



A simple guide to wills and trusts



Our vision is to help
transform lives, change
attitudes and create
a society that works
for autistic people.

You can see how we're
doing this at
www.autism.org.uk



National
Autistic
Society



Introduction to this guide

Parents, carers, family members and autistic people often ask us for advice on providing for their loved ones in the future, and this guide is a helpful tool to start that journey.

We hope it will give you the knowledge and confidence to speak with a solicitor to help you make plans for your loved ones' future.

However, it is not a substitute for professional legal advice, and we urge you to seek support from a solicitor before writing a will or setting up a trust.

In this guide you will find information on:

- **why you should write a will**
- **what a trust is and things to consider before making one**
- **what to think about when choosing a solicitor.**

Peace of mind for your family's future

Many people find themselves asking what will happen to their autistic child when they're no longer around to care for them. An autistic person's needs can be complex, especially if means-tested benefits are involved.

An inheritance could affect an autistic person's benefit entitlement and care, so planning for their future now can bring you and your family peace of mind.





Why write a will?

Writing a will means you can set out everything you want to happen with any property, money and belongings you own (your 'estate') when you pass on. If you have an autistic child who is under 18, you can also include guidance on how you want them to be looked after by naming a guardian.

If you don't write a will, your estate will be dealt with by the state. This could have an impact on your autistic child's future that you would rather avoid. For example, if your child receives means-tested benefits and they were to receive an inheritance, they could lose their benefits.

If they do not have the capacity to manage their finances, it could leave them open to being financially abused.

Writing a will with the help of a solicitor will enable you to protect your loved ones' future in the best possible way.

It is also important to review your will from time to time to make sure it's up to date with your wishes and takes into account any changes in your personal circumstances, such as marriage or new grandchildren etc. Updating your will usually costs less than writing a new one.

What is a trust?

A trust is a bit like a pot you can put savings, property and any other assets in. You then appoint one or more responsible people, known as 'trustees', to look after it. This way the money in the trust doesn't actually belong to your child, and the amount they're given can be kept within the limits for means-testing in order for it not to affect any of their benefits or care.

As the trustees are in control of how the trust is used to benefit your child, you can protect your child from having to make difficult decisions for themselves and from any negative influence from others. Trustees are guided by a Letter of Wishes, in which you can set out how you would like the money in the trust to be used.

This could include providing for things such as the care of your child, or even specific requests such as taking your child on holiday.

Before appointing trustees, you should think carefully about who you could ask to perform this role. It is a good idea to appoint one person who understands the needs of your autistic loved one, such as a family member, and another person who can cope with the administration of a trust – which can involve tax and investment decisions – such as a professional who is a member of STEP (the Society of Trust and Estate Practitioners).

There are different types of trusts you can set up, and your solicitor will help you choose which is the most appropriate for your family and your circumstances.





Wills and Trusts Phone Service

If you have further questions after reading this guide, or would rather speak over the phone with someone, you might be interested in our Wills and Trusts Phone Service.

The service is run by qualified solicitors who can talk through your options with you, answer your questions and provide the information you need before starting to make your arrangements.

Topics they can help with include questions about the types of trust that might be used, who you might choose as trustees, and how a trust is managed.

The service operates on a call back basis on Fridays between 11am-1pm.

To book your appointment please complete our web form at www.autism.org.uk/willsandtrusts and we will be in touch, or you can call our Supporter Care team on **0808 800 1050**.

Helen and Harry's story

Helen's son Harry, 17, is autistic and lives at home with Helen and his father.



Helen says...

"When I heard about the Wills and Trusts Phone Service I jumped at the chance to get some help. I had no idea where to start and the thought of contacting a solicitor on my own was frightening as I didn't know what to expect. I also thought I might be charged for every bit of information I asked for.

I was worried that Harry's inheritance would affect his benefit entitlement, but the solicitor told me that things such as trust funds and wills are there to help. I am now arranging my will and for a trust fund to be completed.

I have shed a lot of tears dealing with Harry's future, but now I feel wonderful knowing I have done the best I can for him."

“We’re very proud to be working with the National Autistic Society to offer support and advice to families with autistic children. It’s so very important that families know they’re not alone and that there is support out there to give them peace of mind for their child’s future.”

Philip and Katherine, qualified solicitors who operate the Wills and Trusts Phone Service

Choosing a solicitor

Due to the complex nature of preparing wills and trusts for autistic loved ones, it is recommended that you choose a solicitor with relevant experience in this area. We can provide a list of solicitors in your region who have informed us they have experience assisting families with an autistic loved one to plan for the future.

To receive this list, please email **WillsandTrusts@nas.org.uk** or call our Supporter Care team on **0808 800 1050**.

There may be other suitable solicitors local to you who are perfectly qualified to help, we're just not aware of them.

If you know of any reputable law firms nearby then they may well be worth approaching, and here are some questions you could ask to check their suitability:

- Do you have any qualifications in the area of wills and trusts? (Ideally they will be a member of STEP – the Society of Trust and Estate Practitioners – which is the international professional body for advisers who specialise in inheritance and succession planning.)
- What is your experience in this area of work?
- Do you have experience working with families with an autistic family member?
- Do you have experience setting up a trust to benefit an autistic person? What are your charges from initial phone call to will and trust drafting?





Contact information

To book an appointment for the Wills and Trusts Phone Service:

Complete our web form at www.autism.org.uk/willsandtrusts or contact our Supporter Care team on **0808 800 1050**. They can be contacted Monday to Friday, 10am-12pm and 1pm-3pm (excluding bank holidays).

To request a list of specialist solicitors in your area, email us at WillsandTrusts@nas.org.uk or contact our Supporter Care team on **0808 800 1050**.



**National
Autistic
Society**

© The National Autistic Society 2021

The National Autistic Society is a charity registered in England and Wales (269425) and in Scotland (SC039427) and a company limited by guarantee registered in England (No.1205298), registered office 393 City Road, London EC1V 1NG
Job No: 3712