

St Christopher's

Frequently asked
questions about
'next of kin' and
power of attorney

**INFORMATION FOR PATIENTS,
CARERS AND FAMILIES**

When you are referred to our services, one of the questions we will ask you is about your 'next of kin'. This is a term that most people have come across without knowing exactly what it means. This leaflet aims to explain it.

1 Why does St Christopher's need to know who my next of kin is?

We ask patients to name their next of kin so that we know who you would like us to keep informed about the care we provide or any decisions we need to make. In identifying a next of kin, you are giving us permission to keep them informed. It helps us to know who is important to you.

2 Are there any legal rules about who my next of kin should be?

No, you can choose whomever you like. It should be someone that you trust and feel close to. It is very often a husband, wife or civil partner, or someone that you live with. It does not have to be a blood relative; it can be a good friend. You can give the name of more than one next of kin.

3 Do I have to name a next of kin?

No. If there is no one you wish to name as next of kin, we will simply continue to keep you informed about your care.

4 Does a next of kin have legal rights and responsibilities?

No. The term next of kin is in common use but a next of kin has no legal powers, rights or responsibilities. In particular, they cannot give consent for providing or withholding any treatment or care.

5 Is the next of kin the same as having power of attorney?

No. Getting power of attorney is a legal process whereby someone can be appointed to act on the patient's behalf to make decisions about their care and/or finances.

Decisions about providing or withholding treatment or care are usually made by the patient. If the patient is no longer able to do this for themselves treatment and care decisions are legally left in the hands of the relevant professional (doctor, nurse, social worker) acting in the patient's best interests, unless someone has been given power of attorney for welfare matters. For information about setting up power of attorney visit [**www.gov.uk/power-of-attorney**](http://www.gov.uk/power-of-attorney)

The next of kin is not given any legal right or responsibility to make decisions on behalf of a patient who cannot do so for themselves.

If you would like to know more about this, please ask your nurse to refer you to the hospice welfare officer who will be able to advise you on what legal help you might need.

6 Does a next of kin have legal rights and responsibilities in the event of my death?

No. If you have made a Will, your executor(s) will be responsible for arranging your affairs according to your wishes. Your executor may appoint another person to act on their behalf.

If you have not made a Will, the law sets out who has the right to deal with your affairs after you have died and who can inherit according to their legal or blood relationship to you. Your spouse or civil partner comes first, and then the closest degrees of blood (or adoptive) relative in this order: children, parents, brothers and sisters, and so on (visit www.adviceguide.org.uk for more details about the rules of intestacy). The law gives these groups of people priority over common law partnerships or long-term friendships. Your named next of kin will not have the right to deal with your affairs after you have died unless they have the relevant legal or blood relationship to you or you write a will appointing them as an executor.

For further help or advice in relation to any of these matters please speak to your nurse, who will be able to refer you to the welfare officer.

7 Can my next of kin register my death?

It is normally expected that a relative, spouse or partner will receive the death certificate and register a person's death, so if your next of kin is a relative, spouse or partner it might be natural for them to do this. However, a non-related next of kin would not normally register the death unless you had no relative able to do so.

8 Other leaflets

Other St Christopher's leaflets you may find helpful include:

- Advance Care Planning
- Consent – what you have a right to expect
- Preparing for a funeral
- Social work and welfare for the St Christopher's Group.

It is really important for your care
that the information you give us is
as full and accurate as possible.

StChristopher's

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