. It can specify that it can only be used when you are no longer capable of managing your own affairs.

We will accept a CPA on your behalf as long as the wording in the document gives the attorney the power to manage your finances. The CPA must be registered with the OPG before it can be used. There is a registration fee which you can find more about from the OPG.

Options for your family or friends

If you no longer have mental capacity to make your own decisions.

Deputyship Order, Court of Protection (England, Wales) or Controllership Order (Northern Ireland)

If you lose your mental capacity and have not previously made, or are no longer capable of making, a Power of Attorney arrangement, the Court of Protection or Office of Care and Protection (Northern Ireland) can decide who can handle your affairs. Usually a trusted close friend, family member or someone else can apply for a court order to appoint a **deputy/controller** for you. The court order will set out what decisions the deputy/controller can make on your behalf. For example, it might say that decisions can only be made about your pension or mortgage.

Access to Funds Scheme (Scotland)

This arrangement allows a person or an organisation to access your funds to pay for day-to-day living expenses and any debts due when you are no longer capable of accessing them yourself. The scheme allows your representative to do what is specified in the certificate of authority, for example request information about your account, open an account in your name, transfer money between your accounts, and open or close a bank account for you, if necessary.

Guardianship Order (Scotland)

This is an order under the Adults with Incapacity (Scotland) Act 2000 from the Sheriff Court stating who has been appointed to look after your financial affairs, welfare or both, if you are unable to look after them yourself. It also details what the appointed **guardian(s)** can actually do. We can only accept an order that gives the guardian control over your financial affairs.

Intervention Order (Scotland)

This is an order provided under the Adults with Incapacity (Scotland) Act 2000 from the Sheriff Court stating who has been appointed (**the intervener**) to make a particular decision or to take certain action on your behalf. Once that particular decision or certain action has been completed the order will automatically expire. We can accept an order if the action or decision relates to your financial affairs.

Making arrangements

Registering your third party choice with us is simple.

1

Make your choice

Choose which Power of Attorney or other type of third party access is right for you and complete the necessary paperwork.

2

Register with us

You can register by sending documents to us at the address below.

Intelligent Finance
PO Box 890
Leeds
LS1 1NS

We'll need to verify all the appointed representatives who will have access to your account, they can register separately if that's easier.

If the representative needs to make decisions with another representative (act jointly) they will need to submit the required information together.

3

Items to complete registration

You will need the following items with you to complete registration:

- Your original or certified copy of the Power of Attorney or other type of order.
 - Documents that prove the identity of your representative, like a valid current passport (full and signed), and proof of the representative's address.
 - If you're acting on behalf of an organisation, we will need to see the appointed representatives listed on the organisation's headed paper.
-

4

Specialist team

Our specialist team will process your registration and contact you to confirm when it's done.

If you need urgent financial help

While you are waiting for your Power of Attorney to be processed by the Office of the Public Guardian, your representative may need access to funds on your behalf, perhaps to pay for care or settle outstanding bills. They should call us on **0345 609 4343** where we'll do everything we can to help.

The following are examples of acceptable individuals to certify your documentation:

- UK Solicitor
- Public Notary

Where to go for more help

You can find more information at [if.com](https://www.if.com)

England & Wales

The Office of Public Guardian
PO Box 16185
Birmingham B2 2WH

Tel: **0300 456 0300**

Email: customerservices@publicguardian.gov.uk

www.gov.uk/government/organisations/office-of-the-public-guardian

Scotland

The Office of the Public Guardian
Hadrian House
Callendar Business Park
Callendar Road
Falkirk FK1 1XR

Tel: **01324 678300**

Email: opg@scotcourts.gov.uk

www.publicguardian-scotland.gov.uk

Northern Ireland

The Office of Care and Protection
Chichester Street
Belfast BT1 3JF

Tel: **030 0200 7812**

Email: OCP@courtsni.gov.uk

www.courtsni.gov.uk/en-GB/Services/OCP/Pages/default.aspx



Visit [if.com](https://www.if.com) or call us today
on 0345 609 4343.

INTELLIGENT FINANCE®

Do you need extra help? We want to help our customers in any way we can. If you have a hearing or speech impairment you can contact us using Text Relay or Textphone on 0870 240 5152. We can also provide statements and other documents in large print, Braille or audio simply call us on 0345 609 4343 and we will be happy to send you them.

Calls may be monitored or recorded in case we need to check we have carried out your instructions correctly and to help improve our quality of service.

INTELLIGENT FINANCE® is a division of Bank of Scotland plc, which is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority under registration number 169628. Bank of Scotland plc is registered in Scotland No. SC327000. Registered Office: The Mound, Edinburgh EH1 1YZ.

Information correct as of February 2019.