

PE2194/B: Amend the Adults with Incapacity (Scotland) Act to prevent abuse of power of attorney

Petitioner written submission, 3 January 2026

I believe my mother was put at risk due to her POA and the legislation as it presently stands. I don't believe the POA worked in line with the processes that he should have been governed by, and there was no recourse to challenge the situation.

I am also of the view that it should always be someone medically trained who makes the decision as to whether the vulnerable person has capacity. I was astounded to witness that a lawyer can make this decision without any medical knowledge or training. This led to many problems that would have been outlined had a medical professional been able to become involved. It also led to a number of financial issues and I still find it incredulous that any professional lawyer would act as he did.

My mother would never have wanted me removed from her life and yet I found myself in the dark completely. At no point would she had wanted to be placed into a care home and have her daughter removed from that decision and not even told where she was going to be living. Many of my relatives and even mum's friends wrote to the local authority to advise them of the situation as to how they saw it, and yet they were also removed from her life. She was denied cards, letters, flowers, gifts and phone calls when at her worse. Even the care home questioned the decision making of the POA and yet no one challenged him. The local authority simply ignored all concerns no matter who raised them.

In my quest to be listened to I tried to focus on other organisations who may have been in a position to assist. I found the Mental Welfare Commission to be unable to do anything. The OPG told me that the POA role was not overseen and they had no jurisdiction to intervene as it was a private agreement. The Care Commission were unable to assist and whilst telling me that the Adults with Incapacity Act was unfit for purpose they offered no real solutions. The MWC and the OPG then advised me to write to the Scott Commission who were overseeing the Act and putting together findings to improve the situation. I duly did so. To that end the findings included in the Scott report noted a lot that I had brought to their attention.

It is obvious that the Act is now unfit for purpose and that is no doubt leaving many people in the same position as I found myself in. No one should be removed from someone's life because the POA wants full control and in his quest to do so, removed everyone who could have had a positive input in my late mother's life. Serious changes need to be made in order to protect the vulnerable and I call for the changes to be made in my late mother's name. I call for a "Letty's law" within the new legislation.