

Can the withdrawer access all the money in the bank account?

No. The withdrawer is not given direct access to the adult's account. The withdrawer can only use the money transferred to the designated account for the purposes identified in the application and as approved by the OPG.

What if the adult has more than one account in their sole name?

An applicant can apply to transfer funds between certain accounts by using form ATF (2).

Who checks that the withdrawer is using the money for the benefit of the adult?

The OPG will ask to see statements of the designated account which you opened and may request a review to make sure that the money is spent in the way that it was agreed in your application.

How long is a withdrawer appointed for?

The appointment is normally set at 3 years, but this period can either be reduced or extended provided the Public Guardian is satisfied of the need to change it.

Where can I get more information?

OPG staff will be happy to answer any enquiry about how to go about your application and what happens afterwards. Your local Citizens Advice Bureau or solicitor may also be able to help.

Please note there are more detailed guidance books available from the OPG.

Office of the Public Guardian (Scotland)
Hadrian House
Callendar Business Park
Callendar Road
FALKIRK FK1 1XR

- Telephone: 01324 678300
- Email: opg@scotcourts.gov.uk
- www.publicguardian-scotland.gov.uk
- Opening hours: 9am-5pm, Monday-Friday

If visiting the office, to be sure of seeing a relevant member of staff, it is preferable to make an appointment.

Citizens Advice Bureaux provide 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 the OPG if you would like to receive this leaflet in a particular format or language.

The OPG subscribes to Language Line and to the Text Relay service.

Other leaflets available in this series:

A Power of Attorney

Intervention Order

Guardianship Order

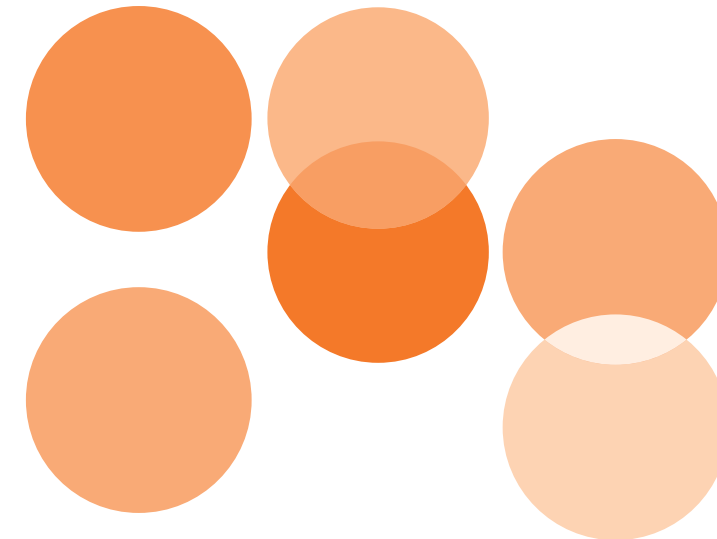
The OPG welcomes any feedback or comment you may have on the content of this leaflet.

OPG IS PART OF THE SCOTTISH COURT SERVICE

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What is the... Access to Funds Scheme?



What is the Access to Funds (ATF) Scheme?

It is an arrangement that will allow an individual, individuals or an organisation to access the funds belonging to an adult who is no longer capable of accessing their funds to pay for their day-to-day living expenses and any debts due.

ATF will also allow an individual, individuals, or an organisation to:

- Request information about an adult's account(s)
- Open a bank/building society or other account in the sole name of an adult
- Transfer funds between accounts and close accounts where necessary.

What does incapable mean?

Someone's capacity could be impaired gradually or suddenly as a result of an accident or illness. A registered and licensed medical doctor will be able to say whether or not that person is incapable. They may charge a fee for assessing the adult's capacity and providing a medical certificate.

What would ATF be used for?

To pay gas, electricity bills etc. or buy things such as clothes, toiletries, food, or anything that the adult was in the habit of buying or paying for on a regular basis. It can also be used to request a lump sum to pay off any existing debts or to purchase specific items required by the adult.

How would I go about accessing the funds belonging to an adult?

The adult requires to have a bank/building society or other account in their sole name. You can make an application to the Office of the Public Guardian (OPG) using form ATF(2) to request access to those funds belonging to an adult. If the adult does not have an account you can also request authority to open an account using form ATF(2).

What if I do not have any information about the adult's finances?

You can make an application to the OPG using form ATF (1) to request account information. Various items of information about accounts can be requested, for example, where the account is held; the account details; the balance of funds in the account and any other information needed to allow you to decide if the ATF scheme is suitable for use on behalf of the adult.

Who can apply?

An individual, individuals or an organisation may apply to access the funds. Organisations wishing to apply will have to be approved by the OPG. A list of approved organisations will be held at the OPG.

How many people can apply to access an adult's funds?

More than one person can be named on the application form. It will also be possible to add others at a future date on application to the OPG.

I am a Department for Works and Pensions (DWP) appointee, do I need to apply?

If there is a DWP appointment in place to manage the adult's benefits and this is sufficient to meet the adult's day-to-day living expenses, there is no need to apply for access to funds. However, if the adult has income from another source, e.g. private/occupational pension, or has savings in excess of the lower savings limit or a lump sum is required for a specific purpose, e.g. accrued debts etc., an application could be made.

How do I apply?

Application form ATF (2) must be completed and be countersigned by an appropriate person. A completed medical certificate is required to be sent to the OPG along with the completed application form.

All of the above information is available from our website or by telephoning the OPG.

How much does it cost?

There is a registration fee due to the OPG. Information on fees can be accessed from our website or by telephoning the office. There may be other fees due if supplementary applications are made at a later date. The registered and licensed doctor may also charge a fee for the medical certificate. The Public Guardian provides guidance and assistance free of charge. If you employ a solicitor to do this, their professional fees will apply.

Can I be reimbursed for these costs?

These costs can be met from the adult's funds provided they are shown in the application. However, restrictions do apply to the level of professional fees payable from the adult's funds.

How long does it take the OPG to give authority?

It will take a minimum of 25 days for the OPG to grant authority and issue a certificate of authority to the withdrawer. The withdrawer is the name given to the person appointed by the OPG to access the funds of an adult.

How does it work?

Once the Public Guardian has given you (the withdrawer) a certificate of authority you will need to open a bank account so that the funds you requested in the application form can be transferred into it. This account is called the designated account and must be opened in the name of the withdrawer on behalf of the adult.

When you receive your certificate of authority you should contact the bank or building society and inform them of your appointment. The bank or building society will need to see your certificate of authority to find out all of the necessary details to set up access to the funds. The certificate will specify how much money is to be taken from the adult's account and transferred to the designated account and how often the funds are to be transferred.