

APPENDIX 5 – Letter to proposed PWG re delay in application

Name
Address

Dear Mr/ Mrs.....

Adults with Incapacity (Scotland) Act 2000 Welfare Guardianship

Application Re:....., DOB, Address:.....,

I refer to the Adults with Incapacity case conference meeting that was held on the (copy attached). At that meeting, which you attended, it was agreed that a welfare guardianship was required to ensure the welfare and well-being of **(the Adult)**. has been assessed as no longer having capacity to make informed decisions regarding his/her own care and welfare.

At the meeting in....., you intimated that you intended to apply to become**(the adult's)** welfare guardian, and that you would consult with your solicitor and other family members regarding this matter. To date, the Local Authority have not received formal notification from a solicitor regarding an application seeking welfare guardianship for

We will therefore now proceed to make an application under Section 57(2) of the Adults with Incapacity (Scotland) Act 2000. As nearest relative you have a right to be consulted about the proposed welfare guardianship intervention, and you will be contacted by the Mental Health Officer in due course for this purpose. You have the right to object to the proposed application and you may wish to consider seeking legal advice and representation from a solicitor to assist you with this.

I trust this helps to clarify matters, but should you require further information, please do not hesitate to contact me at the above address.

Yours sincerely

CC – Fiona Moir, Senior Administrative Assistant, MHO Service.
Susan Redmond, Principal MHO/ Euan Williamson, Principal MHO, Highland Council, MHO Service.
Amy Noble, Principal Solicitor, Highland Council