

TV Star's Covid trauma showcases the need for proper legal protection

A leading Edinburgh personal lawyer has revealed the heart-breaking complications faced by TV star Kate Garraway in supporting her husband Derek in his year-long battle with Covid, underlining the importance of having proper legal protection.

Lindsay Maclean, Head of Personal Law at Edinburgh firm Gibson Kerr, said the Good Morning Britain presenter was unable to access funds to manage her husband's care or refinance her mortgage. She didn't even have the legal right to see his medical notes, owing to data protection.

Research by specialist legal group Solicitors for the Elderly (SFE) shows that 65% of us think our next-of-kin will be able to make medical and care decisions for us if we are no longer able to. In reality, this isn't the case unless a Power of Attorney (POA) is in place.

Lindsay, who is also Regional Director of the SFE Scotland branch, said while there's been a rise in the number of enquiries made about POAs during the pandemic, only 22% of people in the UK actually have one.

In Scotland these documents are called Continuing and Welfare Powers of Attorney.

Lindsay said: “The difficulties that Kate Garraway and her husband faced may be exceptional but they demonstrate that we can never predict the future and it is important to plan ahead.

“Indeed, it is surprising that the numbers of people coming forward to take out POA remains low. Even the screening of the traumatic TV documentary about Kate and Derek’s experience didn’t lead to a rise in POAs being signed.

“At Gibson Kerr we saw a small rise in enquiries about POAs at the beginning of the year. However, the percentage of enquirers going on to sign a POA has actually decreased, which I think may be the result of people thinking they can come back to it down the line and put one in place only when it’s needed.

“Sadly, Kate and Derek’s story has demonstrated that if you don’t do it early, it may be too late to put POA in place at the time you most need it.

“The best way to avoid this difficult kind of legal situation is to use a specialist lawyer who is experienced in this area of law, and is trained to support people in making these crucial and sometimes difficult legal decisions. According to Which?, 22,000 POAs are rejected every year at the registration stage, so it’s essential you get your legal documents right.”

SFE (Solicitors for the Elderly) is the membership organisation for specialist solicitors who support older and vulnerable people.

Edinburgh-based Gibson Kerr – which specialises in personal law, family law and property – first began operating in India Street in 1990, although the business dates back over 100 years. It was acquired by Partners Scott and Fiona Rasmusen in 2005. Fiona is Head of Family Law, the Property team is headed by Scott, while Partner Lindsay, who joined the firm in

2007, is Head of Personal Law.

The main location for Gibson Kerr's Personal and Family Law teams is India Street while Dundas Street is home for the Property team.



Lindsay Maclean