

# FOCUS

SWW

“THE SUCCESSION LAW EMAG”

IN THIS ISSUE:

8 REASONS NOT TO WRITE A WILL

EVER BEEN CAUGHT OUT BY SCAMMERS?

PAWS FOR THOUGHT

AND MORE...



ISSUE 8 | SUMMER 2018



# CONTENTS

FEATURES



**02**  
**A LETTER FROM THE  
DIRECTOR GENERAL**

**04**  
**8 REASONS NOT TO  
WRITE A WILL**

Ken down the pub doesn't need a Will, and neither do you he says. Here's why.

**06**  
**PAWS FOR THOUGHT**

Don't leave your pets out of your estate planning!

**08**  
**EVER BEEN CAUGHT OUT  
BY SCAMMERS?**

It seems that nearly everyone knows someone who has been affected by some sort of fraud.

**12**  
**WHY MAKE A WILL?**

If you're thinking "it's about time I wrote my Will", read on.

**14**  
**MAKING A COMPLAINT**

If in the unfortunate event you are dissatisfied with the service provided to you by a member of the Society of Will Writers, you may wish to make a complaint.

**18**  
**CERTAINLY NOT THE  
NEW KID ON THE BLOCK**

24 years later, we're still here. still providing support to members and still protecting our member's clients – just on a far bigger scale.

**24**  
**THE FINAL WORD**

# *A letter from the Director General*

---

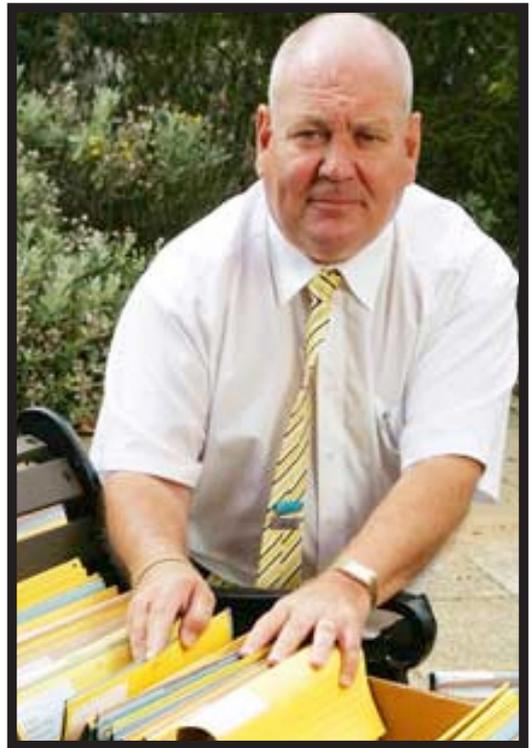
Dear reader,

I wish you a warm welcome to the 2018 Summer issue of Focus SWW - The Law Succession Emag.

Now over 2 years in publication, we've seen the magazine grow from strength to strength as we continue to be the only emag catering to both the public and the professional regarding Wills and all things Estate Planning.

No doubt many of us have been looking forward to the Summer, spending time with family and friends and enjoying the company that they bring us. However, this can also serve as a reminder of perhaps how we should not take this time for granted. Planning ahead is now more important than ever and making sure people are provided for and aren't left to deal with the stress that estate administration brings after a loved one's death should be paramount.

As you may well know, Will Writing is an unregulated profession. The Society of Will Writers does all it can to ensure that our members are properly trained and insured to provide consumers with the proper advice that they need. We believe strongly in the need for a Will, and encourage anybody and everybody to make sure they have one in place.



Of course we recommend using a member of the Society, and there are a number of ways you can locate one in your local area. Either visit our website at [www.willwriters.com/members](http://www.willwriters.com/members), call our office on 01522 68 78 88 or email us at [info@willwriters.com](mailto:info@willwriters.com) and any of of the team will be more than happy to help.

The team at the Society and I wish you the best for the Summer and hope that you make the most of the weather whilst it lasts. Remember to plan for the future and always ensure to use a professional so that this is done correctly.

A handwritten signature in black ink, appearing to read 'Brian W Mcmillan'. The signature is fluid and cursive, with a long horizontal line extending to the right.

Brian W Mcmillan  
Director General  
The Society of Will Writers and Estate Planning Practitioners

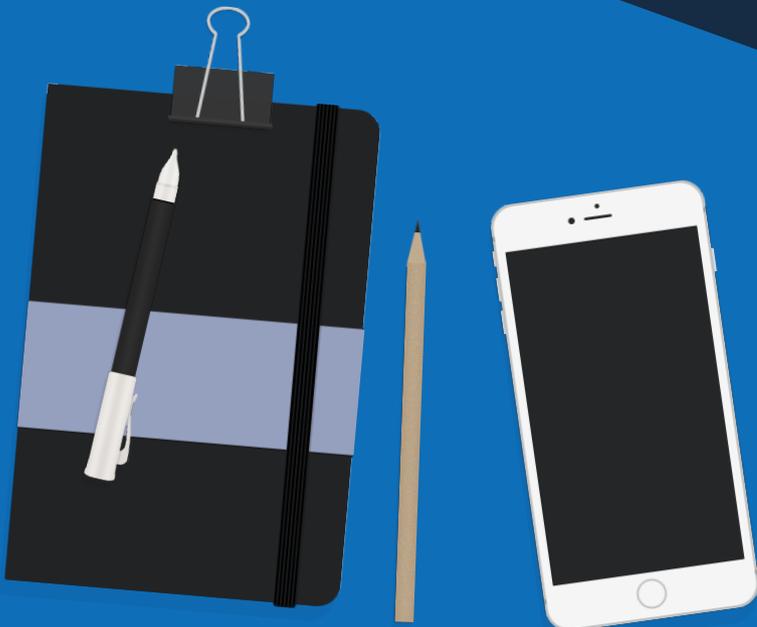


# WANT TO MARKET YOUR BUSINESS WITH THE SWW?

The SWW is pleased to offer a variety of advertising opportunities within Focus SWW as well as across our other platforms.

To find out more information, or to see our media pack and rate card, please contact either [thomas.s@willwriters.com](mailto:thomas.s@willwriters.com) or [anthony@willwriters.com](mailto:anthony@willwriters.com) or call 01522 68 78 88

Quarter, half and full page adverts are available within Focus SWW.  
All advertisement sizes and specifications are detailed in our media pack.



# 8

# reasons not to Write a Will

By Siobhan Rattigan, Senior Lecturer for the College of Will Writing

**Ken down the pub doesn't need a will, and neither do you he says...**

**Here's why:**

## **1 You like the idea of intestacy**

You're perfectly happy to leave someone else to decide who will benefit on your death. You like the inflexibility of the intestacy rules. If you are unmarried your partner cannot benefit under these rules, but you're sure they'll be fine. Hopefully the cousin or other distant relative who ends up benefiting will help them out.

---

## **2 You don't want to appoint executors**

You don't need to appoint executors to make sure your estate is properly distributed after you're gone. Leave it to someone else to step up and apply no matter their suitability to the role.

---

## **3 You don't mind who will care for your children**

You're reasonably confident someone will take care of your minor children after you're gone. Failing that, you're certain that if the courts must appoint a guardian for them it will be exactly the person you would have chosen given the chance. They may not be raised the way you would've liked, but never mind.

---

## **4 There's no need to provide for anyone in particular**

It doesn't matter to you who gets your great-great-grandmother's wedding ring that's been passed down the family for generations. You're sure that your spouse and your children will be adequately provided for somehow. If you are not married to your partner you're sure they won't mind the stress or the expense of needing to go through the courts to claim for any provision from your estate.

## **5 You don't mind how your funeral is conducted**

Let your family work out what your funeral wishes were. You don't mind whether you're cremated or buried and you have no specific requests. If you do have special wishes such as having your ashes scattered in a favourite location you're sure your family know this, and it isn't likely to cause any disagreements. Right?

---

## **6 Inheritance Tax?**

The intestacy rules might not be the most tax effective way of passing on your estate but you don't mind if there's a larger tax bill. That's for your family to arrange and you're sure they won't have any trouble realising your assets and paying any tax due. The IHT forms are known for how easy and stress free they are to complete.

---

## **7 You supported charities enough during life**

You've always been a regular supporter of a charitable cause, but there's no need to carry on these donations once you're gone.

---

## **8 Trust? Trust who?**

You can't see any need to use trusts to protect any of your assets after you've passed away. You're happy to just leave your estate to whoever the intestacy rules state is entitled to them and so be it if they are bankrupt, they divorce, or they gamble it all away. Either the state or your surviving family will make sure your minor or disabled children are cared for.

Not sure about Ken's advice? Think maybe you would benefit from speaking to a professional? Take a look at our companion article [8 Reasons to Write a Will](#) and contact a Society of Will Writer's Member to talk about your estate planning today.



---

# Paws for Thought

---

## *Don't leave your pets out of your estate planning!*

---

When it comes to estate planning we talk a lot about PETs, but not often about pets (of the furry, fluffy and feathery variety). Most pet owners will want to ensure that their pets continue to be cared for after their death, so let's look at what we need to consider.

While many animal lovers consider Rover a member of the family rather than a possession, when it comes to succession pets are actually considered a personal chattel. Like any other personal chattel, pets can be specifically gifted in a will.

The testator should be asked to consider who they wish to look after their animals, whether they ought to make financial provision for the care of the animal, as well as the particular needs of their pets as this could impact who is best to care for them. For example, certain types of parrot have a life expectancy of around 60 years so gifting them to an elderly beneficiary may be unwise.

The upkeep of an animal can be very expensive. This can range from the cost of feeding and grooming up to expensive vet bills and stabling (in the case of horses). This can be off-putting for a potential beneficiary. The testator may want to consider how to alleviate any financial burden on a beneficiary.

Financial provision could be made by way of a simple gift of money to the beneficiary conditional upon them taking on the care of the animal. Again, the testator should consider the animals needs and associated upkeep costs





when structuring such a gift.

A perhaps lesser known alternative would be to create a special type of trust for the upkeep of the animal. This is known as a 'trust of imperfect obligation' as the object of the trust cannot enforce it (while compelling, Rover's puppy dog eyes won't help him actually enforce the trust). This type of trust may only last for up to 21 years. A period that should be sufficient for most common household pets.

Whatever option they choose, the testator should also be encouraged to write a letter of wishes to provide their beneficiary with details on how their pets should be cared for.

If there is no one suitable to take on the care of the animals consider leaving the animals to the care of a charity instead. The RSPCA run a well known 'home for life' scheme that a person may register their animals with during lifetime. The executors would notify the RSPCA of the owner's death, and the charity will aim to suitably rehome the animal. This gives the testator the peace of mind that their animals will be cared for after their death.

## What difference can 1% really make?



- can make sure** we are here at the end of the phone
- can help patients** get vital information and support
- can help doctors** diagnose rare liver conditions
- can save lives**

A gift in your Will of **just 1%** to the British Liver Trust means 99% for your loved ones and peace of mind for the future. British Liver Trust fights for better health services and early diagnosis.

**Your 1% can help us carry on that fight.**

Contact Audrey Cornelius at the British Liver Trust to find out more **01425 481320**

**[audrey.cornelius@britishlivertrust.org.uk](mailto:audrey.cornelius@britishlivertrust.org.uk)**

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

**BRITISH  
LIVER  
TRUST**

British Liver Trust  
Registered charity in  
England and Wales 298858,  
in Scotland SC042140

**FR** Registered with  
**FUNDRAISING  
REGULATOR**





# **EVER BEEN CAUGHT OUT BY SCAMMERS?**

---

**IT SEEMS THAT NEARLY EVERYONE KNOWS SOMEONE WHO HAS BEEN AFFECTED BY SOME SORT OF FRAUD.**

---

By Thomas Stansfield - Marketing Director, The Society of Will Writers

---

I recently heard a retired detective describe fraud as 'theft with a smile' which is chilling.

I was prompted to write this article after watching Martin Lewis on television this morning. He was raising awareness about scammers using Facebook to encourage financial investments but using his name and image to promote these schemes. Martin Lewis has become synonymous with saving people money and helping people to be more conscious about their investments and bills. With these adverts appearing on the well-known social media channel, Martin has decided to take action. He has used all the appropriate channels including notifying the Advertising Standards Authority, Action Fraud and Facebook themselves. Now he is suing the platform.

Fraudsters are now more clever than ever and are going to even greater lengths to part you from your money. As the largest self-regulatory body governing the profession of Will Writing, the Society of Will Writers (SWW) provide a regulatory framework for over 1700 members. These members are expected to adhere to a defined set of standards and provide proof of professional indemnity insurance (PII) which meets SWW requirements. The process of gaining membership to the SWW isn't too onerous but we do expect certain proficiency standards to be able to substantiate our claims that we protect the consumer.

Why does this matter? Your money matters to you and our profession is essentially unregulated meaning anyone can claim themselves to be a Will Writer. You really ought to do your due diligence on someone offering estate planning services before providing them with personal information and of course any money. The thing with

Will writing is that the person or company taking your Will writing instructions finds out an awful lot about you and your finances, potentially meaning they have the ability to do an awful lot of damage. It is for this reason that you should check that the person has an up to date I.D. card or certificate of compliance from the SWW. Take their membership number from them and ring us to allow us to check that they are a member. Alternatively, look at our website on our find a member function. The vast majority of our members opt to appear on our website and this validates their membership status.

If you ever have any doubts about a Will Writer or a claim that they are making then err on the side of caution. It's better to satisfy yourself that your affairs are being put in order properly than to be worrying that they aren't.

The same information applies if you were to seek the advice of a solicitor. Seek confirmation from the Solicitors Regulatory Authority.

If the company or person has no professional accreditation then I would begin to ask questions. The cost of membership and additional protection this affords is more than covered in the confidence that it provides to clients.

Look out for this logo:



# WHY MAKE A WILL?

IF YOUR THINKING “ITS ABOUT TIME I WROTE MY WILL”, READ ON.

**A**nd if your thinking, as do the majority, “why should I, there is always tomorrow” then you definitely need to read on.

What are your options when making a Will?

DIY – it is a fact that more Wills fail or are challenged when they have been done by a well-meaning amateur – you know what you want to do, but can you interpret that onto paper so that the law also knows and understands what you want. In todays world of more complex families, higher divorce rate, more couples living together, same sex relationships, the list goes on, do you really know the ramifications when it comes to former spouses, children, step children and anyone who considers themselves dependent on you and the challenges that can be brought against your estate at a time when you are unable to argue back.

Use a professional. I’m not going into the where’s and why-for’s when it comes to whether using a solicitor is better than a professional Will Writer, simply that whoever you choose as a professional, ensure that they have the right qualifications and in the unlikely event of a complaint it will be dealt fairly and swiftly, i.e. they have the support and backing of a recognised body, such as the Society of Will Writers.

Using a professional Will Writer who is a member of the Society of Will Writers (SWW), ensures that the person who is attending you, will know and understand your needs and have the necessary expertise to advise you properly on how your Will should look and how it will work,

especially if your estate is complex – although few people believe theirs are as they start the conversation with “I only need a simple Will!”.

The SWW was formed 24 years ago this month, to provide the public, the consumer, with a viable, safe and well qualified alternative to lawyers which traditionally has always been considered the only means available.

At the time the SWW started, and it is well documented that it would never last, and that Will Writing was “a disaster waiting to happen”, twenty four years on, there are no disasters, the levels of failed probate applications has not increased due to poorly drafted Wills, and the numbers of adults in England and Wales who now have a valid Will has in fact risen significantly.

Members of the SWW, collectively write approximately 250,000 Wills, LPA’s and other documents each year.

What has increased, and I touched on this earlier are the growing number of families, also referred to as blended families, where there are step children, children of previous relationships, former wives, husbands and civil partners, where a simple Will just won’t do. And whilst a good Will cannot stop a challenge, it will help the Court decide of the validity of any claim from a disgruntled member of the family or beyond.

To find a member in your area visit our find a member page:

[www.willwriters.com/members](http://www.willwriters.com/members)





# MAKING A COMPLAINT



If in the unfortunate event you are dissatisfied with the service provided to you by a member of the Society of Will Writers, you may wish to make a complaint. Whatever the reason for your complaint, there are procedures that must be followed to ensure that it is dealt with in a timely and appropriate manner.

Firstly, you must address your issue with the member concerned, making sure to provide as many details to them as you can, as well as how you would like them to resolve the issue. We always advise sending your complaint in writing so that you can keep record of the communication. You may wish to send this by recorded delivery so that you know it has been delivered. We advise members to respond to any complaints within 7 working days, so you should allow for this time before expecting a reply. The member will do the best they can to resolve your issue with you directly, however if you are still not satisfied, or if you cannot get a response from your Will writer, you may then bring the complaint to us.

The easiest way to bring your complaint to us is to use our online complaints form which will guide you through all the information that we will need to help investigate your issue. Alternatively, you can email us at [info@willwriters.com](mailto:info@willwriters.com) or write to us at SWW Complaints, Chancery House, Whisby Way, Lincoln, LN6 3LQ. We cannot deal with complaints over the phone. We do not investigate complaints in-house, however we will write to you to let you know we have received your complaint and will then pass it onto our external assessors.

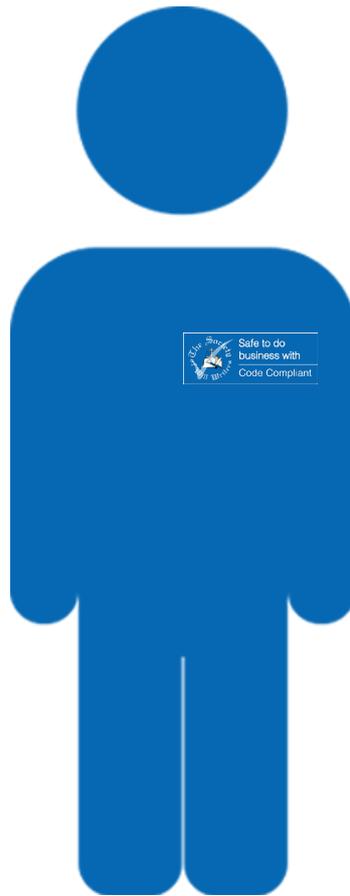


Your complaint will then be investigated, and we will ask the member concerned for their version of events. We will ask for your comment on their response, and should it be found that the member has failed to comply with our standards, as well as that set out in the SWW Code of Practice then we will consider the best way to deal with it. Depending on the nature and seriousness of the problem, we may:

offer conciliation if we think there is something that can be done to resolve your complaint; or  
2. decide that it would be best to deal with the subject matter of the complaint by investigating it further to see whether the Society should discipline the Will Writer. If there are any matters that we cannot deal with, we will let you know and explain why. For example, if the courts are involved, we are unable to do anything as the courts take precedent.

**For full details of the SWW Complaints Procedure, please click here:**  
**[Making a Complaint](#)**

# Who is your Will Writer?



- All SWW Members will provide up to date advice in line with current legislation.
- All SWW Members adhere to our Code of Practice.
- All SWW Members complete compulsory annual CPD.
- All SWW Members carry at least £2m of insurance cover.

If you have doubts about an SWW member give us a call on 01522 687888.  
If you would like to join the SWW then please email [info@willwriters.com](mailto:info@willwriters.com) for our information pack or application forms.



---

# CERTAINLY NOT THE NEW KID ON THE BLOCK!

---

In April 1994 the Society of Will Writers was formed to provide support to members and protection to clients of SWW members. 24 years later we are still here, still providing support to members and still protecting our member's clients – just on a far bigger scale.

The secret to our success is that as an organisation we are incredibly open, transparent and we engage. We aren't playing at this and we take our responsibility very seriously. In 24 years we have grown to become the largest self-regulatory body governing the profession of Will Writing and have in excess of 1700 members working under the banner of the SWW.

This means that 1700 professionals all adhere to the required standards of the Society of Will Writers and understand what it means to be a member of the SWW. We aren't afraid to audit members, we take professional standards very seriously and actively engage with government bodies like the Legal Services Board, Competition and Markets Authority and the Law Commission.

In 24 years we've had ups and downs. In 2013 we were geared up for statutory regulation only for the then Lord Chancellor, Chris Grayling to call for stronger self-regulation. At

that point some of our more senior members had taken the decision to retire to avoid the rigors of any new statutory obligations. Since then, we've galloped down the road to success and have expanded the SWW membership as well as opening a dedicated training facility for Will Writers, the College of Will Writing since which has provided training to over 2000 professionals.

We sometimes feel that SWW members don't get the credit they deserve. We are often shunned by press organisations or charities who favour solicitors despite research suggesting that Wills produced by solicitors were no better or worse than those of professional will writers. Despite minor hurdles, our work over the last 24 years has put us in an incredibly strong position. The next three years will see the SWW realising our growth strategy which includes efforts to better educate both SWW members and the general public.

We encourage all stakeholders or interested parties to work or partner with us towards bettering the profession.

Contact us on [info@willwriters.com](mailto:info@willwriters.com) or call 01522 68 78 88

IT'S OKAY  
NOT HAVING  
AS LONG AS  
WHAT WILL  
WITHOUT O

...G A WILL  
... YOU KNOW  
... HAPPEN  
... NE.



**If you have any questions about Wills, or any of the content in this magazine, please contact The Society of Will Writers:**

**Chancery House, Whisby Way,  
Lincoln, LN6 3LQ**

**Telephone: 01522 68 78 88**

**Email: [info@willwriters.com](mailto:info@willwriters.com)**

**Web: [www.willwriters.com](http://www.willwriters.com)**



WHAT WOULD HAPPEN TO YOUR  
FAMILY OR ANYONE DEPENDENT ON  
YOU IF YOU LOST CAPACITY?

GET AN LPA.



Power of Attorney

# The Final Word

## Why consider a funeral plan?

You should consider a Funeral Plan to deal with the most personal and sensitive of your family affairs and alleviate the financial and emotional burdens that naturally accompany a bereavement.

Planning ahead is important. Here are some of the reasons why people choose to purchase funeral plans:

- Funeral plans provide an opportunity to secure funeral director's services at today's prices, to counter the sharply rising costs of a funeral.
- Often people just don't know what their deceased relative wanted - usually because it's natural to put off talking about it.
- At a time of sadness, you will have relieved your family of a significant financial burden. Those you leave behind will remember your thoughtfulness.
- A funeral plan ensures that your wishes will be carried out and that the funeral director's services will be paid for at no extra cost to your family.
- Savings in a bank or building society is just a sum of money. Your executors are not obliged to spend it on your funeral and it may not keep up with the rising costs of funerals.
- Putting your funeral wishes in your Will is not binding upon your executors - they do not have to carry out your wishes.
- You can choose a funeral to suit your requirements across a range of prices, or you can pay by instalments if you prefer.
- You will receive a welcome letter and certificate which confirms the funeral you have chosen. It also specifies, if you wish, personal details such as religious requirements, gifts to charities in lieu of flowers, music, etc.

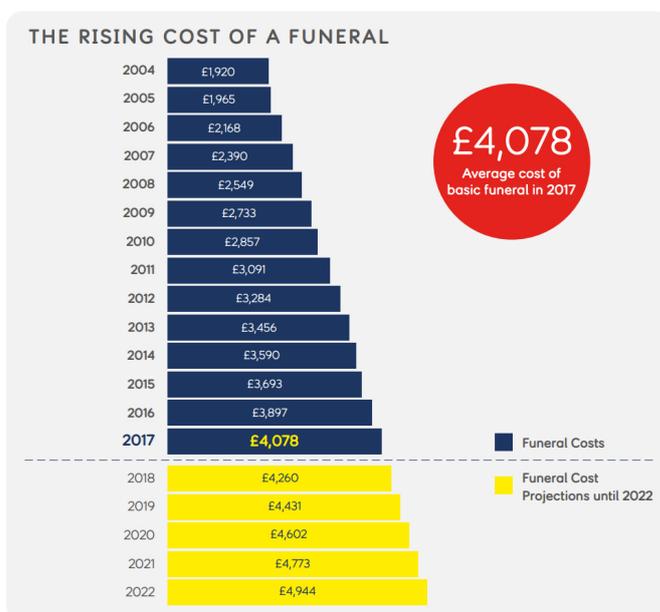
## The national average cost of a funeral has more than doubled since 2004

The reality facing us all is that the cost of a funeral in the UK has risen by 90% since 2004 and is predicted to continue to rise significantly in the future.

By choosing to purchase a Guaranteed Funeral Plan, you can secure the cost of the Funeral Director's services, at today's prices, with no more to pay however much they may rise in the future.

### Your Money is Secure

Funeral Partners Limited provides exceptional security for your money. All of the invested funds are held securely in a whole of life assurance policy to pay for your funeral service. For maximum security, Funeral Plan funds are held in guaranteed whole of life assurance policies with a life assurance company that is authorised by the Prudential Regulation Authority (PRA) and regulated by the PRA and the Financial conduct Authority (FCA). Funeral plans themselves are not regulated by the PRA or FCA but are regulated by the Funeral Planning Authority.



Source: The SunLife Cost of Dying Report 2017