

Sorting out your financial affairs



About this booklet

This booklet is for people living with cancer who want to plan ahead. It can help you make choices about what will happen to your money and belongings after you die. It also explains how to arrange for someone to help you if you become unable to look after your finances.

This booklet is about making plans for your money and belongings in the future. You may also want to make plans about how you are cared for. Our booklet **Planning ahead when living with cancer** has more information (page 62). There are different versions for England and Wales, Scotland and Northern Ireland.

How to use this booklet

This booklet is split into sections to help you find what you need. You do not have to read it from start to finish. You can use the contents list on page 3 to help you.

It is fine to skip parts of the booklet. You can always come back to them when you feel ready.

On pages 68 to 74, there are details of other organisations that can help.

If you find this booklet helpful, you could pass it on to your family and friends. They may also want information to help them support you.

Quotes

In this booklet, we have included quotes from people who have planned ahead with their financial affairs. These are from people who have chosen to share their story with us. To share your experience, visit **[macmillan.org.uk/shareyourstory](https://www.macmillan.org.uk/shareyourstory)**

Help with money

On the Macmillan Support Line, we have expert money advisers who can help you deal with money worries, provide information about benefits and recommend other useful organisations that can help.

If you are worried about debt, we can refer you to our charity partner StepChange Debt Charity for advice (page 72). The Macmillan Support Line is open 7 days a week, 8am to 8pm. Please note the opening times may vary by service.

Visit **macmillan.org.uk/macmillan-support-line**

If you are hard of hearing, you can use textphone **18001 0808 808 00 00**, or use the Relay UK app. If you would prefer to speak to us in another language, interpreters are available.

Our online financial support tool

Our online financial support tool includes a benefits calculator. You can use this tool to find out which benefits you may be entitled to. Visit **macmillan.org.uk/benefits-calculator**

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What is a will?

A will is a legal document. It gives instructions about who you want to give your money and belongings (possessions) to when you die.

People who get your money or belongings when you die are called your beneficiaries. Writing a will makes it clear who you wish to leave your money and belongings to when you die.

What you leave when you die is called your estate. This is made up of:

- everything you own, including money, property and belongings
- your share of anything you own jointly with someone else.

Anything you owe is taken off the value of your estate, after any debts are repaid. For example, the value of a mortgage would be taken off.

Your will can also include instructions about:

- who you want to look after your children – this person is called a legal guardian
- your funeral plans
- who you want to carry out the instructions in your will – this person is called an executor.

Why is making a will important?

Writing a will means your wishes are followed after you die. It means your loved ones are provided for in the way that you want. It can also prevent them from having to make difficult decisions, or deal with financial problems. You might find that writing your will makes you less anxious about the future. A will can also be a way of remembering causes and organisations that are important to you.

“ I am a very practical person and while I never thought I was going to die when I was diagnosed with cancer, I did feel that I needed to get my affairs in order. So I have made a will and a list of other things I think should get sorted before I die. ”

Samixa, diagnosed with ovarian cancer

If you die without making a will

If you die without making a will, this is called dying intestate. There are laws about how your estate will be passed on. These are called the rules of intestacy. They say:

- who should sort out your estate
- who your estate should be passed on to.

If you die without making a will, it can take much longer and cost more to deal with your estate. It may also mean your money and belongings will not go to the people you would have chosen.

What happens to your estate depends on your situation and which part of the UK you live in. The rules are complex. To find out exactly what will happen to your estate if you die without a will, use the intestacy online tool at **gov.uk/inherits-someone-dies-without-will**

The rules usually favour a surviving husband, wife or civil partner, and children, but can also involve others.

If you have a husband, wife, civil partner or children

If you have a husband, wife, civil partner, or children, your estate may be split between these people. This includes adopted children, but not stepchildren (unless you have adopted them).

If you do not have a husband, wife, civil partner or children

If you do not have a husband, wife, civil partner or children, your estate may go to your parents, brothers or sisters (siblings) or more distant relatives. This depends on which part of the UK you live in.

If you do not have any relatives, everything will go to the state.

If you have grandchildren

If you have grandchildren when you die, but their parent (your child) has died, your grandchildren can claim their parent's share of your estate.

If you have a partner, but are not married or in a civil partnership

If you have a partner, but you are not married or in a civil partnership, they have no legal right to inherit anything. This is true even if you have lived with a partner for many years. But they may be able to apply to a court for a payment from your estate if they are dependent on you. Other relatives and friends can also do this.

If you live in Scotland and die without making a will

The rules in Scotland are different, but your estate will also probably go to your closest relatives.

The intestacy online tool at [**gov.uk**](https://gov.uk) can help you to understand what will happen to your estate if you die without a will.

In more complex situations, you might need to speak to a solicitor about legal rights in Scotland when there is no will.

Guardianship of young children

Writing a will means you can say who you want to look after your young children if you die. If they agree, this gives them legal rights and responsibilities for your child. This may apply to children under the age of:

- 16 if you live in Scotland
- 18 if you live in England, Wales or Northern Ireland.

Your child's other parent has automatic legal responsibility for your child if:

- you are married to them or in a civil partnership
- you were married to them or were in a civil partnership when your child was born
- you are not married to them or in a civil partnership, but they are named on the birth certificate and your child was born after 1 December 2003 in England and Wales or 3 May 2006 in Scotland – if you live in Northern Ireland, contact your local Advice NI for up-to-date information on this (page 68).

In these cases, there is no need to name (appoint) each other as guardian in your will.

If you are separated from the other parent, they will usually become responsible for your child. This is unless it can be proved that they are unsuitable to look after your child. Even if you choose a different guardian in your will, the other parent can challenge (contest) this in court. You should discuss this with a solicitor.

You may want to consider who you would appoint as a legal guardian if something happened to you and the other parent. It is very important to appoint a guardian in your will if:

- you are the only living parent
- you are separated from the other parent
- you are living with your partner, but they are not the other parent of your children
- you have children and stepchildren and would like the family to stay together
- your child's other parent lives outside the UK and relocating the child would be an issue.

A step-parent does not get legal responsibility for a child automatically, even if you are married to them. If you choose guardians in your will, the court can consider your wishes when making its decision. It is not guaranteed that the court will select your chosen guardians. But having your wishes in your will it makes it much more likely.

If you die without a will

If both parents die without a will, the UK courts choose a guardian. This may not be the person you would have chosen. This may also be a long process, especially if more than 1 person wants to become a guardian. The local council may take children into foster care until the court decides on a guardian.

Making changes to your will

You cannot change your will after it has been signed and witnessed. But you can make changes by signing something called a codicil. A codicil is an official change to your will. You need to sign a codicil and get it witnessed in the same way as witnessing a will. There is no limit on how many codicils you can add to a will. If you need to make major changes, it is best to write a new will which cancels your previous will (page 21).

It is important to get advice from a solicitor if you want to write a new will or make a codicil. They can help to make sure a new or updated will is still valid.



If you own property jointly

You might own property jointly with 1 or more people. There are 2 different ways that you can do this:

- Joint tenants. In Scotland this is called property with a survivorship destination.
- Tenants in common. In Scotland this is called property without a survivorship destination.

What happens to the property after you die depends on the type of joint ownership you have.

Joint tenants (property with a survivorship destination)

If you have this type of joint ownership, your share of the property goes automatically to the other owners when you die.

With this type of joint ownership:

- property can be owned between 2 or more people
- property is always owned in equal proportions between joint tenants, except in Scotland, where they can each own a different proportion
- if you die, your share of the property will be shared equally between the other owners
- you cannot leave your share of a property to someone else in your will.

Tenants in common (property without a survivorship destination)

If you have this type of joint ownership, your share of the property does not automatically go to the other owner or owners when you die. It forms part of your estate.

With this type of joint ownership:

- property can be owned between 2 or more people
- property does not have to be owned in equal proportions – the owners can each own a different proportion
- if you die, you can leave your share of the property to someone else in your will
- if you do not have a will, your share is passed on according to the law.

Making a will

To make a will you must be at least:

- 18 years old in England, Wales and Northern Ireland
- 12 years old in Scotland.

Making a will does not have to be expensive or hard. But it is a legal document and must be prepared properly. It is best to use a solicitor.

They will be able to help with the wording in the document.

This ensures all legal processes are followed, as even small mistakes can make a will invalid. A solicitor will also make sure your wishes are clear and are carried out exactly as you want.

This is particularly important if your will is complicated. This might be the case if:

- you own a property with someone who is not your husband, wife or civil partner
- you have young children
- you have children with a previous partner
- you want to leave money to someone who cannot care for themselves
- you own property abroad
- you own a business.

You can make a will in person or over the phone with a solicitor. Some solicitors have a form that you can fill in and send online or through the post.

After your meeting or phone call with a solicitor, they should arrange a follow-up appointment with you. This is to check your will has been written the way you want it.

You will then need to sign it with 2 witnesses present, or 1 witness if you live in Scotland. The witnesses must also sign the will for it to be valid. Your witness cannot be 1 of your beneficiaries, or someone who is married to 1 of your beneficiaries.

Finding a solicitor

There are organisations that can help you find a solicitor. It is a good idea to ask for a few quotes to find the right solicitor for you.

Different law societies in the UK have online databases where you can search for a local wills solicitor:

- In England and Wales, visit **solicitors.lawsociety.org.uk**
- In Scotland, visit **lawscot.org.uk/find-a-solicitor**
- In Northern Ireland, visit **lawsoc-ni.org/solicitors**

You can also visit your local Citizens Advice in England, Scotland and Wales or Advice NI in Northern Ireland and ask for a list of local solicitors (pages 68 to 69).

Charity will-writing services

Some charities offer a free will-writing service. They hope you will use your will to leave them a gift, but you do not have to. This gift is called a legacy. If you use a will-writing service, it is always a good idea to speak to an independent solicitor too.

There are different ways of finding charity will-writing services:

- Contact a charity to find out if it offers a free will-writing service.
- Contact a free or low-cost charity will-writing service, such as **willaid.org.uk** which provides free will writing once a year, usually in November.
- If you are aged over 55, you can visit **freewillsmoth.org.uk** This scheme runs 2 times a year, usually in March and October.

Macmillan's Free Will Service

Macmillan works with trusted will-writing providers across the UK to offer a Free Will Service.

To register for your free will, visit **macmillan.org.uk/free-will-service**, where you will also find more information on our partners and will-writing methods. Or contact us on **0800 8048 490**.

If you have been diagnosed with cancer, you can call our money advisers on **0800 808 00 00** for information on all the options on how to write your will.

You may also need to change your will if there are any changes in your finances.

Keeping your will safe

Leave your original will document in a place where it will be safe and easily found. For example, you can leave it with your solicitor. You should also keep a copy, and make sure your executors know where to find it. You may want to keep it with other important documents, such as the details of your insurance policy.

For help with wills and planning your estate, or any other personal finance issues, contact our money advisers on **0808 808 00 00**.





When should I update my will or make a new one?

In England, Northern Ireland and Wales, getting married or entering into a civil partnership cancels your existing will. Unless your will specifically states that it takes a future wedding or civil partnership into account, you will need to make a new will. In Scotland, getting married or entering into a civil partnership does not cancel your existing will.

If you get divorced or end a civil partnership, any will you made while married or in a civil partnership is still valid. But if you have left a gift in your will to your spouse or civil partner, they may not receive this. This applies in all parts of the UK.

If you get divorced or end a civil partnership, you should review your will as it may need updating.

You may also need to update your will to include:

- any new children or grandchildren
- a new partner
- any changes in your finances.

Our money advisers can give you guidance and information on wills and estate planning. Contact them on **0808 808 00 00**. But if your will needs updating, it is always a good idea to get help from a solicitor.

We have more information about making a will in our booklet **Your step-by-step guide to making a will** (page 62).

Funeral instructions

Arranging a funeral can be stressful for family or close friends if they do not know your wishes. If you tell your family and friends what you want, your funeral is much more likely to reflect your wishes. It may also be one less thing for your family or friends to worry about.

Some people choose not to have a funeral service. Having a direct cremation means there is no funeral service, and no-one present at the crematorium. This is a less expensive option, but there are other reasons to have this. It allows people to choose their own way of remembering a loved one and is usually followed by a celebration of life or memorial service. This is not held at a crematorium or church, and can take place at any time.

Cemeteries may also offer a direct burial option without any religious ceremony or service beforehand.

“ I love prosecco and parties, that is just who I am. I’ve planned where I want my funeral to be, who I want to be there, how I want it to be organised. There will be lots of prosecco and a jazz band. ”

Alejandra, diagnosed with breast cancer

Choosing a funeral director

You or those organising your funeral may find choosing a funeral director difficult if there are several in the area where you live. If you have had to plan a funeral in the past, you might choose a director you have used before. If you have not, it is best to choose one that you know has a high standard of practice. The following organisations can advise you if a funeral director offers a high standard of support:

- National Association of Funeral Directors (NAFD) – page 70
- National Society of Allied and Independent Funeral Directors (SAIF) – page 71.

You do not need to use a funeral director. But it can be hard to arrange a funeral at such a distressing time. The Natural Death Centre has information about arranging a funeral without a funeral director (page 71).

Pre-payment plans

Funerals can be expensive. You may want to pay for your funeral in advance with a funeral pre-payment plan. You can find out more from:

- your local funeral director
- the National Association of Funeral Directors (NAFD) – page 70
- the National Society of Allied and Independent Funeral Directors (SAIF) – page 71.

It is best to research prices first. Make sure you know what services are included in the price, as these can vary.

With a pre-payment plan:

- you can arrange and pay for your own or someone else's funeral in advance
- you can pay for it in full or in instalments to the plan provider or a funeral director
- there are rules to protect your money until it is needed.

Before you buy a funeral plan, you should check what the total cost will be. You should also check what will be included in the plan, to make sure you are happy with it.

The Financial Conduct Authority (FCA) now regulates firms that provide and arrange pre-paid funeral plans.

If you have a funeral plan, or are thinking about buying a new one, check the list of funeral plan providers on the FCA website first.

Visit [fca.org.uk/consumers/funeral-plans/providers-list](https://www.fca.org.uk/consumers/funeral-plans/providers-list)

“ Doctors told my mum, ‘there isn’t much we can do from here’. She arranged her funeral with me. She wanted people who came to the funeral to know to wear the brightest colours and no dark colours. ”

Kevin, whose mother was diagnosed with stomach cancer

What does sorting out your estate involve?

If you make a will, you can choose who you want to sort out your estate. This person is called an executor. This is a big job and is often done by a solicitor. Or it can be done by somebody else that you trust.

If you die without a will, usually your next of kin will sort out your estate. Your next of kin is usually your closest living family member or family members. For example, it may be your husband, wife or civil partner, or your grown-up children. It is usually the person most entitled to inherit from your estate.

Here are some of the things an executor must do:

- Get probate in order to divide your estate (pages 26 to 27).
This is called confirmation in Scotland. It proves that your will is valid.
- Get letters of administration, if there is no will. This decides who will sort out your estate. A person given the legal power to do this if there is no will is called an administrator.
- Find everything you owned at the time of your death, including any debts.
- Report anything you owe to HMRC.
- Pay any tax that is due, and any unpaid bills and other debts.
- Identify your beneficiaries – these are the people who should get your estate.
- Arrange the sale of assets such as property and other belongings, if needed.

Your executors can either do these things themselves, or hire a solicitor to help.

It can be helpful to keep all your financial documents in a safe place and tell someone where this is. This can make it easier for your executors to find all the information they need after you have died.

Getting probate or confirmation

Unless your estate is very small, it cannot be given to your beneficiaries until probate has been granted. In Scotland, this is called confirmation. It is a legal document that shows the amount you owned and owed when you died.

Your executors' names will be on the document. This allows them to sell or transfer your estate, so that it can be distributed according to your will. If you do not have a will, your estate will be distributed according to the rules of intestacy. These rules say:

- who should sort out your estate
- who your estate should be passed on to.

If the estate is straightforward, getting probate or confirmation may only take a few weeks. But if the estate is more complicated, it can take many months, or even years.

When probate or confirmation is not needed

Some money and belongings can go straight to your beneficiaries without waiting for probate or confirmation. This might happen if:

- the estate is made up of cash below a certain limit and personal belongings only
- money or property are held jointly.

The following are usually not included in your estate, if you have chosen who should receive them:

- a payout from life insurance
- a lump sum or income from a pension scheme – this would also not be included if the trustees of the pension scheme have the power to make payments to your dependents.

The following will usually go straight to your beneficiaries after your death, even if probate or confirmation is needed for your estate:

- your pension, if you have completed a pension nomination form – this must be an official legal document
- a life insurance policy, if it has been put into trust (page 33).

For help sorting out an estate and paying tax, call the Probate and Inheritance Tax Helpline on **0300 123 1072**. Or visit:

- **gov.uk** in England, Scotland and Wales
- **nidirect.gov.uk** in Northern Ireland.



Inheritance Tax

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What is Inheritance Tax?

Inheritance Tax may need to be paid when you die if the value of your estate is above £325,000. It may also need to be paid on some gifts you make during your lifetime.

You can pass on the first £325,000 without needing to pay tax. This is called the tax-free allowance or nil-rate band. It is set by the government and can change.

Anything above the tax-free allowance of £325,000 is taxed at 40%, except for:

- anything you leave to your husband, wife or civil partner
- anything you leave to a UK-registered charity.

You can check whether a charity is registered at **gov.uk/donating-to-charity**

If you own something jointly, such as a house, your share may count as part of your estate. This means Inheritance Tax may need to be paid on it, unless you own it with your husband, wife or civil partner.

You might not use all of your tax-free allowance when you die. If you are married or in a civil partnership, any unused tax-free allowance can be passed on to your partner. This means that their tax-free allowance will be larger.

Example

Helen's estate (which is all cash) is worth £425,000 after everything she owes is taken out. She is leaving her estate to her children. The first £325,000 is tax-free. This leaves £100,000 that will be taxed at 40%. This means £40,000 of Inheritance Tax will be paid from Helen's estate.

Passing on your home

There is an extra tax-free allowance for people who own a home. This is called the residence nil rate band, or the family home allowance.

To get the extra allowance, your property must have been your main home and you must leave it to your children, grandchildren or great-grandchildren in your will. This includes adopted or foster children and stepchildren. It does not include other family members, such as nieces and nephews.

The residence nil rate band amount for 2020 to 2023 is set at £175,000. In the past it has increased each year, so this amount might be subject to change. For the most up-to-date information on the nil rate band, visit **gov.uk/guidance/inheritance-tax-residence-nil-rate-band**

The residence nil rate band amount is added to your current tax-free allowance if your estate is worth less than £2 million. If your estate is worth more than this, you may get some, but not all, of the residence nil rate band.

Tax-free allowances

There are some things you can do to reduce the amount of Inheritance Tax on your estate.

If your estate is worth less than the tax-free allowance

Any tax-free allowance for your estate that is unused can be transferred to your husband, wife or civil partner. This means that there will be a bigger tax-free allowance on their estate when they die. Any unused residence nil rate band can also be transferred.

The tax-free allowance is not transferred until after your surviving partner has died. Their executor or personal representative must apply for it.

If your estate is worth more than the tax-free allowance

If the value of your estate is more than £325,000, you should ask a solicitor or financial adviser for advice. There may be ways to reduce the value of your estate, including:

- setting up a trust
- putting more of your savings into a personal pension
- leaving a gift to charity
- making lifetime gifts (pages 34 to 35).

Trusts

A trust is a legal arrangement where you ask someone to manage money, property or investments for the benefit of someone else. For example, you could put some of your savings in a trust if you have young children. You can then nominate a friend or family member to manage it until your children are older. There are many different types of trust available, and the arrangements can be complicated. You should always get financial and legal advice before setting up a trust.

Pensions

Your pension scheme may provide a legal nomination form that you can use to nominate someone as your beneficiary. If you have done this, whatever is left in your pension when you die may pass directly to them. This depends on the terms and conditions of your pension scheme. Make sure your pension provider has up-to-date details of your beneficiary. If you have more than 1 pension, tell all your providers. You do not need to mention this in your will, as your pension will not become part of your estate. Depending on your situation, this means that Inheritance Tax may not need to be paid on it.

Gifts to charity

If you leave 10% or more of your taxable estate to a charity, there will be less tax to pay on the rest of your estate. Anything you leave as a charitable gift will not be taxed.

Lifetime gifts

Making lifetime gifts can reduce the value of your estate when you die. This reduces the amount of Inheritance Tax that must be paid. A lifetime gift is a gift made by a living individual. A gift can mean 1 of the following:

- Anything of value, such as money, property or belongings.
- Selling something to someone for less than its market value.
For example, you might sell your house to your child for less than it is worth. The difference in value counts as a gift.

People you give gifts to will be charged Inheritance Tax if you give away more than £325,000 in the 7 years before your death. Some lifetime gifts are tax-free, including the following:

- Gifts to your husband, wife or civil partner.
- Gifts to UK-registered charities.
- Wedding or civil ceremony gifts, up to certain limits.
- Regular gifts you pay out of your income, not your savings.
- Small gifts up to £250. You can only give this amount once to the same person.
- Payments to help with another person's living costs, such as an elderly relative or a child aged under 18.
- Up to £3,000 of any other type of gift you make each tax year.
This is on top of the gifts mentioned in this list and is called your annual allowance. You can also use any unused allowance from the previous tax year, but only carry it over for 1 year.

The 7-year rule

Gifts not included in the list opposite will be taxed if you die within 7 years of giving them. The amount of tax will depend on how many years have passed. If you die after 7 years of giving them, Inheritance Tax will not have to be paid.

“ We made our will, and decided we’d do it half charities for animals and the rest to cancer charities. If I can leave something that will make a difference to other families, or even one family, it will be worth it. ”

Jackie, diagnosed with breast cancer

More information about Inheritance Tax

For more general information on Inheritance Tax, visit **gov.uk/inheritance-tax** For more specific advice, you can contact the following people:

- For advice about Inheritance Tax, speak to a financial adviser.
You can also speak to a solicitor who specialises in estate planning.
- To set up a trust, contact a solicitor.
- If you have a large estate, for example if your estate is worth more than £1 million, you might want to get specialist advice.
You can contact the Society of Trust and Estate Practitioners.
Visit **step.org/for-the-public**





Asking someone else to manage your affairs

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When can someone help manage your finances?

There may come a time when making financial decisions becomes difficult. For example, it may be difficult if you lose mental capacity. This means that you are no longer able to make your own decisions.

Power of attorney gives 1 or more people the power to manage your finances if you are unable to communicate. Setting this up before you become unable to make decisions for yourself will give you more control over what happens in the future.

There are other ways someone you trust can help if you are not able to manage your financial affairs. Even if you can make your own financial decisions, it may help if someone you trust manages the practical things for you.

For example, the effects of cancer or its treatment might make it harder to get out of the house. If this happens, it might be hard to do things like go to the bank or manage state benefits. Getting help from someone you trust could make things easier.

You could set up:

- a joint bank account (page 41)
- a third-party mandate (page 42).

Whichever option you choose, you should ask someone you completely trust. You should also make sure they are happy to do it. If you are not sure about what might be best for your situation, our money advisers can help. You can call them free on **0808 808 00 00**.

Banking and benefits

There are different ways that you can arrange for someone to manage your banking or benefits for you.

Setting up a joint bank account

Setting up a joint bank account allows someone you trust to:

- take money out of your account
- make payments for you.

This means the following:

- You change an account you have already so that it is held jointly with someone else.
- You and the other person will both be responsible for any overdraft on the account. An overdraft is any money you take out of your bank account after your balance reaches zero. You may already have an agreed overdraft amount with your bank.

The other person will usually automatically inherit any money in the joint account if you die. They will also take full responsibility for the overdraft if the account is overdrawn when you die.

The law is different in Scotland, where any money that you put into a joint account still belongs to you when you die. However, it must be proved that the money was put into the account by you. If this is the case, that money becomes part of your estate.

Setting up a third-party mandate

You can arrange for someone you trust to temporarily take money out of your account, write cheques and make other transactions in your name. The bank account will still be yours. This allows someone limited access to current and savings accounts to help you with everyday banking, such as making payments. It does not become a joint account. This arrangement is called a third-party mandate. This means the following:

- Most banks ask you to fill out a form to apply for a third-party mandate. They do not always approve mandates.
- The mandate should stop working immediately if you lose your mental capacity. This means becoming unable to make a decision for yourself. It should also stop if you die.
- The bank will not know about any change in your condition. This means the person you nominate in the third-party mandate must tell them as soon as possible if your condition changes.

Arranging for someone to collect your state benefits

You can organise for someone you trust to collect your state benefits for you. This means the following:

- If your benefits are paid into a bank or building society account, a third-party mandate will let someone else collect them for you.
- If you receive benefits another way, speak to the office that deals with your payments. This might be Jobcentre Plus in England, Wales or Scotland, or your local Jobs and Benefits office in Northern Ireland.

Arranging for someone to manage your state benefits

You can arrange for someone you trust to manage your state benefit claims for you. This person is called an appointee. This means the following:

- Your appointee can deal with the benefits office for you.
- Your appointee is responsible for making sure your details are correct.
- If you are paid too much because your details were wrong, your appointee could also be responsible for dealing with this.

For more information about the role and responsibilities of an appointee, visit **gov.uk**

For more help with benefits, you can call our money advisers on **0808 808 00 00**.





Power of attorney

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What is a power of attorney?

A power of attorney is a legal document. It lets you choose (appoint) someone you trust to make decisions for you if you become unable to make decisions yourself. The person you appoint is called your attorney.

Your attorney usually has the authority to make legal and financial decisions on your behalf. In England, Wales and Scotland, you can also give them the power to make healthcare decisions. The power you give them can be long or short term.

It is important to appoint someone you trust. They must be able to make these decisions for you. They must also agree to be your attorney. They could be:

- your husband, wife, civil partner or partner
- a family member
- a friend
- a professional, such as a solicitor or accountant.

It is usually a good idea to have more than 1 attorney. Or you could have a substitute attorney to step in if your attorney can no longer act on your behalf.

If you make any type of power of attorney, it is a good idea to get help from a solicitor. But you do not have to use one. Some companies and stationery shops sell power of attorney packs. In England and Wales, lasting power of attorney forms are only available from **gov.uk**

In Scotland, most people get advice from a solicitor when arranging a power of attorney. Your mental capacity needs to be certified by a solicitor or doctor before the document can be used.

When can I set up a power of attorney?

You can only set up a power of attorney while you are able to make your own decisions. This is called having mental capacity. This means you can:

- understand the decision you are making
- understand what may happen as a result of the decision
- remember and process any information you need to make the decision
- make the decision
- communicate the decision to your doctor or others caring for you
 - this does not have to be by talking.

You can find out more about mental capacity at **gov.uk/make-decisions-for-someone/assessing-mental-capacity**

To set up a power of attorney in England, Wales or Northern Ireland, you must be aged over 18. To set up a power of attorney in Scotland, you must be aged over 16.

What happens if there is no power of attorney?

A partner, family member, close friend or professional can apply for similar legal powers as a power of attorney if:

- you become unable to make your own decisions
- no power of attorney is in place.

This means they can look after your property and financial arrangements for you.

Depending on where you live in the UK, this person may be called a deputy, receiver, guardian or controller. They will need to apply to:

- the Court of Protection in England and Wales
- the local Sheriff Court in Scotland
- the Office of Care and Protection in Northern Ireland.

If there is no-one who can act for you, the authorities can appoint an official to manage your affairs.

Different types of power of attorney

There are different types of power of attorney. Some are temporary, meaning they only last for a set time. Others are permanent (pages 50 to 51). This means they last for as long as they are needed.

A temporary power of attorney

This type of power of attorney is usually used to give someone specific legal powers for a short period of time.

For example, you may want to give someone the power to pay bills for you while you are at hospital. You can do this using a temporary power of attorney.

You can talk to Macmillan's money advisers about your options for power of attorney on **0808 808 00 00**. Or you can talk to a solicitor or contact your local Citizens Advice in England, Scotland and Wales or Advice NI in Northern Ireland (pages 68 to 69).

A temporary power of attorney stops when:

- the set period ends
- you become unable to make decisions for yourself – if you think this could happen, it is a good idea to think about a permanent power of attorney instead.

A permanent power of attorney

At some point, you may lose the ability to make decisions for yourself. You can give someone the power to take over your property and financial affairs permanently in case this happens. This gives someone you trust legal permission to make decisions on your behalf if you become unable to do so.

This is called:

- lasting power of attorney in England and Wales
- continuing power of attorney in Scotland
- enduring power of attorney in Northern Ireland.

You will need to complete the power of attorney forms and register them with the:

- Office of the Public Guardian (OPG) in England, Scotland and Wales
- Office of Care and Protection in Northern Ireland.

There may be a fee for doing this. You can complete the form yourself, or you may wish to get advice from a solicitor.

You can also talk to one of our money advisers on the Macmillan Support Line by calling **0808 808 00 00**.

Here are some things to know about setting up a permanent power of attorney:

- You must set it up before you become unable to make decisions for yourself.
- If you think you might become unable to make decisions for yourself in the future, you should start setting up a power of attorney as early as possible. This is because it may take some time.
- Once it is registered, your attorney can make decisions for you if you become unable to make decisions for yourself.

Talk to a solicitor about what you want your power of attorney to cover and when you would like it to start (come into effect).



England and Wales

There are 2 types of lasting power of attorney (LPA) in England and Wales. You can make 1 LPA, or both if you wish:

- An LPA for financial decisions. This includes things like paying bills or selling your home. It can be used when you are still able to make your own decisions. Or you can set it up to start once you become unable to make decisions for yourself. The LPA cannot be used to manage your property or finances after you have died. These will be looked after according to the instructions in your will (pages 6 to 7).
- An LPA for health and welfare decisions. This includes things like giving consent for treatment, care, medication and where you live. This LPA can only be used if you become unable to make decisions for yourself. Some people also make an advance decision to refuse treatment (advance directive).

You should talk to your solicitor about which is most suitable for you.

An LPA is a legal document. It needs to be registered with the Office of the Public Guardian before it can be used. This can take several weeks or longer.

You can cancel an LPA at any time before it is registered. After it has been registered, it can only be cancelled with the agreement of the Office of the Public Guardian.

You can find out more about making an LPA at **gov.uk/power-of-attorney/make-lasting-power**

Scotland

In Scotland, there are 3 types of long-term power of attorney. They can only be used after they have been registered with the Office of the Public Guardian.

You can cancel a power of attorney at any time, as long as you have mental capacity. If you lose mental capacity, they can only be cancelled with the agreement of Office of the Public Guardian.

Continuing power of attorney

A continuing power of attorney is for financial and legal decisions. It includes things like paying bills, managing your bank accounts or selling your home. It can be used when you are still able to make your own decisions, but would prefer your attorney to deal with these matters. Or you can set it up so that the powers cannot be used until you are unable to make decisions for yourself.

Welfare power of attorney

A welfare power of attorney is for health and care decisions. It includes making decisions about:

- treatment
- care
- medication
- where you will live or be cared for.

These powers can only start when you are not able to make these decisions for yourself. Some people also make an advance directive to make their wishes clear about treatment at the end of life. Talk to your solicitor about which is most suitable for you.

Combined power of attorney

A combined power of attorney is a combination of the first 2 types. It gives your attorney financial and welfare powers.

Northern Ireland

In Northern Ireland, an enduring power of attorney (EPA) can be used for financial decisions. This includes things like paying bills and selling your home. You can decide which powers to give your attorney.

You cannot give an attorney power to make decisions about your care and treatment under an EPA. You can say how you would like to be cared for by using documents like the advance decision to refuse treatment.

While you are able to make decisions for yourself, an EPA can be used without being registered. But if you begin to lose or have lost mental capacity, your attorney must immediately register the EPA with the Office of Care and Protection.

You can set up your EPA so that the powers cannot be used until you become unable to make decisions for yourself.

“ It has been empowering to take back responsibility and control in my life. I also feel better having been able to exercise some control and make decisions about my death, while I’m still in a position to do so. ”

Mandy, diagnosed with breast cancer

“ I don't avoid conversations about death and dying, but I will ask, ‘If you were to become unwell, how can we best look after you and where would you like to be cared for to make this better for you?’. Families appreciate these conversations, they don't usually get upset. They want to plan ahead. ”

Katie, Macmillan Advanced Palliative
Care Practitioner

Decisions about your health and care

As part of planning ahead, it is important to think about how you would like to be cared for. This is in case your health changes, and you become unable to say how you would like to be cared for.

If you live in England, Scotland or Wales, you can make a power of attorney for decisions about your health (pages 46 to 54) . There is no power of attorney that covers health and welfare in Northern Ireland, but you can make an advance decision to refuse treatment.

Advance decision to refuse treatment (ADRT) or advance directive

An advance decision to refuse treatment (ADRT) is a written statement of your wishes to refuse a certain treatment. It is also called an advance decision or living will. In Scotland it is called an advance directive. It is a way of making sure everyone knows what treatments you do not want to have, if you become unable to make your own decisions. It will only be used if you cannot make or communicate a decision for yourself.

To make an ADRT or advance directive, you must be able to understand the decision you are making. You must also be:

- aged 18 or over in England, Wales and Northern Ireland
- aged 16 or over in Scotland.

Being able to understand the decision you are making is called having mental capacity.

An ADRT or advance directive must state exactly what treatment you want to refuse. It can also state the situation when you want to refuse it. This is required if the ADRT states that you refuse treatment to keep you alive. It is helpful to include as much detail as possible. An ADRT or advance directive cannot include a request to be given specific treatments, or to have your life ended. You can change your mind and rewrite your advance decision to refuse treatment at any time. But this must be clearly recorded.

In England and Wales, an ADRT is legally binding if it meets the requirements set out in the Mental Capacity Act 2005. This means if your healthcare team know about it, they must follow it.

In Northern Ireland and Scotland, an ADRT or advance directive is currently governed by common law instead of an Act. This means that it is likely to be treated as legally binding, if it meets certain criteria. Your healthcare team will almost certainly take your wishes into account, if they know about them.

There are certain situations where the law says an ADRT or advanced directive must be in writing. For example, it must be in writing if it states that you refuse treatment to keep you alive. Your healthcare team or solicitor can tell you more about this.

We have more information about ADRTs and advance directives in our booklet **Planning ahead when living with cancer** (page 62). There are different versions for England and Wales, Scotland and Northern Ireland.

You can order our booklets and leaflets for free.

Visit **orders.macmillan.org.uk** or call us
on **0808 808 00 00**.







Further information

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About our information

We provide expert, up-to-date information about cancer. And all our information is free for everyone.

Order what you need

You may want to order more booklets or leaflets like this one.

Visit **orders.macmillan.org.uk** or call us on **0808 808 00 00**.

We have booklets about different cancer types, treatments and side effects. We also have information about work, financial issues, diet, life after cancer treatment and information for carers, family and friends.

Online information

All our information is also available online at **macmillan.org.uk/information-and-support** You can also find videos featuring stories from people affected by cancer, and information from health and social care professionals.

Other formats

We also provide information in different languages and formats, including:

- audiobooks
- Braille
- British Sign Language
- easy read booklets
- interactive PDFs
- large print
- translations.

Find out more at **macmillan.org.uk/otherformats**

If you would like us to produce information in a different format for you, email us at **informationproductionteam@macmillan.org.uk** or call us on **0808 808 00 00**.

The language we use

We want everyone affected by cancer to feel our information is written for them.

We try to make sure our information is as clear as possible. We use plain English, avoid jargon, explain any medical words, use illustrations to explain text, and make sure important points are highlighted clearly.

We use gender-inclusive language and talk to our readers as 'you' so that everyone feels included. Where clinically necessary we use the terms 'men' and 'women' or 'male' and 'female'. For example, we do so when talking about parts of the body or mentioning statistics or research about who is affected. Our aims are for our information to be as clear and relevant as possible for everyone.

You can read more about how we produce our information at **macmillan.org.uk/ourinfo**

Other ways we can help you

At Macmillan, we know how a cancer diagnosis can affect everything, and we are here to support you.

Talk to us

If you or someone you know is affected by cancer, talking about how you feel and sharing your concerns can really help.

Macmillan Support Line

Our support line is made up of specialist teams who can help you with:

- emotional and practical support if you or someone you know has been diagnosed with cancer
- clinical information from our nurses about things like diagnosis and treatments from our nurse specialists
- welfare rights advice, for information about benefits and general money worries.

To contact any of our teams, call the Macmillan Support Line for free on **0808 808 00 00**. Or visit **macmillan.org.uk/support**-line to chat online and see the options and opening times.

You can also email us, or use the Macmillan Chat Service via our website. You can use the chat service to ask our advisers about anything that is worrying you. Tell them what you would like to talk about so they can direct your chat to the right person. Click on the 'Chat to us' button, which appears on pages across the website. Or go to **macmillan.org.uk/talktous**

If you would like to talk to someone in a language other than English, we also offer an interpreter service for our Macmillan Support Line. Call **0808 808 00 00** and say, in English, the language you want to use. Or send us a web chat message saying you would like an interpreter. Let us know the language you need and we'll arrange for an interpreter to contact you.

Macmillan Information and Support Centres

Our Information and Support Centres are based in hospitals, libraries and mobile centres. Visit one to get the information you need and speak with someone face to face. If you would like a private chat, most centres have a room where you can speak with someone confidentially.

Find your nearest centre at **macmillan.org.uk/informationcentres** or call us on **0808 808 00 00**.

Help with money worries

Having cancer can bring extra costs such as hospital parking, travel fares and higher heating bills. If you have been affected in this way, we can help. Please note the opening times may vary by service.

Financial advice

Our expert money advisers on the Macmillan Support Line can help you deal with money worries and recommend other useful organisations that can help.

Help accessing benefits

You can speak to our money advisers for more information. Call us free on **0808 808 00 00**. Visit **macmillan.org.uk/financialsupport** for more information about benefits.

Grants

You may be able to get some financial help from other charities, for example one-off grants. For further information, contact the Macmillan Support Line on **0808 808 00 00**.

Help with work and cancer

Whether you are an employee, a carer, an employer or are self-employed, we can provide support and information to help you manage cancer at work. Visit **macmillan.org.uk/work**

Talk to others

No-one knows more about the impact cancer can have on your life than those who have been through it themselves. That is why we help bring people together in their communities and online.

Support groups

Whether you are someone living with cancer or a carer, family member or friend, we can help you find support in your local area, so you can speak face to face with people who understand. Find out about support groups in your area by calling us or by visiting **macmillan.org.uk/selfhelpandsupport**

Online Community

Thousands of people use our Online Community to make friends, blog about their experiences and join groups to meet other people going through the same things. You can access it any time of day or night. Share your experiences, ask questions, or just read through people's posts at **macmillan.org.uk/community**

You can also use our Ask an Expert service on the Online Community. You can ask a money adviser, cancer information nurse or an information and support advisor any questions you have.

Macmillan healthcare professionals

Our nurses, doctors and other health and social care professionals give expert care and support to individuals and their families. Call us or ask your GP, consultant, district nurse or hospital ward sister if there are any Macmillan professionals near you.

Other useful organisations

There are lots of other organisations that can give you information or support. Details correct at time of printing.

Financial or legal advice and information

Advice NI (Northern Ireland)

Helpline **0800 915 4604**

www.adviceni.net

Provides advice and information about rights and entitlements in Northern Ireland.

Child Trust Funds (HMRC)

www.gov.uk/child-trust-funds

Provides information and advice about Child Trust Funds.

Citizens Advice

Provides advice on a variety of issues including financial, legal, housing and employment issues. Use its online webchat or find details for your local office by contacting:

England

Helpline **0800 144 8848**

www.citizensadvice.org.uk

Scotland

Helpline **0800 028 1456**
www.cas.org.uk

Wales

Helpline **0800 702 2020**
www.citizensadvice.org.uk/wales

Civil Legal Advice

Helpline **0345 345 4345**
Textphone **0345 609 6677**
www.gov.uk/civil-legal-advice

Has a list of legal advice centres in England and Wales and solicitors that take legal aid cases. Offers a free translation service if English is not your first language.

GOV.UK

www.gov.uk

Has information about social security benefits and public services in England, Scotland and Wales.

HM Revenue and Customs

Probate and Inheritance Tax helpline **0300 123 1072**
www.gov.uk/government/organisations/hm-revenue-customs
Contact for advice on probate and Inheritance Tax.

Law Centres Network

www.lawcentres.org.uk

Local Law Centres provide advice and legal assistance for people who cannot afford a lawyer. Use the website to find your local Law Centre.

The Law Society of England and Wales

Tel **0207 242 1222**

www.lawsociety.org.uk

Represents solicitors in England and Wales and can provide details of local solicitors.

Law Society of Scotland

Tel **0131 226 7411**

www.lawscot.org.uk

Represents solicitors in Scotland and can provide details of local solicitors.

Law Society of Northern Ireland

Tel **0289 023 1614**

www.lawsoc-ni.org

Represents solicitors in Northern Ireland and can provide details of local solicitors.

National Association of Funeral Directors (NAFD)

Tel **0121 711 1343**

www.nafd.org.uk

Monitors standards of funeral directors in the UK and gives advice on what to do when someone dies. Also advises on arranging funerals and has information on what you should expect from a funeral director.

National Society of Allied and Independent Funeral Directors (SAIF)

Tel **0345 230 6777**

www.saif.org.uk

Represents privately owned, independent funeral homes and independent funeral directors across the whole UK. Has information on what you should expect from a funeral director.

The Natural Death Centre

Tel **01962 712 690**

www.naturaldeath.org.uk

Has information on family-organised and environmentally-friendly funerals and runs the Association Natural Burial Grounds. Also give advice on all aspects of dying, bereavement and consumer rights.

NiDirect

www.nidirect.gov.uk

Has information about benefits and public services in Northern Ireland.

Office of Care and Protection (Northern Ireland)

Tel **0300 200 7812**

**[www.justice-ni.gov.uk/topics/courts-and-tribunals/
office-care-and-protection-patients-section](http://www.justice-ni.gov.uk/topics/courts-and-tribunals/office-care-and-protection-patients-section)**

Protects people in Northern Ireland who may not have the mental capacity to make certain decisions for themselves, such as about their health and finances.

Office of the Public Guardian (England and Wales)

Tel **0300 456 0300**

www.gov.uk/government/organisations/office-of-the-public-guardian

Helps people in England and Wales to stay in control of decisions about their health and finance. Also helps people make important decisions for others who cannot decide for themselves.

Office of the Public Guardian (Scotland)

Tel **0132 467 8300**

www.publicguardian-scotland.gov.uk/home

Protects and safeguards the property and finances of people living in Scotland who may not have the mental capacity to make certain decisions for themselves.

StepChange Debt Charity

Tel **0800 138 1111**

www.stepchange.org

Provides free debt advice through phone, email, and the website, and online through live chats with advisers.

Turn2us

Helpline **0808 802 2000**

www.turn2us.org.uk

Runs a free, confidential and independent helpline, which provides help with benefits, debt, housing and legal issues. Has an online tool to search for funds that may be able to give you a grant. Also offers some grants themselves to people in financial hardship.

Unbiased.co.uk

Helpline **0800 023 6868**

www.unbiased.co.uk

Search for qualified advisers who can give expert advice on finances, mortgages, accounting or legal issues.

Finding a financial adviser

Chartered Institute for Securities and Investment

www.financialplanning.org.uk/wayfinder

Enter your postcode on the website to find a financial planner near you.

The Personal Finance Society – Find an Adviser service

www.thepfs.org/yourmoney/find-an-adviser

Enter your location to find qualified financial advisers near you.

General cancer support organisations

Cancer Black Care

Tel **0208 961 4151**

www.cancerblackcare.org.uk

Offers UK-wide information and support for people from Black and ethnic minority communities who have cancer. Also supports their friends, carers and families.

Cancer Focus Northern Ireland

Helpline **0800 783 3339**

www.cancerfocusni.org

Offers a variety of services to people affected by cancer in Northern Ireland.

Maggie's

Tel **0300 123 1801**

www.maggies.org

Maggie's has a network of centres in many locations throughout the UK. Provides free information about cancer and financial benefits. Also offers emotional and social support to people with cancer and their family and friends.

Penny Brohn UK

Helpline **0303 300 0118**

www.pennybrohn.org.uk

Offers physical, emotional and spiritual support across the UK, using complementary therapies and self-help techniques.

LGBT-specific support

Tel **0345 330 3030**

www.lgbt.foundation

Provides a range of services to the LGBT community, including a helpline, email advice and counselling. The website has information on various topics including sexual health, relationships, mental health, community groups and events.

This image shows a single sheet of white paper with horizontal green ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

This image shows a single sheet of white paper with horizontal green ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

Disclaimer

We make every effort to ensure that the information we provide is accurate and up to date but it should not be relied upon as a substitute for specialist professional advice tailored to your situation. So far as is permitted by law, Macmillan does not accept liability in relation to the use of any information contained in this publication, or third-party information or websites included or referred to in it. Some photos are of models.

Thanks

This booklet has been written, revised and edited by Macmillan Cancer Support's Cancer Information Development team. It has been approved by: Amanda South, Service Manager, Macmillan Financial Guidance; and Louise Dinsdale, Service Knowledge Specialist, Macmillan Financial Guidance.

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Thanks also to the people affected by cancer who reviewed this edition, and those who shared their stories.

We welcome feedback on our information. If you have any, please contact **informationproductionteam@macmillan.org.uk**

Sources

Below is a sample of the sources used in our sorting out your financial affairs information. If you would like more information about the sources we use, please contact us at **informationproductionteam@macmillan.org.uk**

Citizens Advice. www.citizensadvice.org.uk [accessed January 2023].

GOV.UK. www.gov.uk [accessed January 2023].

Can you do something to help?

We hope this booklet has been useful to you. It is just one of our many publications that are available free to anyone affected by cancer. They are produced by our cancer information specialists who, along with our nurses, benefits advisers, campaigners and volunteers, are part of the Macmillan team. When people are facing the toughest fight of their lives, we are here to support them every step of the way.

We want to make sure no one has to go through cancer alone, so we need more people to help us. When the time is right for you, here are some ways in which you can become a part of our team.

5 ways you can help someone with cancer

1. Share your cancer experience

Support people living with cancer by telling your story, online, in the media or face to face.

2. Campaign for change

We need your help to make sure everyone gets the right support. Take an action, big or small, for better cancer care.

3. Help someone in your community

A lift to an appointment. Help with the shopping. Or just a cup of tea and a chat. Could you lend a hand?

4. Raise money

Whatever you like doing you can raise money to help. Take part in one of our events or create your own.

5. Give money

Big or small, every penny helps. To make a one-off donation see over.

Please fill in your personal details

Mr/Mrs/Miss/Other

Name

Surname

Address

Postcode

Phone

Email

Please accept my gift of £
(Please delete as appropriate)

I enclose a cheque / postal order /
Charity Voucher made payable to
Macmillan Cancer Support
OR debit my:

Visa / MasterCard / CAF Charity
Card / Switch / Maestro

Card number

Valid from

Expiry date

Issue no

Security number

Signature

Date / /

Do not let the taxman keep your money

Do you pay tax? If so, your gift
will be worth 25% more to us –
at no extra cost to you. All you
have to do is tick the box below,
and the tax office will give 25p
for every pound you give.

☐ I am a UK tax payer and
I would like Macmillan Cancer
Support to treat all donations
I make or have made to
Macmillan Cancer Support in the
last 4 years as Gift Aid donations,
until I notify you otherwise.

I understand that if I pay less Income Tax
and/or Capital Gains Tax than the amount of
Gift Aid claimed on all my donations in that
tax year it is my responsibility to pay any
difference. I understand Macmillan Cancer
Support will reclaim 25p of tax on every £1 that
I give.

Macmillan Cancer Support and our trading
companies would like to hold your details in
order to contact you about our fundraising,
campaigning and services for people affected
by cancer. If you would prefer us not to use
your details in this way please tick this box. ☐

In order to carry out our work we may need
to pass your details to agents or partners who
act on our behalf.

If you would rather donate online
go to **macmillan.org.uk/donate**



Registered with
**FUNDRAISING
REGULATOR**



Please cut out this form and return it in an envelope (no stamp required) to: Supporter Donations,
Freepost RUCY-XGCA-XTHU, Macmillan Cancer Support, PO Box 791, York House, York YO1 0NJ

This booklet is for people affected by cancer who want to plan ahead. It can help you make choices about what will happen to your money and belongings after you die.

The booklet also explains how to arrange for someone to help you if you become unable to look after your finances.

At Macmillan, we give people with cancer everything we've got. If you are diagnosed, your worries are our worries. We will help you live life as fully as you can.

For information, support or just someone to talk to, call **0808 808 00 00** or visit **macmillan.org.uk**

Would you prefer to speak to us in another language? Interpreters are available. Please tell us in English the language you would like to use. Are you deaf or hard of hearing? Call us using Relay UK on **18001 0808 808 00 00**, or use the Relay UK app.

Need information in different languages or formats? We produce information in audio, interactive PDFs, easy read, Braille, large print and translations. To order these, visit **macmillan.org.uk/otherformats** or call our support line.



Trusted
Information
Creator

Patient Information Forum