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8 March 2023

Dear Mr Carlaw

SCOTTISH PARLIAMENTARY QUESTION S6W-15516

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

S6W-15516 Jackson Carlaw asks the Scottish Government for what reason the Office of the Public Guardian is reportedly taking approximately eight months to process Electronic Power of Attorney Registration (EPOAR) submissions and seven months to process postal submissions, in light of their being a target timescale for processing of within 30 working days of receipt of the power of attorney documentation.

The Office of the Public Guardian are currently registering power of attorney deeds, which were manually submitted around the 19 August 2022; and power of attorney deeds which were submitted electronically around 17 June 2022.

Where there is an urgent need, due to an individual's health determination, the Office of the Public Guardian continue to register power of attorney deeds within 5 working days.

The Office of the Public Guardian receives in excess of 60,000 power of attorney applications each year, and around 30,000 requests to make amendments to existing powers of attorney. The impact of the COVID-19 restrictions was to create a very substantial backlog of applications, which has resulted in further delays to processing times. Recovery funding has been obtained and a temporary taskforce, comprising 9 staff, have been recruited to assist with reducing this power of attorney backlog. In addition, weekend overtime has been funded which allows experienced staff to assist with the recovery efforts.

In addition to the impact of COVID-19, the case management system currently used in the Office of the Public Guardian is in need of replacement. There are many issues

with the current system; the most pertinent one in respect of this enquiry is the extremely slow processing speed, which is also having an impact on turnaround times.

Given this, throughout 2022-23 Scottish Courts and Tribunals Service carried out work to scope a new and innovative case management system for the Office of the Public Guardian, and funding has recently been secured to develop this new system in 2023-24.

The new system should provide very substantial efficiencies within the current registration process, allowing additional power of attorney deeds (and other work) to be processed each day.

We also plan to make The Public Register (of Adults with Incapacity cases), which is maintained by the Office of the Public Guardian, available online during 2023-24, providing further efficiencies and freeing up valuable staff resources to focus on other areas of work.

Scottish Court and Tribunal Service remain committed to improving/maintaining 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
Chief Executive