

Scottish Courts and Tribunals Service



Mr Tim Eagle MSP
The Scottish Parliament
Edinburgh
EH99 1SP

Chief Executive's Office
Parliament House
Parliament Square
Edinburgh
EH1 1RQ

22 June 2026

DX 549306
LP1 Edinburgh 10

Dear Mr Eagle

SCOTTISH PARLIAMENTARY QUESTIONS: S7W-00930 and S7W-00932

The Cabinet Secretary, in her response to the above PQs, indicated that they related to operational matters within the responsibility of the Scottish Courts and Tribunals Service corporate body. I am now writing in response to the matters raised.

S7W-00930: To ask the Scottish Government what plans it has to reduce the timescales involved with the establishment of a power of attorney.

S7W-00932: To ask the Scottish Government what plans it has to introduce an instant digital access code system for Lasting Power of Attorney.

The Office of the Public Guardian (OPG) has a critical role to play as part of the network of health and social support for the Scottish public, and as a protector of the rights of those unable to make decisions for themselves. Efficient and effective systems of Powers of Attorney and Guardianship means that the vital health and social care services provided by the NHS and local authorities will operate more smoothly and effectively. We need to promote the wider take-up of Powers of Attorney (PoA), which will help prevent issues such as bed-blocking in the NHS, and ensure resources are focused on monitoring and enforcing the appropriate use of attorney and guardianship powers.

At present, OPG is not properly equipped to cope with the enormous surge in demand for PoA registrations and maintenance (In the year 2025-26 OPG received 101,826 PoAs for registration, representing a 40% increase on levels in 2021-22). OPG has been operating with an outdated, inefficient and unstable case management system, which has severely compromised our ability to absorb much higher workloads.

SCTS are taking the following steps to rectify the position:

In the short term, we have boosted the number of permanent staff within the OPG to 126, an increase of 14, to help manage the heightened levels of business. On top of that, we have recently recruited an addition 20 temporary staff, and provided funding for overtime working, as part of a drive to bring the backlog of registrations down to sustainable levels. We expect to see substantial inroads into waiting times over the course of the next twelve months.

For the longer term, SCTS recognises that OPG's operating model and case management system needs to be overhauled in order to reach a sustainable level of operations that keeps

PoA waiting times at an acceptable level, allows for the development of an expanded and more responsive range of services for its users and which allows OPG's resources to be channelled towards its higher value working in supervising the management of the affairs of those with incapacity.

SCTS is currently investing in the development of a new case management system for all the functions of OPG and the Accountant of Court. The roll-out of the first phase of the new system, which deals with the processing of PoAs, commenced during 2025. When this system reaches maximum efficiency, PoAs will be processed and the caseloads maintained more quickly and efficiently, thus providing a more responsive service to our users.

This change will also see our records and workflows moved to a more secure, efficient and modern platform, which would allow us to then develop and deploy additional features, such customer self-service, and case tracking, subject to funding from the Scottish Government

Activation codes

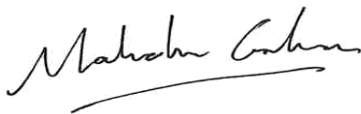
One enhancement that will be possible once the new system is fully established will be the introduction of activation codes which allows an organisation, provided with the code, to view the registered power of attorney document online. Activation codes are not, however, in scope for the current stages of our digital transformation project, as it is essential first to develop the underlying platform and basic functionality. Such a facility will be considered for phases beyond 2026-27 should funding be made available.

We will, however, be launching an Online Public Register as part of the current phase of the project, in 2027. The Online Public Register will be accessible 24/7 and will allow individuals and companies to search and check if a family member, friend or customer has a live order under Adults with Incapacity legislation, such as a PoA.

This will be a valuable tool for stakeholders within the NHS, Police Scotland, the financial sector, and of course to families who are unsure if a loved one made provisions for potential incapacity. Like activation codes, it will offer instant information on whether the order is in place and live and who has been appointed under the order.

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 'Malcolm Graham', with a horizontal line underneath.

Malcolm Graham
Chief Executive