

Scottish Courts and Tribunals Service



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29 November 2017

Dear Mr McArthur

SCOTTISH PARLIAMENTARY QUESTIONS S5W-12350, S5W-12351

The Cabinet Secretary in his response to the above PQs indicated that they relate to operational matters within the responsibility of the Scottish Courts and Tribunals Service corporate body. I am now writing to you in response to the matter raised.

S5W-12350 asked: *To ask the Scottish Government how many applications to register a power of attorney to the Office of the Public Guardian have been made in each of the last 24 months, and for each month what the (a) average and (b) longest length of time for a response was.*

S5W-12351 asked: *To ask the Scottish Government, in light of comments by the Minister for Community Safety and Legal Affairs in The Scotsman on 28 October 2017 that the Office of the Public Guardian had seen a "40 per cent increase in submissions for registration over the last two years", what analysis has been undertaken of the causes of this increase, and what steps it is taking to tackle the additional workload.*

When Powers of Attorney (PoA) became the responsibility of the Office of the Public Guardian (OPG) a timescale of 30 working days for issuing correctly completed PoAs was adopted. Since that time business volumes have increased, as set out in the following table:

Year	No. of Applications	% increase on 2012-13
2012-13	47,774	N/A
2013-14	52,226	9.3
2014-15	60,093	25.8
2015-16	67,043	40.3
2016-17	72,950	52.7

For 2017-18, 47,828 applications had been received at the end of October 2017. An annual figure for applications is published by the OPG as a part of its Annual Review, available at: <http://www.publicguardian-scotland.gov.uk/general/news/2017/10/18/opg-annual-review-2016-17>

Monthly figures on Power of Attorney (PoA) applications in response to question S5W-12350 are provided in an Annex to this letter. The Office of the Public Guardian (OPG) receives both postal and online PoA applications, the latter via the Electronic Power of Attorney Registration (EPOAR) service.

Staff at OPG register around 200 PoAs each day. Each PoA must be carefully scrutinised to ensure that it meets statutory validity criteria (for example, 17% of applications were rejected in 2017). OPG staff also deal with a substantial amount of consequential work including changes of circumstance, for example: death notifications, revocations, amendments and changes of address.

It is clear that increasing numbers of people appreciate the value of registering a PoA in order to ensure their financial affairs can be effectively managed for them if and when that is required. This is a welcome trend and one that we expect to continue as the age profile of Scotland's population moves to a higher proportion of elderly people (for example, the National Records of Scotland *Projected Population of Scotland* figures published in 2014 suggested that the number of people aged 65 and over will increase by 53% between 2014 and 2039).

The substantial increase in applications received (53% over the last five years) has therefore posed considerable challenges for the OPG. The figures on average waiting times provided with this reply highlight an especially distinct increase from early 2016 onwards.

This average period clearly increased by more than an acceptable amount, although it is worth noting that not all PoA cases have the same level of priority. Where an urgent need for a PoA exists, we provide an expedited service and since January 2017 these have been processed within an average of 2 days.

Having identified and accepted the clear need to improve waiting times, the SCTS invested in additional staff. I am pleased that the steps taken have resulted in the average time taken to process applications reducing over autumn 2017, to the point where the average period in October had reduced to the target of 30 days for online applications. As set out in figures released on the OPG website on 20 November 2017, electronic applications are being processed within 15 working days and postal submissions within 21 working days

Although this is a significant improvement, the OPG is in no way complacent and a number of additional changes are in progress:

- We are embarking on a programme of collaborative working with groups that regularly submit PoAs to help increase the number of applications that can be accepted without any need for amendment.
- Development of a new and more efficient integrated case management platform is planned

- The OPG has also redeveloped its suite of management information, which allows for rigorous analysis of statistical data and enables the OPG to anticipate and target future levels of demand. The OPG intends to proactively publish this data on its website.
- The OPG is also improving online access to its Public Register of all persons subject to an order under the Adults with Incapacity (Scotland) Act 2000. Once complete, this work will allow OPG staff handling public queries about adults with incapacity orders to be deployed elsewhere.

We remain committed to improving performance and will continue to take whatever steps are required to deliver a fast, efficient and reliable service.

A copy of this letter will be placed in the Scottish Parliament Information Centre and published on the Scottish Courts and Tribunals Service website.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Eric McQueen', with a long horizontal flourish extending to the right.

Eric McQueen
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ANNEX

S5W-12350: *To ask the Scottish Government how many applications to register a power of attorney to the Office of the Public Guardian have been made in each of the last 24 months, and for each month what the (a) average and (b) longest length of time for a response was.*

Postal Powers of Attorney: Numbers received for the last 24 months showing (a) average and (b) the longest length of time for a response:

Powers of Attorney Submitted by Post		Number of Working Days to Process	
Month	Number Received ¹	Average	Longest
2015 November	1,940	19	38
December	2,631	20.5	45
January	2,648	26.7	70
February	2,756	27.6	68
March	2,408	31.6	52
2016 April	2,970	40.5	67
May	2,787	32.7	67
June	2,762	45.4	82
July	1,937	54.7	92
August	1,884	56	92
September	1,494	65.9	98
October	2,436	71.9	98
November	2,735	55.5	123
December	2,985	38.5	116
January	2,708	59.8	103
February	1,673	54	96
March	3,597	51.7	99
2017 April	2,496	54.2	95
May	2,659	48.4	92
June	4,004	45.5	105
July	3,405	45.7	95
August	1,941	45.6	98
September	2,974	43.9	85
October	3,396	34.6	85

¹ Please note that the monthly figures for postal applications are indicative only. This is because our casework management system records applications as received at the point at which they are scanned. As such, each monthly figure for postal applications in the Annex does not include cases received but not scanned that month and will include some applications made earlier.

Online Powers of Attorney: Numbers received for the last 24 months showing (a) average and (b) the longest length of time for a response:

Powers of Attorney Submitted Online Month	Number Received	Number of Working Days to Process	
		Average	Longest
2015 November	2,801	6.7	25
December	3,019	8.1	59
January	2,754	11.9	64
February	3,081	11.7	81
March	3,329	17.7	46
2016 April	3,351	24.1	65
May	2,831	33.1	56
June	3,162	39.9	73
July	2,897	41.9	86
August	3,191	43.1	90
September	3,060	49.4	90
October	2,920	55.1	80
November	3,768	50.5	123
December	3,426	40.9	104
January	3,021	46.3	101
February	3,861	46.7	88
March	4,501	50.4	83
2017 April	3,202	48.8	89
May	4,026	56.7	83
June	3,703	58.3	83
July	4,065	65.3	95
August	4,120	68.0	94
September	4,074	47.8	94
October	3,763	30.1	81

