

Date 02/04/2025  
Your Ref  
Our Ref 9834

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Dear

## FREEDOM OF INFORMATION – POWER OF ATTORNEY

I write in response to your request for information in relation to Power of Attorney

### Question:

- I wish to raise a Freedom of Information Request to cover Hospital guidance/training to staff on POAs. Please advise what training/guidance is provided to staff regarding the recording of a Power of Attorney (POA) when approached by a relative/friend of a patient with the necessary POA authority.
- In addition, is there any additional training/guidance provided for POAs with non standard clauses e.g. when the POA document gives the Attorney the authority to declare the patient as no longer having capacity?

### Answer:

I am advised that in terms of training, from a public protection perspective, we do briefly touch on POA but this is from a potential risk/ misappropriation of funds viewpoint. It is also mentioned when discussing the three Acts specifically under AWI but tends to be led by our Social Work colleagues.

There is no current provision within the ASP training that discusses the definition or powers that POA would hold or indeed how this is recorded on TRAK.

However, we are always open to feedback, and we have tabled the item for discussion at the Adult Protection Team meeting to explore what else we need to do both in terms of the Staff intranet page and our public facing webpage.

There will also be specific training for the relevant professional staff for example the Community Psychiatric Nurses and associated clinical staff working both the community and bed based care.

I hope the information provided helps with your request.

Headquarters  
Mainpoint  
102 West Port  
Edinburgh EH3 9DN

Chair Professor John Connaghan CBE  
Chief Executive Professor Caroline Hiscox  
*Lothian NHS Board is the common name of Lothian Health Board*



If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal). If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the email address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhsllothian.scot/FOI/Pages/default.aspx>

Yours sincerely

**ALISON MACDONALD**  
**Executive Director, Nursing**  
Cc: Chief Executive