POWER OF ATTORNEY GUIDE



Power of Attorney guide Contents

Introduction	3
The basics	3
Power of Attorney across the UK	3
Understanding Power of Attorney	5
Types of attorneys	5
What attorneys can and can't do	5
Accessing accounts	7
In branch	7
Over the phone	7
By post	7
Debit cards	7
Using internet or mobile banking	7
Confirming identity	9
Registering support needs	9
Requesting statements	10
In branch	10
By phone	10
Using internet or mobile banking	10
Using the donor's money	11
Cheques	11
Gifts	11
Making changes	12
Changing a General Power of Attorney (GPA)	12
Changing a Lasting Power of Attorney (LPA)	12
Concerns about attorneys	12
If the donor passes away	13
How a POA ends	13
Ending a General Power of Attorney (GPA)	13
Ending a Lasting Power of Attorney (LPA)	14
If a donor's mental capacity changes	14
Protecting the donor	15
Contact us	15
Visit us	15

Thank you for registering a Power of Attorney (POA) with Virgin Money. We know this can be a big step, so we're here to make things as simple as possible.

This pack explains how this arrangement works, what an attorney can do and what support we offer to help you manage the donor's banking. If you have any questions, you'll find our contact details on page 15. We'll do everything we can to help.

The basics

The donor (or in Scotland, the granter) is the person who grants legal authority to another person to act on their behalf.

An attorney is someone who has been legally appointed to look after the financial affairs for someone else. After the donor grants this authority, the attorney must:

- always act in the donor's best interests
- keep the donor's money separate from their own
- keep clear records of important financial decisions they make
- help the donor stay involved in decisions wherever possible

Power of Attorney across the UK

There are some differences in how POAs are administered, depending on where in the UK the donor is usually resident.

England and Wales

Power of Attorney matters are governed by the Office of the Public Guardian (OPG).

For more information, visit
gov.uk/government/organisations/office-of-the-public-guardian

You can reach them on **0300 456 0300**** and send documents to:

Office of the Public Guardian
PO Box 16185
Birmingham
B2 2WH

Scotland

POA matters are governed by the Office of The Public Guardian (OPG).
You'll find more information at **publicguardian-scotland.gov.uk**

You can call them on **01324 678 300** and send documents to:

Office of the Public Guardian
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR

Northern Ireland

POA matters are governed by the Office of Care and Protection.
Learn more at **nidirect.gov.uk/contacts/office-care-and-protection**

You can call them on **0300 200 7812** and send documents to:

Office of Care and Protection
Room 2.2A, Second Floor
Royal Courts of Justice, Chichester Street
Belfast
BT1 3FJ

Introduction – understanding Power of Attorney

Types of attorneys

When a donor sets up a POA, they can choose one or more attorneys. The way attorneys are appointed affects how they can act for the donor. Here are the three most common types:

1. **Sole attorney** – when there's only one person who can act for the donor.

2. **Joint attorneys** – when two or more people act together, they must agree on every decision, transaction or change. If one of the joint attorneys can no longer act, the POA may become invalid unless a replacement attorney can be appointed. Whether this is possible depends on the terms of the POA. If there are disputes between joint attorneys, it's best to seek legal advice.

3. **Joint and several attorneys** – when two or more people act for the donor, but don't have to deal with everything together. One attorney can organise a transaction or access an account on their own. And, usually, if one of the attorneys can't act any more, the others can continue.

If you're not sure which type applies in your case, refer to your POA documents.

What attorneys can and can't do

Here's a full list of what an attorney can and can't do. Not all attorneys have the same powers – your Power of Attorney document will explain what actions you can take.

What attorneys can do	What attorneys can't do
1. Manage money and accounts for the donor: • Check statements, make payments and open or close accounts. • Switch an existing current account to us (extra checks may be needed, but we'll help with this and send regular updates).	**1. Apply for credit:** • They can't apply for credit cards, overdrafts or loans, or increase existing credit limits.
2. Speak to us directly: • Contact us by phone or in branch with questions about the account (see page 15 for contact details).	**2. Access certain account types:** • Some types of accounts can't be managed by an attorney, such as trust accounts and Child Trust Funds.
3. Choose account access options: • Decide who has a chequebook. • Request a debit card, if applicable. • Request internet, mobile and telephone banking (this will depend on the account type and the terms of the POA, see page 8 for more details).	**3. Use the donor's account access:** • They can't use the donor's cards, chequebooks or account passwords and passcodes.
4. Choose where correspondence is sent: • Decide whether correspondence goes to the donor or themselves. • Ask for statements via internet banking (if they have access) or in branch – but only one attorney can receive correspondence per account.	**4. Use internet, mobile or telephone banking if:** • The POA limits this access • They are a business or organisation not personally named as an attorney • They are joint attorneys (as all decisions must be made together).
5. Make cash withdrawals and pay off debts: • Take out cash (we may ask questions or request supporting information to make sure the withdrawal is in the donor's best interest). • Pay off existing debts and manage mortgage payments.	**5. Write themselves a cheque:** • Cheques can only be made out to the donor or other non-attorney recipients.
6. Give themselves gifts: • Attorneys can only gift themselves money from the donor if there is an acceptable reason (see page 11 for details). • When a request is made, we may carry out checks to make sure it's appropriate and in line with the Power of Attorney.	

Accessing accounts

The donor can continue using their accounts after setting up a POA, as long as they still have mental capacity. For the attorney, a POA allows them access to manage the donor's account(s) in various ways:

In branch

An attorney can visit us in branch to manage transfers and payments, including regular payments like standing orders. They can also open and close savings and current accounts, as well as asking for copies of statements.

Over the phone

Attorneys can call to manage the account(s). You'll find our contact details on page 15.

By post

Attorneys can change the address we use to send letters about the account, so that post comes to them instead of the donor. We can make this change in branch or over the phone, once we've completed the necessary ID and security checks.

Debit cards

If the attorney is managing the donor's current account, they can request a debit card in a branch or over the phone. However, this is only available for sole or joint and several attorneys. We can't issue joint attorneys with a card, as that would let them act alone.

The debit card could then be used to withdraw money from an ATM, or to make purchases in shops or online.

Internet, mobile or telephone banking

An attorney may be able to register for internet, mobile or telephone banking. Only one person (the donor or attorney) can access the account at one time. Before we can register an attorney for one of these services, we need to add their mobile number and email address to the account. If you have multiple accounts with different sort codes, the account access rules apply per sort code.

Access to these services depends both on the account and the type of attorney:

What number does the donor's sort code start with?	What is the attorney type?	Is internet, mobile or telephone banking allowed?
82 or **05**	Sole attorney	Yes
	Joint and several attorneys	Yes (but only for one person)
	Joint attorneys	No

Accounts with a sort code that starts with **08** are only accessible in branch or by post.

To understand the difference between attorney types, see page 5 and refer back to your own POA documents.

Internet banking

Internet banking is accessing your bank accounts through a web browser, either on a computer, tablet or mobile phone. An attorney or donor can access internet banking using the customer number on your confirmation letter and some verification. For support visit our help centre at **support.virginmoney.com** or call us on the number on page 15.

Mobile banking

Mobile banking is accessing a bank account through our Virgin Money Mobile Banking app. Either the donor or attorney can manage the account using mobile banking. To get this going they'll use the same initial details as internet banking (starting with a customer number in your confirmation letter).

Ask in branch, or find out how at **virginmoney.com/register-for-mobile-banking**

If you need a hand there's also our help centre here: **support.virginmoney.com** or you can give us a call on the number on page 15.

Telephone banking

The attorney or the donor can access telephone banking. Contact us on the number on page 15.

Confirming identity

Whenever an attorney gets in touch, we need to check their identity and the donor's too. This keeps everyone safe and helps us make sure we are speaking to the right person.

When an attorney calls or visits us in a branch, we may check:

- the attorney's and/or donor's personal details
- information about the donor's account(s)
- digital access details, such as Mobile App or internet banking access (don't worry, we'll never ask for any part of your login details or password)

Registering support needs

Both donors and attorneys can let us know about any support needs that affect how they bank, including:

- **Difficulty hearing:** If you're deaf or have a hearing impairment, you can choose your preferred contact methods. If you visit us in branch, we can find a quiet space or use a hearing loop.
- **Visual impairment:** If you are blind or visually impaired, we can communicate in other ways, like in Braille or audio.
- **Communication difficulty:** Speaking slowly, writing things down and checking you understand are a few ways we could help. Let us know and we'll change the way we communicate to suit you.
- **Caring or being cared for:** You're welcome to bring someone with you to visit us in branch. And if you'd like to bank digitally but need some support, we can help.
- **Worried about money:** If you need support, we can offer practical steps including information on saving money and claiming benefits. We log any support needs, to make sure our customers can complete all banking tasks and understand the information they need.

Whatever your circumstances, we can offer support. Visit us in branch, use the live chat online or on our app, or give us a call. See our contact details on page 15.

If you ever need extra help, you'll find it at **virginmoney.com/service/your-support**

Requesting statements

An attorney may need statements to keep records, pay bills or demonstrate that decisions are in the donor's best interest. There are a few ways to request or download a statement:

In branch

At any Virgin Money branch, an attorney can ask us to send out copies of statements to either the donor's registered address or to their own address.

Depending on the account, we may charge a fee for this service. But we'll make this clear before completing the request.

By phone

An attorney can also call us to ask us to send paper statements out, either to the donor's registered address or directly to the attorney (where it's permitted under the POA agreement). You can find the right number to call on page 15.

Using internet or mobile banking

If the attorney has digital access, they can:

- view recent and historic statements
- download statements as PDFs
- print statements directly from the app or internet banking portal

Using the donor's money

An attorney can spend money for the donor's benefit, on things like bills, care fees or food. They can also claim back any reasonable expenses, as long as they have receipts.

Big financial decisions, like selling property, moving large sums of money, changing long standing investment arrangements or other financial commitments must be in the donor's best interests and well evidenced. You should keep detailed records and safely store relevant paperwork for significant changes of this kind.

Attorneys can only pay themselves for their time if this is clearly allowed in the POA arrangement, or if they are a professional attorney such as a solicitor.

Cheques

If the account comes with a chequebook, an attorney can sign cheques on the donor's behalf giving their own name and role.

For example:

[Attorney's name], Attorney for **[donor's name]**

Gifts

Attorneys can give some gifts, but these can only be for usual gifting reasons, like birthdays, religious festivals or weddings. The gifts must be reasonable and affordable for the donor.

Gifts that don't fit this description may need to be approved by the Court of Protection (find out more at **gov.uk/courts-tribunals/court-of-protection**). This includes anything that could reduce the donor's estate, like large amounts of money or selling property below its market value.

Making changes

Changing a General Power of Attorney (GPA)

If the donor wants to replace an attorney, they should revoke the existing GPA and create a new one. To do this, they can mark the original document as 'revoked' or 'cancelled', then arrange a new GPA for the replacement attorney.

They should then send us a copy so we can update our records. The quickest way is to visit our secure online portal at **virginmoney.com/poa-portal,** fill in the details and upload the document. Or, send a copy by post or bring it to any of our branches.

To make a change to the attorney's name or address, the donor needs to write to us at the address on page 15 to confirm the new details.

Changing a Lasting Power of Attorney (LPA)

The donor must have mental capacity to make any changes to an LPA.

The donor will need to lodge either a full deed of revocation, which cancels the existing LPA, or a partial deed of revocation, which could, for example, remove an attorney.

The Office of the Public Guardian (OPG) will need to be made aware of any changes. Once the changes have been made and (where required) registered, a copy of the updated or new document should be shared with us, so we can update our records.

In Northern Ireland, Enduring Powers of Attorney (EPA) are used instead of Lasting Powers of Attorney. These are overseen by the Office of Care and Protection (OCP), and any changes or revocation must be submitted to them.

If the donor has lost capacity and changes are required, you can seek guidance from the OPG, OCP in Northern Ireland or the Court of Protection.

Concerns about attorneys

If an attorney is worried about the actions of another attorney, the best thing to do is contact the Office of the Public Guardian or, in Northern Ireland, the Office of Care and Protection.

They have the power to investigate and remove attorneys who aren't acting responsibly. You can also contact us using the phone number on page 15.

If the donor passes away

A POA arrangement ends when the donor dies. At this point, the attorney needs to notify us and the Office of the Public Guardian as soon as possible.

Attorneys don't manage a donor's estate; that's the responsibility of the personal representative. This is usually the executor or administrator (depending on whether there's a will). It's possible for the same person to be the attorney and personal representative, but it's not always the case. Once we're informed, we'll support them through the process of closing the donor's account(s).

How a POA ends

There are various ways a POA can end, including where:

- a donor with capacity chooses to revoke the agreement
- the donor dies (see section above)
- the POA document includes conditions for terminating the agreement, like an expiry date

If the POA ends, it's important to keep us informed so we can update the donor's records.

To let us know, please either visit us in a branch, upload the relevant documents at **virginmoney.com/poa-portal** or write to us (see page 15 for contact details).

Ending a GPA

A GPA can end in several ways. A donor may choose to stop the arrangement and simply mark the document (see Making changes on page 12).

The arrangement will end automatically if a sole attorney can no longer act for the donor, for example if they lose capacity.

The GPA will also end if the donor loses mental capacity. If this happens, another person should apply for legal authority to manage the donor's financial affairs. In England and Wales, this is usually done through the Court of Protection. In Scotland and Northern Ireland, applications are made through the relevant courts.

The donor can also set an end date. We take a note of this when we register the POA, then we'll:

- contact the donor about the GPA three months before the expiry date
- provide you with the information you need to arrange a renewal or replacement POA (if needed), aiming to ensure the donor has uninterrupted financial support

If no replacement or extension is provided by the expiry date, the GPA will end automatically. We'll then remove any attorneys' access.

Ending an LPA

Like other POA agreements, a Property and Financial Affairs LPA can change or end for a few different reasons.

Depending on the terms of the POA, the attorney may be removed and replaced, or the LPA may become invalid if any of the following applies to the attorney:

- They lose mental capacity or die
- They divorce the donor or end their civil partnership (if they are spouses/partners)
- They become bankrupt or subject to a Debt Relief Order (DRO)
- They are removed by the Court of Protection or other body that handles decisions about people's mental capacity

In England and Wales, the rules around these conditions are regulated by the Office of the Public Guardian (OPG). Find out more at **gov.uk/government/organisations/office-of-the-public-guardian**

In Scotland, Continuing or Combined Powers of Attorney are used instead of Property and Financial Affairs LPAs – these are also regulated by the OPG. Learn more at **publicguardian-scotland.gov.uk**

Northern Ireland uses Enduring Powers of Attorney (EPAs), which are overseen by the Office of Care and Protection (OCP). Get more info at **nidirect.gov.uk/contacts/office-care-and-protection**

If a donor's mental capacity changes

When someone can't make certain decisions for themselves, this is sometimes known as losing mental capacity.

Mental capacity can change over time, and it is usually assessed by a professional (like a GP) involved in the person's care or support. In some cases, a medical professional or a court may need to make a formal decision about a donor's capacity.

Some POA arrangements are designed to be used only when the donor loses mental capacity. In these circumstances, we won't register the POA unless you tell us the donor has lost capacity.

If the donor still has capacity when you present us with the POA, we'll ask you to get back in touch with us if their capacity changes (for ways to contact us, see page 15). We don't usually ask for medical evidence unless the POA document specifies we need to or there's a dispute about the donor's capacity.

We work in line with the Mental Capacity Act 2005 and OPG/OCP guidelines. We also have processes in place to safeguard the donor if they lose mental capacity. This could include removing the donor's card access, chequebook, and internet or mobile banking.

This helps us support the attorneys to act in the donor's best interests in line with the terms of the POA, while reducing the risk of financial harm.

Protecting the donor

We follow safeguarding guidance from the OPG/OCP to help prevent any harm to the donor. For example, if we detect unusual or risky activity on the donor's account, we may place a temporary hold or contact the attorney to check what's happening. We also have the right to report any concerns to the OPG/OCP directly.

Contact us

Whether you're supporting someone else with their finances or giving someone authority to manage your banking, we're here to help.

So we can direct you to the right team, please check the sort code on the donor's statement or bank card.

If the sort code starts with 08, give us a call on **0345 600 7301****. We're here 8am to 6pm, Monday to Friday, and 8am to 3pm on Saturdays. Or, write to us at:

The team at Virgin Money
Jubilee House, Newcastle-upon-Tyne NE3 4PL

If the sort code starts with 82 or 05, you can call us on **0800 121 7365***. We're here 8am to 6pm, Monday to Friday, and 9am to 1pm on Saturdays. Or, write to us at:

The team at Virgin Money
Sunderland SR43 4JB

If your POA arrangement covers accounts with Nationwide, you need to register the POA with Nationwide separately. You can find more information at **nationwide.co.uk/thirdpartyaccess**

Visit us

Come into a branch to speak to us in person. You can find your nearest branch at **virginmoney.com/branch-finder**

*Calls to 0800 numbers are free from personal mobile phones and residential UK landlines. Calls may be monitored or recorded.

**Calls to 03 numbers cost the same as calls to 01 or 02 numbers and they are included in inclusive minutes and discount schemes in the same way. Calls may be monitored or recorded.

Nationwide Building Society (trading as Virgin Money). Authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority under registration number 106078. Head Office: Nationwide House, Pipers Way, Swindon, Wiltshire, SN38 1NW