

Embargoed until 10 January

Advertising Standards Authority Upholds Complaint made by Institute of Professional Willwriters about Ad for National Legal Services

Consumers are frequently shocked to find individuals and businesses can legitimately offer will writing services without any professional training or proof of competence. The Advertising Standards Authority (ASA) has today upheld a complaint from the Institute of Professional Willwriters (IPW) (<http://www.ipw.org.uk>), which upholds standards in will writing, over a potentially misleading advert from National Legal Services – an organisation that uses self employed agents to advise the public on making wills.

The IPW recently complained to the ASA that a press advert from National Legal Services was inaccurate and used an undue appeal to fear for commercial purposes. In a judgement announced to news editors today, and available to the public on 12 January 2005, the ASA has upheld the complaint on all three counts:

- (i) That without an Enduring Power of Attorney, individuals could face administration fees of £2,000 in the first year and £1,000 per year thereafter if they lost mental capacity. The ASA agreed that, in the majority of cases, the fee was likely to be nearer to £300 in the first year and £230 thereafter.
- (ii) That an individual who required local authority care would have to fully fund themselves if they had assets (including property) over £12,250. The ASA agreed that fully funding only takes place if assets are over £20,000, while part funding by local authorities occurs if the individual has assets valued between £12,250 and £20,000.
- (iii) That the advertisement exaggerated the payments which might apply in many circumstances and thereby exploited potential readers' lack of knowledge.

National Legal Services is not a member of the IPW and, as such, operates outside its standards. Members of the IPW must undergo an entrance examination followed by ongoing training, have professional indemnity insurance of at least £2m, and agree to abide by a disciplinary code of conduct. They are fully accountable for their actions, while non-members are not.

Paul Sharpe, chairman of the IPW, comments: “We wish to protect both the public and the legal profession from the damage caused by unscrupulous operators, and we are grateful to the ASA for its help. Sadly, it is not illegal for companies to operate outside the regulations that should clearly govern the entire will writing business.”

“Members of the public who require will writing services should seek to employ a member of the IPW, so their will is crafted by a business that is professional, ethical and competent.”

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Notes to Editors

The Institute of Professional Willwriters (IPW) was formed in 1990 to provide a voluntary, self-regulatory regime for businesses specialising in will writing services. It is headquartered in Halesowen, West Midlands, and has 180 members in England and Wales.

Membership is available only to those who pass the IPW entrance examination, or an equivalent run by the Law Society, the Institute of Legal Executives or the Chartered Institute of Bankers. To retain their practising certificate, members are required to update their knowledge and skills annually through a programme of continuing professional development.

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