It is important for a person with dementia to organise their financial and legal affairs while they are still able to do so. This ensures that, in the future, their affairs will be arranged in a way that they have chosen. A person with dementia may want a friend or family member to help them with this.

This information applies in Northern Ireland. Different arrangements apply in England and Wales – for information see factsheet 467, *Financial and legal affairs*.

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Financial and legal tips

Try to make sure that all important financial and legal papers are in order and that you know where to find them. These papers might include bank and building society statements, records of mortgage or rent, insurance policies, a will, tax and pension details, and bills or guarantees.

When completing legal documents, you should seek advice from a solicitor. This will ensure that they are completed correctly and are legally valid. Alzheimer’s Society can help you find solicitors experienced in helping people with dementia and their carers.

An important step for a person with dementia is to make an Enduring Power of Attorney (EPA). This is explained in factsheet NI472, Enduring Power of Attorney and controllership. An EPA enables a person to select one or more people to act on their behalf if they wish, and to manage their financial and legal affairs in the future if they are no longer able to do so. However, the EPA must be made while the person is able to understand fully what they are doing, and to make their wishes known.

Benefits

Carers should make sure that they and the person with dementia are receiving all the benefits to which they are entitled. Factsheet 413, Benefits, and the government website www.dsdni.gov.uk, give details of the various benefits and how to claim them. Alternatively, check with the Benefits Enquiry Line, the Social Security Agency, or your local Citizens Advice Bureau or advice agency (see ‘Other useful organisations’).
Using an agent

If a person would like their benefits to be paid through a local Post Office but would prefer not to collect them in person, they can nominate another person, known as an ‘agent’, to collect their money on their behalf.

Many people arrange for someone else to collect their benefits occasionally on an informal basis. They simply fill in the person’s name and sign the declaration on the reverse of the relevant benefit order form.

However, those wishing to make a regular arrangement should inform their local Social Security Agency so that the person’s name can be put in the benefits book as an ‘authorised agent’. An agent can only be appointed by someone who understands what this involves and is able to manage their own finances, with support from others if necessary. This arrangement can be very helpful, and is best arranged in the earlier stages of dementia.

Appointeeship

The person with dementia may eventually become unable to manage their income from benefits. In this case, someone else may need to administer this income in the person’s best interests to ensure that all benefits are claimed and essentials are paid for. This can be arranged by making someone an ‘appointee’.

The person prepared to act on behalf of the person with dementia should contact their local Social Security Agency. They should explain that the person with dementia is no longer able to manage their affairs and that they wish to become the person’s appointee. Once the person wishing to become an appointee has completed the relevant form, a representative from the Social Security Agency may visit the person with dementia. Alternatively, they may ask for medical records or other evidence to confirm that they are no longer able to act on their own behalf. The representative should also check that the person becoming an appointee is suitable and understands their responsibilities.
Wherever possible, the appointee should be a close relative who either lives with the person with dementia or visits them frequently. In certain circumstances, the appointee might be a friend, neighbour or caring professional. The appointee:

- should report any change in the person’s circumstances that may affect benefit entitlement
- may sign on behalf of the person with dementia, if they are a nontax payer, to enable bank and building society interest to be paid without deducting income tax
- can only deal with the person’s income from benefits, except for small amounts of savings (about £500) which can be used to meet unforeseen emergencies.

**If you are managing savings or investments, you may need professional financial advice. You can seek advice from an adviser attached to a bank or group of companies. They can advise you on the range of products they offer. Alternatively, you can see an independent adviser who can advise you on a wider range of products.**

An appointee can resign if they feel that they are no longer able to carry out the task. The Social Security Agency can also revoke the appointeeship if it has evidence that the appointee is not acting in the person’s best interests. If someone starts to act on behalf of the person with dementia under a registered EPA, or is made a controller by the Office of Care and Protection (see factsheet NI472, *Enduring power of attorney and controllership*), this person automatically takes over from the appointee in dealing with benefits.
Banking
There are ways in which banks can help a person with dementia to manage their money. These include:

- having benefits paid directly into the bank or building society account on a four-weekly basis
- paying regular bills through direct debit or standing order.

For arrangements involving power of attorney, EPA or controllership, see factsheet NI472, *Enduring Power of Attorney and controllership*.

Joint accounts
A joint account may be a useful way of managing finances in the early stages of dementia. Joint accounts are only suitable for people who are close and trust each other, and both parties are responsible if the account is overdrawn.

When someone has dementia, it is not necessary to place all their money in a joint account. The account could simply hold enough to cover reasonable expenses. A joint account can be arranged so that:

- either person is able to write cheques, or both signatures are needed on cheques
- one or both account holders have a cash card.

Someone may open a joint account for convenience, although only that person’s money is held in the account. For example, a mother might have a joint account with her daughter so that her daughter may write cheques or draw money on her behalf.
Spouses or partners may be accustomed to pooling their resources in a joint account. However, if there is a possibility that the person with dementia will move into a care home in the near future, it is usually better for them to keep their money in a separate account rather than the joint account. This is because of the way health and social services trusts carry out financial assessments. Although the person with dementia is only assessed on half the value of the joint account, it may take longer to reduce the joint account to a point where the person is eligible for financial assistance.

**Trusts**

If the person with dementia has financial assets, such as property or savings, they can set up a trust. This ensures that the assets are managed in a way that the person chooses, both now and in the future.

People in the early stages of dementia should consult a solicitor while they are still able to convey their wishes clearly. There are a number of different kinds of trusts and ways of arranging them.

It is important that the trust is set up well before the person needs care in a care home. The health and social care (HSC) trust needs to be sure that the person with dementia has not set up a trust to deliberately avoid having their assets count towards the cost of their care.

**Everyone should make a will.** A will ensures that when a person dies, their money and possessions go to people and organisations of their choice. People with dementia who wish to make a will or change their will should seek legal advice from a solicitor as soon as possible.
Wills

Everyone should make a will. A will ensures that when a person dies, their money and possessions go to people and organisations of their choice. People with dementia who wish to make a will or change their will should seek legal advice from a solicitor as soon as possible.

People with dementia may still have ‘testamentary capacity’ – the legal capacity to make or change a will. The solicitor will make a decision about this, often after taking medical advice.

People who no longer have testamentary capacity because of their dementia cannot make or change a will. No one – including an attorney – can do so on their behalf, except for the Office of Care and Protection at the High Court, which in certain circumstances can make a statutory will. Speak to a solicitor for more information about this.

A partner, relative or close friend of the person with dementia may also want to make or change their will. They may wish to leave some or all of their estate to people other than the person with dementia – for example, children.

If a person wishes to leave some or all of their estate to a person with dementia, they should consider setting up a trust to ensure that the assets are used in the best interests of the person with dementia. They should also check what effect a bequest will have on any state benefits the person receives.
Advance directives

An advance directive (sometimes referred to as a ‘living will’ or advance decision) allows a person to state what forms of medical treatment they would or would not like to receive, should they become unable to decide for themselves in the future. This can bring some reassurance to a person worried about their future healthcare.

Unlike in England and Wales, there is no legal framework governing advance directives in Northern Ireland. However, it is likely that an advance directive to refuse medical treatment would be followed by medical professionals. It is suggested that, when making an advance directive:

- it is clear and unambiguous
- it is the wish of the person making the advance directive
- the person understands what they are doing at the time it is made, ideally confirmed by a witness.

It is strongly recommended that the individual discusses their advance directive with their GP before drafting it. They can help to explain certain treatments, as well as the advantages and disadvantages of certain choices. It is advisable to put an advance decision in writing and to provide copies to people who have an input into someone's healthcare, such as the GP, hospital team, a close relative or friend, as well as anyone given Enduring Power of Attorney.
Where to go for help

People with dementia and their carers may need help managing their financial and legal affairs.

Citizens Advice Bureau

The local Citizens Advice Bureau (CAB) is often the best starting point for advice. The service is free, confidential and independent. Trained advisers offer information and advice on a range of issues including benefits, housing, debt and employment. They may be able to help you resolve your problems or they may refer you to other professionals or organisations.

Many CABs have a solicitor who is able to give free advice. Translation services are available.

Local arrangements and opening times vary. You may need to make an appointment or you may have to walk in and wait for your turn.

Some CABs have telephone advice sessions but lines tend to be very busy. An increasing number of CABs provide an email service and you can also send a letter.

See ‘Other useful organisations’ for contact details.

Some local neighbourhood advice centres provide advice on financial or other problems. To find out about the services in your area, ask at your library or town hall.
Financial advice
If you are managing savings or investments, you may need professional financial advice. You can seek advice from an adviser attached to a bank or group of companies. They can advise you on the range of products they offer. Alternatively, you can see an independent adviser who can advise you on a wider range of products.

Under the Financial Services and Markets Act 2000, all financial advisers must be authorised by the Financial Services Authority (FSA). If you wish to find out whether an adviser is authorised, or if you have any queries or complaints, ring the FSA consumer helpline on 0845 606 1234 (8am–6pm weekdays). Calls are charged at local rates.

If you wish to consult an independent financial adviser, ask for a recommendation from someone you trust, or search online at www.unbiased.co.uk

You may need to talk to several advisers on the phone before making up your mind. Some charge a fee and others a commission, so check before you make an appointment. There are changes being made to the regulations governing the provision of financial advice and in future most financial advisers will charge fees rather than commission.

Finding a solicitor
Alzheimer’s Society can help you find legal firms with specialist experience in legal problems arising in relation to dementia. Solicitors for the Elderly also offer advice (see ‘Other useful organisations’ for contact details). Check with the solicitor to see if you qualify for Legal Aid (a scheme that helps pay for legal advice).

Firms offering legal and financial advice
Some law firms also employ independent financial advisers, making it easier to combine financial and legal advice.

For details of Alzheimer’s Society services in your area and information about a wide range of dementia-related topics, visit our website at alzheimers.org.uk
Other useful organisations

Age NI
3 Lower Crescent
Belfast BT7 1NR

028 9024 5729
info@ageni.org
www.ageuk.org.uk/northern-ireland

Provides information and advice for older people in Northern Ireland.

Benefit Enquiry Line
0800 220 674 (9am–5pm weekdays)

This free helpline is for people with disabilities or sickness and their carers. Advisers can send out forms and give advice but they have no access to personal records.

Social Security Agency
www.dsdni.gov.uk/index/ssa.htm

Assesses and pay social security benefits accurately and securely in Northern Ireland. See website for local contact details.
Solicitors for the Elderly
Room 17
Conbar House
Mead Lane Hertford SG13 7AP

0844 567 6173
admin@solicitorsfortheelderly.com
www.solicitorsfortheelderly.com

Independent, national organisation of lawyers who provide legal advice to older people. They can also help you to find a solicitor.

The Law Centre
Belfast Office
124 Donegall Street
Belfast BT1 2GY

028 9024 4401
028 9023 9938 (textphone)
admin.belfast@lawcentreni.org
www.lawcentreni.org

Western Area Office
9 Clarendon Street
Londonerry BT48 7EP

028 7126 2433
admin.derry@lawcentreniwest.org

The Law Centre provides a legal service in specific areas of law to people on low incomes who live or work in Northern Ireland.
Alzheimer’s Society National Dementia Helpline
England, Wales and Northern Ireland:
0300 222 1122
9am–8pm Monday–Wednesday
9am–5pm Thursday–Friday
10am–4pm Saturday–Sunday

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alzheimers.org.uk
Alzheimer’s Society is the UK’s leading dementia charity. We provide information and support, improve care, fund research, and create lasting change for people affected by dementia.