

MACMILLAN
CANCER SUPPORT

SORTING OUT YOUR FINANCIAL AFFAIRS



About this booklet

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

Sorting through important documents and thinking about who will receive your money and belongings after you die can be upsetting. But by planning ahead, you can save family or friends from making painful decisions or getting into financial difficulties. It may also clear your mind of worries, leaving you free to focus on the present.

This booklet focuses on 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 for the end of life** has more details about your health and welfare choices. There are different versions for England and Wales, Scotland and Northern Ireland. To order a free copy, call us on **0808 808 00 00** or visit **be.macmillan.org.uk**

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 5 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 60 to 64, there are details of other organisations that can help.

There is also space for you to write down any questions and notes (see page 65).

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

Financial help from Macmillan

You can call the Macmillan Support Line on **0808 808 00 00**. We have financial specialists who can help you deal with money worries:

- Our financial guides can give you guidance on your personal finances, such as pensions, insurance, mortgages and estate planning.
- Our welfare rights advisers can help you apply for benefits and other financial support.
- Our energy advisers can help you try to reduce your heating and electricity costs.

We can also give you information about Macmillan Grants (see page 59). If you are worried about debt, we can refer you to our charity partner StepChange Debt Charity for advice.

The Macmillan Support Line is open 7 days a week, 8am to 8pm. Our financial guides are available from Monday to Friday, 8am to 6pm.

If you are hard of hearing, you can use textphone **0808 808 0121**, or Text Relay. If you would prefer to speak to us in another language, interpreters are available.

Face-to-face support

You may also be able to meet a Macmillan welfare rights adviser in person. Visit macmillan.org.uk/in-your-area to see where this service is available near you. Other organisations can also provide support in person, such as your local Citizens Advice (see page 60).

Our online financial support tool

Our online financial support tool includes a quick benefits checker and a benefits calculator. You can use these tools to find out which benefits you may be entitled to. Visit finance.macmillan.org.uk

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MAKING A WILL

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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 to when you die. People who get your money or possessions when you die are called your beneficiaries. Writing a will makes sure everything you leave goes to the people you want it to.

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. For example, the value of a mortgage would be taken off.

As well as instructions about money and belongings, 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 deal with your estate – this person is called an executor.

**'Writing a will is a chance to have your say.
It's about finding your voice.'**

Teresa

Why is making a will important?

Writing a will makes sure 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. Such problems may happen if your wishes are not clear. You might find that writing your wishes in a 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 went to make a will, because I didn't want to leave any worries for my children. Without a will they'd have had to guess what I wanted. It would have added to their stress while they were grieving. Writing it was about taking a little of the burden off them.'

Teresa

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 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](https://www.gov.uk/intestacy)

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

If you have a husband, wife, or civil partner or have 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. It 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

If you have a partner, but you are not married, they have no legal right to inherit anything. This is true even if you have lived with a partner for many years. However, 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

The rules in Scotland are different, but your estate will also probably go to your closest relatives. For more information about legal rights in Scotland when there is no will, speak to a solicitor.



Younger people

To make a will you must be at least:

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

In some situations, you may be able to make a will if you are aged under 18. For example, this may be if you are in the military or if you have been married.

If you are aged under 18 and die before you can legally make a will, the law decides how your estate is passed on. If you were married, your estate normally goes to your husband, wife or civil partner. If not, it normally goes to your parents or guardians.

Child Trust Fund or ISA

A young person's estate might include money that has been invested for them in a Child Trust Fund or Junior ISA.

It is not usually possible to withdraw money from these accounts before a child is 18 years old. However, if a child is terminally ill, it may be possible to cash in a Child Trust Fund or Junior ISA early.

'When you are in your 20s making a will feels very far away. It can be an emotional task, so people put it off because they don't want to think about their own mortality. But writing a will is really about taking charge of your life and ensuring your wishes are heard.'

Teresa

Guardianship of young children

Writing a will means you can say who you want to look after any young children if you die. If they agree, this would give 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
- you were married to them when your child was born.
- you are not married to them, but they are named on the birth certificate (and your child was born after 3 May 2006 in Scotland, and after 14 April 2002 in Northern Ireland).

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 particularly 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 their 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 one person wants to become guardian. The local council may take children into foster care until the court decides on a guardian.

If you own property jointly

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

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

What happens to the property after you die depends on which 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 two 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 two 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 (see pages 10 to 11).



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 is not as expensive or difficult as you might think. But it is a legal document and must be prepared properly. So 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 not straightforward. 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 face to face with a solicitor or over the phone. 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 two witnesses present, or one witness if you live in Scotland. The witnesses must also sign the will for it to be valid. Your witness cannot be one of your beneficiaries, or someone who is married to one of your beneficiaries.

It is a good idea to update your will if your situation changes. For example, you should update it if you get married or divorced, or have more children or grandchildren. If you get married, any will you had before is no longer valid and you need to make a new one. Depending on where you live, the rules about wills may be slightly different. Your solicitor can explain how these rules might affect your will. They can also explain who would get your estate if you die without a will.

You might find our leaflet **Your step-by-step guide to making a will** helpful (see page 56). Or you can visit macmillan.org.uk/gettingyouraffairsinorder

'I'm a very practical person and while I never thought that I was going to die when I was diagnosed with cancer, I did feel that I needed to get my affairs in order. I've made a will and a list of other things I should get sorted if I die. For me, it's about making the burden more manageable for my family.'

Samixa

Finding a solicitor

We have a list of organisations to help you find a solicitor (see pages 60 to 63). It is a good idea to look around or 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 lawscof.org.uk/find-a-solicitor
- In Northern Ireland, visit lawsoc-ni.org/solicitors

You can also visit your local Citizens Advice and ask for a list of local solicitors.

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
- If you are over 55, you can visit freewillsmonth.org.uk
This scheme runs twice a year, usually in March and October.

Macmillan's discounted will-writing service

Macmillan has a list of organisations that can offer a discounted will-writing service. We also offer a free will-writing service at certain times of year. Visit macmillan.org.uk/willwriting to find out more. You do not have to leave a gift to Macmillan in your will to get a discount.

If you have been diagnosed with cancer, you can call our financial guides on **0800 808 00 00** for information on how to get a free will at any time of year.

There are several other ways Macmillan can support you to make or update your will. This includes helping you leave us a gift if you want to. For more information:

- call us on **0800 107 4448**
- visit macmillan.org.uk/legacies
- email leavealegacy@macmillan.org.uk

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. Keep a copy yourself, and make sure your executors know where to find it. You may also want to keep it with other important documents, for example with the details of your insurance policy.

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.

Choosing a funeral director

You 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 National Association of Funeral Directors (NAFD) can advise you if a funeral director offers a high standard of support. Visit nafd.org.uk

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 or the NAFD. 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 pay either a lump sum or 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. For more information, visit the Money Advice Service at moneyadviceservice.org.uk/en or call our free support line on **0808 808 00 00**.

'I planned my funeral. I have lived a fun and lively life. I've planned where I want my funeral to be, who I want to be there, and how I want it to be organised. There will be lots of prosecco and a jazz band.'

Alejandra

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 is your executor. 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.

Here are some of the things an executor must do:

- Get probate in order to divide your estate. 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 one 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 (see pages 10 to 11). 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 and personal belongings only (and the cash is below a certain limit)
- money or property are held jointly.

The following things 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.

If you have completed a nomination form, these things will go straight to your beneficiaries after your death. This is even if probate or confirmation is needed for your estate. The nomination form must be an official legal document, and not just a letter of wishes.

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?

If the value of your estate is above £325,000, Inheritance Tax may need to be paid when you die. 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/leaving-gifts-to-charity-in-your-will](https://www.gov.uk/donating-to-charity/leaving-gifts-to-charity-in-your-will)

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 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%. So £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 maximum residence nil-rate band amount is increasing each year:

Period	Residence nil-rate band (per person)
2018 to 2019	£125,000
2019 to 2020	£150,000
2020 to 2021	£175,000

These amounts are 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, it is a good idea to 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.

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 for your children. You would 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 one 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.

We have more information that might be helpful in our booklet **Pensions** (see page 56).

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 (see pages 32 to 33).

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 one 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. However, 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 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 above and is called your annual allowance. You can also use any unused allowance from the previous tax year, but only carry it over for one year.

The 7-year rule

Gifts not included in the list above 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.



More information about Inheritance Tax

For more general information on Inheritance Tax, visit [gov.uk](https://www.gov.uk)
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
- You can estimate your Inheritance Tax by using our online Inheritance Tax calculator. Visit finance.macmillan.org.uk/inheritance-tax/start





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.

Power of attorney gives one or more persons the power to manage your finances if you are unable to. Setting this up before you become unable to make decisions for yourself will give you more control over what happens in the future. We have more information about setting up a power of attorney (see pages 44 to 53).

There are other ways someone you trust can help if you are not able to manage your financial affairs yourself. 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 (see page 39)
- a third-party mandate (see page 40).

Whichever option you choose, you should ask someone you trust completely. 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 financial guides 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

You can arrange for someone you trust to be able to take money out of your account and make payments for you. You can do this by setting up a joint bank account. 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 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 take out money, write cheques and make other transactions in your name. The bank account will still be yours. 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, third-party mandate will let someone else collect them for you (see above).
- If your benefits are paid through a Post Office card account, you can ask your local Post Office about arranging for someone else to collect them.
- 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





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 to make decisions for you if you become unable to make decisions yourself. The person you appoint is called your attorney. The power you give them can be long or short term.

Your power of attorney usually has the authority to make legal and financial decisions. In England, Wales and Scotland, you can also give them the power to make healthcare decisions.

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. Here are some people you could appoint:

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

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.

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](https://www.gov.uk/make-decisions-for-someone/assessing-mental-capacity)

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

'We have found it very helpful to "put our house in order" legally, by making wills, making sure all the finances are as clear as possible and putting everything in joint names. You don't want to be faced with that sort of hassle when things have become more difficult.'

Elaine

What happens if there is no power of attorney?

If you become unable to make your own decisions and no power of attorney is in place, someone else can apply for similar legal powers as an attorney. This means they can look after your property and financial arrangements for you. This person could be a partner, family member, close friend or professional.

Depending on where you live, 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 at gov.uk/courts-tribunals/court-of-protection
- the local Sheriff Court in Scotland at publicguardian-scotland.gov.uk/general/what-we-do
- the Office of Care and Protection in Northern Ireland at nidirect.gov.uk/contacts/contacts-az/office-care-and-protection

If there is no one who can act for you, the authorities can appoint one of their own officials 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. 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 hospital. You can do this using a temporary power of attorney. Talk to a solicitor, or someone at your local Citizens Advice (see page 60).

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

If you think 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. This is called:

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

This gives someone you trust legal permission to make decisions on your behalf if you become unable to do so.

You will need to complete the power of attorney forms, and register it with the Office of the Public Guardian, or the Office of Care and Protection in Northern Ireland (see page 62). There may be a fee for doing this. It is a good idea to contact your local Citizens Advice (see page 60) or get advice from a solicitor to help you.

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

In England and Wales, there are two types of lasting power of attorney (LPA). You can make one of them or both:

- 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.
- 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) (see pages 52 to 53).

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 (see page 62). This can take between 8 and 10 weeks.

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

Lasting power of attorney replaced enduring power of attorney (EPA) in England and Wales in 2007. If you have an existing enduring power of attorney, it can still be used. However, this only applies to your financial affairs. Your attorney, or attorneys, cannot make decisions about your health and welfare using an EPA.

Scotland

In Scotland, there are three types of long-term power of attorney.

All of these types of power of attorney can only be used when they have been registered with the Office of the Public Guardian (see page 62).

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 things like treatment, care, medication and 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 (see pages 52 to 53). 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 two 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 powers 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 (advance directive). We have more information about this on pages 52 to 53.

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 (see page 62).

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

Decisions about your health and care

As part of planning ahead, it is important to start thinking 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 (see pages 44 to 46). 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 ADRT or advance directive is also sometimes called an advance decision, or living will. It is a written decision about specific treatments you do not want to have.

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 advance directive or ADRT must state exactly what treatment you want to refuse. It can also state the situation when you want to refuse it. It is helpful to include as much detail as possible. An advance directive or ADRT 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 advance decision to refuse treatment (ADRT) is legally binding if it meets the criteria 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 advance decision to refuse treatment 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. This means 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 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 advance decisions to refuse treatment and advance directives in our booklet **Planning ahead for the end of life** (see page 56).



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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 be.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
- eBooks
- 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 cancerinformationteam@macmillan.org.uk or call us on **0808 808 00 00**.

Other ways we can help you

At Macmillan, we know how a cancer diagnosis can affect everything, and we're 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 free, confidential phone line is open 7 days a week, 8am to 8pm. Our cancer support specialists can:

- help with any medical questions you have about cancer or your treatment
- help you access benefits and give you financial guidance
- be there to listen if you need someone to talk to
- tell you about services that can help you in your area.

Call us on **0808 808 00 00** or email us via our website, macmillan.org.uk/talktous

Information centres

Our information and support centres are based in hospitals, libraries and mobile centres. There, you can speak with someone face to face.

Visit one to get the information you need, or if you'd like a private chat, most centres have a room where you can speak with someone alone and in confidence.

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

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's why we help to bring people together in their communities and online.

Support groups

Whether you are someone living with cancer or a carer, 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](http://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](http://macmillan.org.uk/community)

The Macmillan healthcare team

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.

Book reviews

Our volunteers review many books about cancer. These include people's stories of living with cancer, and books for children. Visit [publications](#). macmillan.org.uk and search 'book reviews'.

'Everyone is so supportive on the Online Community, they know exactly what you're going through. It can be fun too. It's not all just chats about cancer.'

Mal

Help with money worries

Having cancer can bring extra costs such as hospital parking, travel fares and higher heating bills. If you've been affected in this way, we can help.

Financial guidance

Our financial team can give you guidance on mortgages, pensions, insurance, borrowing and savings.

Help accessing benefits

Our benefits advisers can offer advice and information on benefits, tax credits, grants and loans. They can help you work out what financial help you could be entitled to. They can also help you complete your forms and apply for benefits.

Macmillan Grants

Macmillan offers one-off payments to people with cancer. A grant can be for anything from heating bills or extra clothing to a much-needed break.

Call us on **0808 808 00 00** to speak to a financial guide or benefits adviser, or to find out more about Macmillan Grants.

We can also tell you about benefits advisers in your area. Visit [macmillan.org.uk/financialsupport](https://www.macmillan.org.uk/financialsupport) to find out more about how we can help you with your finances.

Help with work and cancer

Whether you're 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](https://www.macmillan.org.uk/work)

Work support

Our dedicated team of work support advisers can help you understand your rights at work. Call us on **0808 808 00 00** to speak to a work support adviser (Monday to Friday, 8am to 6pm).

Macmillan Organiser

This includes a records book to write down information such as appointments, medications and contact details. You can also download the app on IOS or Android.

Other useful organisations

There are lots of other organisations that can give you information or support.

Financial or legal advice and information

Advice NI (Northern Ireland)

Tel 0800 988 2377

www.adviceni.net

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

Chartered Institute for Securities and Investment

www.financialplanning.org.uk/wayfinder

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

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 their online webchat or find details for your local office in the phone book or by contacting:

England

Helpline 03444 111 444

www.citizensadvice.org.uk

Wales

Helpline 03444 77 2020

www.citizensadvice.org.uk/wales

Scotland

Helpline 0808 800 9060

www.cas.org.uk

Civil Legal Advice

Helpline 0345 345 4345

(Mon to Fri, 9am to 8pm
and Sat, 9am to 12.30pm)

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

(Mon to Fri, 9am to 5pm)

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 020 7242 1222

www.lawsociety.org.uk

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

Law Society of Northern Ireland

Tel 028 9023 1614

www.lawsoc-ni.org

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

Law Society of Scotland

Tel 0131 226 7411

Email lawscot@lawscot.org.uk

www.lawscot.org.uk

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

National Association of Funeral Directors

Tel 0121 711 1343

www.nafd.org.uk

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

NIDirect

www.nidirect.gov.uk

Has information about benefits and public services in Northern Ireland.

Office of the Public Guardian (England and Wales)

Tel 0300 456 0300

Email customerservices@publicguardian.gov.uk

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 and make important decisions for others who cannot decide for themselves.

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

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 (Scotland)

Tel 01324 678300

Email opg@scotcourts.gov.uk
www.gov.uk/government/organisations/office-of-the-public-guardian

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

The Personal Finance Society**– Find an Adviser service****[www.thepfs.org/yourmoney/
find-an-adviser](http://www.thepfs.org/yourmoney/find-an-adviser)**

Enter your location to find qualified financial advisers near you.

StepChange Debt Charity**Tel** 080 0138 1111**www.stepchange.org**

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

Tax Help for Older People**Tel** 01308 488 066**Email** taxvol@taxvol.org.uk**www.taxvol.org.uk**

Gives free, professional tax advice for older people on lower incomes.

Unbiased.co.uk**Helpline** 0800 023 6868**Email** contact@unbiased.co.uk**www.unbiased.co.uk**

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

General cancer support organisations**Cancer Black Care****Tel** 020 8961 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

(Mon to Fri, 9am to 1pm)

Email

nurseline@cancerfocusni.org

www.cancerfocusni.org

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

Cancer Support Scotland**Tel** 0800 652 4531

(Mon to Fri, 9am to 5pm)

Email info@

cancersupportscotland.org

www.cancersupportscotland.org

Runs cancer support groups throughout Scotland. Also offers free complementary therapies and counselling to anyone affected by cancer.

Maggie's Centres

Tel 0300 123 1801

Email

enquiries@maggiescentres.org

www.maggiescentres.org

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 3000 118

(Mon to Fri, 9.30am to 5pm)

Email

helpline@pennybrohn.org.uk

www.pennybrohn.org.uk

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

Tenovus

Helpline 0808 808 1010

(Daily, 8am to 8pm)

Email

info@tenovuscancercare.org.uk

www.tenovuscancercare.org.uk

uk

Aims to help everyone in the UK get equal access to cancer treatment and support. Funds research and provides support such as mobile cancer support units, a free helpline, benefits advice and an online 'Ask the nurse' service.

YOUR NOTES AND QUESTIONS

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 Neal Southwick, Macmillan Financial Support Programme Lead.

With thanks to: David Borrowman, Senior Partner, Caesar and Howie; Janet Dobie, Senior Macmillan Palliative Care CNS; Julia Featherstone, Macmillan Financial Guide; Domino MacNaughton, Macmillan Head of Legacy Promotions; Daniel McCracken, Trainee Solicitor, Wilson Nesbitt Solicitors; Fiona Wilson, Partner, Hampsons; and Jo Wilson, Consultant Nurse Palliative Care.

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
cancerinformationteam@macmillan.org.uk

Sources

We have listed a sample of the sources used in the booklet below. If you would like more information about the sources we use, please contact us at
cancerinformationteam@macmillan.org.uk

Citizens Advice. www.citizensadvice.org.uk (accessed June 2018)
Gov.uk www.gov.uk (accessed June 2018)

Can you do something to help?

We hope this booklet has been useful to you. It's just one of our many publications that are available free to anyone affected by cancer. They're 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're there 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.



Share your cancer experience

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

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.

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?

Raise money

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

Give money

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

Call us to find out more

0300 1000 200

macmillan.org.uk/getinvolved

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. By planning ahead, you can save family or friends from tough decisions or financial difficulties in the future.

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

We're here to help everyone with cancer live life as fully as they can, providing physical, financial and emotional support. So whatever cancer throws your way, we're right there with you. For information, support or just someone to talk to, call **0808 808 00 00** (7 days a week, 8am to 8pm) 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 NGT (Text Relay) on **18001 0808 808 00 00**, or use the NGT Lite app.

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

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CANCER SUPPORT**

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Next planned review 2021. Macmillan Cancer Support, registered charity in England and Wales (261017), Scotland (SC039907) and the Isle of Man (604). Also operating in Northern Ireland. Printed on sustainable material. Please recycle.