

# ENABLE Trustee Service



## Factsheet

An equal society for every person who has a learning disability

# ENABLE Trustee Service

---

## What is ENABLE Trustee service?

The ENABLE Trustee Service was established in 1990 in response to requests from parents of children with a learning disability.

The Trustee Service has helped many families to prepare for the financial future of their child by supporting them with each step in what can be a daunting process.

Our team of knowledgeable advisers are fully qualified in trust legislation and are up to date with changes to welfare rights.

We work through the process of setting up a trust with families, helping you to understand the legal aspects and give you peace of mind for the future.

## What is a Trust?

Trusts are a legal arrangement where someone ('the trustee') e.g. ENABLE Trustee Service is appointed to look after property on behalf of someone else ('the beneficiary') e.g. your child.

A trust can be set up during your lifetime or it can be incorporated into your Will. This means the trust will become active after your passing.

There are many types of trusts available, however at ENABLE Trustee Service we look after discretionary trusts.

## Why set up a Trust?

---

- To have peace of mind that the inheritance you leave your loved one will be looked after to their best interests
- To protect your loved one's entitlements to community care and/or means tested benefits
- To remove the burden of complex tax and financial trust matters from family and friends
- To have comfort that our service brings in depth knowledge of learning disability

## What is a discretionary Trust?

Discretionary trusts can be set up for people who have a learning disability and are in receipt of community care and/or means tested benefits.

Within a discretionary trust, the trustees have a set of rules which help to decide how the assets of the trust should be used. This is because the trust property is owned by the trustee and not the beneficiary.

## Is a discretionary trust for me or someone I know?

Many families worry about leaving an inheritance to a person who has a learning disability but with the right planning and taking some simple steps like talking to someone who can give you information about setting up a trust can help give you the peace of mind that your son or daughter will get to enjoy the inheritance you leave them. This is where ENABLE Trustee Service can help.

## What property can be held in a Trust?

There is a common misconception that in order to set up a trust, you must have significant funds to place into a trust, however this is not the case.

There isn't a limit to what can be placed into trust however it is common for trusts to receive settlement from an individual's estate and this can range from the proceeds from the sale of a house, a car or the balance of a modest savings account.

---

## The benefits of appointing ENABLE Trustee Service in a discretionary Trust

- We believe that everyone should have the right to enjoy their inheritance how they choose, not for the funds to be used up in meeting community care costs;
- Appointing trustees to look after money for your child in the future can also reduce the risk of any misuse of your child's finances;
- We work with families and friends to get to know the beneficiaries and to understand how best the trust funds should or should not be used;
- As a professional trustee, when appointed, we take away the burden of complex trust matters such as tax returns and looking after investments.

## Compensation awards

At ENABLE Trustee Service we also look after personal injury awards for individuals who have received an award due to suffering an accident or been subject to a criminal injury.

We also have useful information about Guardianship, Power of Attorney and Appointeeship under the Adults with Incapacity (Scotland) Act 2001.

Please get in touch using the contact details listed below if you would like to speak to someone about this, or any other points listed in this fact sheet.

**If you need more information please contact:**

**ENABLE Direct 0300 0200 101**  
**[enabledirect@enable.org.uk](mailto:enabledirect@enable.org.uk)**



## **ENABLE Scotland**

INSPIRE House, 3 Renshaw Place,  
Eurocentral, North Lanarkshire, ML1 4UF  
**Tel:** 01698 737 000

**Website:** [www.enable.org.uk](http://www.enable.org.uk)

 **@ENABLEScotland**

 **/ENABLEScotland**

Registered Charity Number SC009024

