



What is the Office of the Public Guardian (OPG)?



What is the OPG?

The OPG came into being when the Adults with Incapacity (Scotland) Act 2000 was passed by the Scottish Parliament.

The Act gives the Public Guardian responsibility to:

- Supervise people appointed in terms of the Act to manage the property and financial affairs of others e.g. Withdrawers under the Access to Funds Scheme; Interveners and Guardians.
- Keep a register of all appointments made under the Act.
- Provide information, advice and guidance.
- Investigate complaints or concerns relating to the management of someone's property or financial affairs.
- Consult with the Mental Welfare Commission and local authorities to safeguard the interests of those who lack capacity to do so for themselves.
- Obtain information from individuals and institutions when carrying out investigations as to how a financial attorney, withdrawer, intervener or guardian has acted.
- Take part in or initiate court proceedings when necessary to safeguard the property or financial affairs of a person who is incapable.

What else does the OPG do?

On application the Public Guardian can grant authority under the Access to Funds Scheme for a person or organisation to access information on the bank accounts belonging to an adult with incapacity.

The Public Guardian can also grant authority when an application is made to allow someone or an organisation to access funds to pay for daily living expenses of an adult who is unable to do so for himself or herself. Further details can be found on the website or from the range of information provided by the OPG.

What does supervision involve?

For financial guardians this could mean providing an Inventory, Management Plan and annual accounts or for a withdrawer a random review of their financial records. Further details can be found on the website or from the range of information provided by the OPG.

What does an investigation involve?

The Public Guardian can investigate a complaint about how someone is carrying out their duties or investigate a general concern that someone's finances may be at risk from misuse. OPG can only look at matters where property or finances are involved. More detailed information is available from the OPG website or by contacting the Investigation team. (opginvestigationteam@scotcourts.gov.uk)

What type of information/advice does the OPG provide?

The OPG provides a wide range of leaflets and booklets free of charge covering Powers of Attorney, Access to Funds, Intervention Orders and Guardianship.

The OPG also provides information sessions and guidance to lay and professional guardians, mental health officers, social workers and solicitors.

Does the OPG cover the whole of Scotland?

Yes, from Shetland to Dumfries, Stornoway to Eyemouth. We are able to make use of the facilities in the local court buildings or other venues to meet with people where they live.

Does the OPG charge fees for the work they do?

Yes. A note of our current fee levels can either be found on our website or by contacting the office. There is no fee charged for investigations or for providing information sessions.

How can I contact the OPG?

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- Email: opg@scotcourts.gov.uk
- Website: www.publicguardian-scotland.gov.uk

The Office of the Public Guardian is open to the Public from: 09:00-17:00 Mondays to Friday.