

managing your affairs

A practical guide



cancer charity
force

Registered Charity No. 1140676

01392 406151

www.forcecancercharity.co.uk

FORCE offers information, emotional support and practical advice to anyone affected by cancer.

Our services are free and confidential and available to patients, their families and carers.

These services are provided from our Support and Information Centre in Exeter and in the wider community.



MONEY WORRIES

Having treatment for cancer can bring extra worry and increased costs. FORCE can help in a number of ways:

- FORCE has an experienced **Welfare Benefits Advisor**, who can help you access any benefits to which you are entitled

- Help with filling out **benefits forms**
- Access to **Macmillan Grants** – a small one-off payment to help with a range of practical needs
- **Information booklets** to support you

DO YOU NEED SOMEONE TO HELP YOU MANAGE YOUR AFFAIRS?

It is likely that you will have been making decisions about your care and treatment and the consequences arising from your cancer. However, there may come a time when it becomes difficult to manage all of your affairs yourself and you may then feel that you will want some help.

There are a number of different steps you can take now to arrange for someone you know and trust to help you with decisions about financial matters and your care should you decide you would like support in the future.

You could, for example:

- Consider setting up a **bank account** jointly with another person you trust
- Arrange with your bank to **accept instructions** on your behalf from someone who you choose e.g. your partner or carer
- Make arrangements for someone you know and trust to **collect your state benefits** for you
- Consider giving someone a **Power of Attorney** over your affairs

SO WHAT EXACTLY IS A POWER OF ATTORNEY?

Power of Attorney is the term given to the arrangement when you give someone else (it could be more than one person if you wish) the **legal power** to manage your affairs for you. The person you give that power to, is known as your Attorney.

It is entirely up to you who you appoint to be your Attorney but it should be someone you **know and trust**. Granting a Power of Attorney to someone is a very important step so it is advisable to seek the help of a solicitor who specialises in this area of law before you proceed.

You must have the **mental capacity** at the time to create a valid Power of Attorney and, if there is any uncertainty, this is defined by the Mental Capacity Act 2005.

You can choose whether you would like a **temporary arrangement**, called an Ordinary Power of Attorney (also known as a General Power of Attorney) or a **long-term arrangement**, called a Lasting Power of Attorney.

ORDINARY POWER OF ATTORNEY

This is appropriate if you decide that you wish to give someone else power to look after your affairs for a **specific length of time** to cover, for example, a period when you are in hospital or away on a long holiday.

An Ordinary Power of Attorney can involve giving someone power over all of your property and finances or can be limited to just dealing with a specific aspect of your affairs e.g. selling a property.

An Ordinary Power of Attorney is an important document and needs to be in a specific form so it is advisable to seek the help of a **solicitor**; it does not need to be formally registered but does need to be witnessed.

An Ordinary Power of Attorney comes into effect immediately on the date you sign it. The authority it grants to your Attorney ends when the set period comes to an end, or should you lose your mental capacity or if the power is cancelled by you.

It is important to note that the power given by an Ordinary Power of Attorney is limited to your **property and finances** and does not give your Attorney any authority in relation to decisions about your care.

LASTING POWER OF ATTORNEY

A Lasting Power of Attorney is more comprehensive than an Ordinary Power of Attorney.

A Lasting Power of Attorney is intended to last a **lifetime**, even if you lose mental capacity. It will remain in place until you pass away, at which point it will lapse and your Will will come into effect.

However, you can **change your mind** after putting it in place, as long as you have mental capacity to do so.

There are two types of Lasting Power of Attorney:

- **Property and Financial Affairs:** used where you want someone to look after your financial affairs (and your property – i.e. your home)
- **Health and Welfare:** used when you want someone to make decisions about your welfare e.g. your medical care and treatment (including end of life treatment)

You do not have to put both types of Lasting Power in place but so that you have every aspect of your life covered, it is sensible to do so.

A Lasting Power of Attorney needs to be registered with the Office of the Public Guardian. This process can take up to three months, so it is important that you consider that timescale before deciding whether it is worth incurring the costs involved putting an LPA in place.

A Lasting Power of Attorney does not always need a solicitor to be registered. More information about online registration can be found at www.gov.uk/power-of-attorney/overview or if you do not have access to the internet, phone for advice on 0300 456 03005.



MAKING A WILL

It is only by making a valid Will that a person can make their wishes known and ensure that their assets go to the people that they would want to receive them.

Whatever assets are left is called the **Estate** and this is made up of all the assets owned by the person who dies less any outstanding debts and liabilities.

If someone dies without making a Will then it is the law that decides who will inherit their estate. This can mean that those nearest to the person who dies (such as unmarried partners) will not necessarily receive the assets in the estate.

It is therefore very important for all of us to make a valid Will so we can be certain that those we wish to receive our assets on death do inherit them. A correctly made Will can also be used to arrange financial affairs in a tax efficient way. In every case, someone making a Will needs to choose people who will carry out the instructions set out in a Will. These people are called **Executors**.

Although it is possible to make a valid Will without the help of a solicitor, it is such an important document that it is probably best to get help and advice from a **solicitor** of your choice. If you would like help finding a solicitor locally, we can help (just ask!) but we are not able to recommend a particular firm.



TOZERS YEAR-ROUND SERVICE

TOZERS SOLICITORS SUPPORTING FORCE

Tozers are pleased to offer a year-round Wills service for cancer patients, their spouses and partners and supporters of FORCE.

Tozers waive their fees for preparing a simple Will or simple mirror Wills in accordance with the client's instructions in return for a donation to FORCE.

Cancer patients undergoing treatment and being supported by FORCE, their spouses and partners are offered a free Will writing service if they are leaving a gift in their Will to FORCE. This scheme covers a single simple Will or simple mirror Wills.

There would be a **separate fee** for work on situations within the following exclusions:

- more complex Wills
- urgent Wills (any Will needing to be drafted and signed within 10 days)
- those requiring meetings outside a Tozers office or those of FORCE (through arrangement)
- those where there may be capacity issues which require arrangement of separate assessment.

For more information about Tozers' services visit

www.tozers.co.uk/personal/probate-wills

By definition, a **simple Will** is a Will that leaves the person's entire estate to their spouse or to their children, equally, without a trust. In other words, wording such as *"to my spouse or if my spouse fails to survive me to my children, equally"* is a **simple Will**.

TOZERS OFFICES IN DEVON:

Exeter & Teignmouth

Sue Halfyard 01626 772376

Newton Abbot

Jayne Bertie 01626 207020



FORCE Cancer Support Centre
Corner House, Barrack Road, Exeter EX2 5DW

Tel: 01392 406151

Email: forcefr@forcecancercharity.co.uk

www.forcecancercharity.co.uk



FORCEcancercharity



charityforcecancer



@forcecancer



Registered with
FUNDRAISING
REGULATOR

