

STAND NUMBER

January 30, 2008

IPW URGES CONSUMERS TO NOT SLIP UP WITH THEIR WILL

The Institute of Professional Willwriters (08456 442042) is launching a high profile campaign at the Your Money Matters Show, at Excel, London, from February 2-3 2008, to support its long-standing call for the regulation of the Willwriting sector, to protect consumers from fraudulent and incompetent Willwriters.

"Don't Slip Up" is the message behind the campaign, as the IPW urges visitors to the show to sign a petition urging the Government to control entry to, and performance within, a sector currently attracting more than its fair share of cowboy operators.

Unqualified Willwriters have been wreaking havoc in the field of Willwriting for more than 17 years, with the IPW having been founded, in 1991, as a self-regulatory body, to distance its members from scandals such as the failure of the Quill Willwriting franchise.

Little has changed within the sector since that time, with 2007 seeing a very similar winding up of a Willwriting firm - National Legal Services (NLS), a firm that had written thousands of Wills.

The situation is even more worrying now online Wills have become available. This means there is even less chance of a consumer being able to seek redress, if a friend or family member's Will proves to be worthless when it comes to be read, as they might have no knowledge whatsoever of the Willwriter's whereabouts.

The IPW is calling time on what it is dubbing the great big banana skin and has also created an online petition, to which anyone can add their name, by logging on to www.ipw.org.uk and following the link. It hopes visitors to Your Money Matters will tell other people about this online version of the petition, to increase consumer awareness of the issue underpinning it.

In the run up to this exhibition, MPs have been made aware of the IPW's stance. The Institute already has political support in place, but hopes other MPs will follow suit and start to raise questions about the wisdom of having no protection in place for consumers commissioning a service that produces as important and legally-binding a document as a Will.

The Institute of Professional Willwriters has conducted research to assess the degree to which consumers might be at risk and believes the statistics show that the Government must act. 92 per cent of consumers had no idea that a Willwriter need have no professional qualifications or training.

The IPW also discovered that 77% of consumers support the introduction of regulation in Willwriting. At a more jovial level, despite the seriousness of the message behind it, 94% did not know their milkman is perfectly entitled to knock up a Will for them!

Only 4% of those aged over 65 know a Willwriter can legally provide a Willwriting service without having a single qualification to do so. One in twelve people with children actually believe an unqualified Willwriter is not allowed to provide a Willwriting service.

The IPW Chairman, Paul Sharpe, says: "To date, our well-presented argument in favour of regulation in Willwriting has fallen on deaf ears. Whilst the FSA regulates the sale of most financial products, a Will, which can have huge financial implications for the friends and family of the deceased, can be drawn up incorrectly, wrongly worded, full of loopholes and lead to legal wrangles costing thousands of pounds and nobody in authority cares.

"The IPW has campaigned for regulation for 17 years. We are determined to put an end to those firms who think they can set up overnight, exploit consumer naivety in this sector and operate with no professional indemnity insurance in place to compensate those denied an inheritance due to errors that make the Will invalid. We would urge as many people as possible to either sign our petition at Your Money Matters, or log on and add their name online."

More information about the IPW and the petition link is available at www.ipw.org.uk **ENDS**

Press calls: Jane Hunt, Catapult PR, 01253 595558 - jane@catapultpr.co.uk

Notes to Editors:

An IPW member must have a recognised qualification, or pass the IPW's entrance examination. They must also continuously engage in professional training and development, as well as having £2 million professional indemnity cover in place. Additionally, criminal checks are conducted into their past.

The issue relating to professional indemnity cover is an important one. PI for Willwriters is typically very expensive. The result is that many so-called Willwriters do not bother to purchase this type of cover, leaving consumers exposed to risk and with no form of redress, should the Will be declared invalid, due to wrong wording, or errors in signing or witnessing the document. If a Will is contested, the value of an Estate can soon be frittered away as the resulting legal costs escalate.

It should also be noted that even solicitors do not have a regime in place to insist their members keep up-to-date with the law as it relates to Wills. Some solicitors may also not have sat modules in Willwriting in their Law Society exams.

The **ONLY** guaranteed way of finding a Willwriter who is fully qualified, regulated and fully backed up with professional indemnity cover, is by using a member of the IPW.

For immediate release

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HIS NAME WAS ERNIE – AND HE PROVIDED THE FASTEST WILLWRITING IN THE WEST!

Fancy a new Will along with your daily pint of milk, or carton of cream? There's absolutely nothing to stop your friendly milkman drawing one up for you – although thankfully only **6 per cent** of British consumers realise it.

Whilst financial services providers are already under a regulatory microscope and travel agents are set to come under a regulated regime that protects the consumer, the Willwriting profession has no barriers to entry and no regulation.

Worryingly **92 per cent** of consumers have no idea that an unqualified person can write a Will, according to research commissioned by the one Willwriting organisation to care about regulation, the Institute of Professional Willwriters (IPW).

Whether it's Ernie, the fastest milkman in the West, or two ton Ted from Teddington, there is no reason, in law, why they cannot claim to be an expert Willwriter. Such so-called experts set up, and disappear, on almost a weekly basis, touting for business by knocking on doors, advertising as purported specialists or setting up websites to provide the growing phenomenon of online wills.

According to the IPW's survey, the most at risk group are the over 65s, the very ones most likely to need a Willwriting service. Only **4 per cent** of over 65s know someone can legally provide a Willwriting service even if they do not have a single qualification in this field.

Families should also beware, as **one in twelve people** (8 per cent) with children wrongly believe that an unqualified Willwriter is not allowed to provide a Willwriting service.

Geographically, there are big differences in levels of awareness. Only **1 per cent** of people in Yorkshire know that unqualified Willwriters can prepare Wills, whilst Wales is the most clued up area, with **16 per cent** recognising the real situation in relation to qualifications. In the West Midlands, where the headquarters of the IPW are based, **13 per cent** of consumers know the true position, putting this second in the awareness league.

The IPW's Chairman, Paul Sharpe, says: "People may ask why qualifications matter and the answer is that a Will is a legal document, interpreted in a legal way. Any slip up with wording or incorrect procedure in relation to signatories and witnesses can completely destroy the deceased's intentions when it comes to the distribution of wealth and assets.

"With a Will, we can be looking at hundreds of thousands of pounds involved in a bequest. It is crazy that this amount of money can be left exposed to con artists and opportunists wishing to make a fast buck from Willwriting when the Financial Services Authority is regulating transactions that can often amount to less than £50."

The Institute of Professional Willwriters is not surprised by its research findings. It was established in 1991, to create a self-regulatory regime into which those wishing to provide a professional Willwriting service, backed by qualifications, professional indemnity cover for the consumer's protection and on-going training, could enter to divorce themselves from the distasteful element within the sector.

Despite continuous campaigning and lobbying to convince the Government that regulation of the sector is a must, there has been no move to protect the consumer.

"Consumer organisations and consumer media should care about this situation", says Paul Sharpe. "There seems to be an easy get-out through the belief that all will be well if consumers use a solicitor for their Will. This ignores the fact that this typically costs the consumer significantly more than would be the case when using a qualified Willwriter and there is no guarantee that a solicitor has even studied Willwriting in the course of their qualification to become a solicitor.

“The other point is that the law does not stand still, but solicitors do not necessarily keep up-to-date with legal changes in the field of Willwriting. We insist that our IPW members continuously attend training courses and stay abreast of new legislation through on-going self-development. The knowledge of our members is the envy of many others who provide Willwriting services.”

To access a qualified Willwriter, the consumer can contact the IPW by calling **(08456 442042)**. There are over 400 members across England and Wales, all of whom are regulated. They use the two ticks IPW logo on their letterhead and can show consumers their professional indemnity certification and their qualifications, if asked. Details of the IPW can be found at www.ipw.org.uk

Consumers are best advised to check credentials before agreeing to commission a service. They should never pay money up front and should obtain written confirmation that the quotation provided for the service is the only money that will exchange hands, as a common practice amongst cowboy Willwriters is that of demanding more money than previously quoted. ENDS

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Notes to Editors

The IPW commissioned research through TNS's CAPI OmniBus in May 2007 and 1038 consumers, from across the country, were interviewed.

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DON'T DIE OF EMBARRASSMENT OVER YOUR DIY WILL

Every year, DIY leads to thousands of injuries and casualties but according to the Institute of Professional Willwriters (**08456 442042**) these are nothing compared to the disasters that can occur in relation to DIY Wills.

The IPW, a professional Willwriting body that campaigns for higher standards in the sector, says that the growth in the availability of DIY Will packs in supermarkets and high street retailers is literally, in many cases, an accident waiting to happen. Whilst it may seem simple to complete a form, or follow a self-help pack, it warns that the whole process can be hazardous and riddled with problems.

This is partly due to the fact that, in completing a DIY Will pack, you have to try to make the wording fit the template of the form. This makes it incredibly easy to make errors and have your intentions misinterpreted.

If such misinterpretation occurs, the inheritance process becomes very complicated, often involving Courts and solicitors, which see costs rocketing, with these costs being deducted from the deceased's estate. This is because a Will that is not clear under the Law, can be challenged. If you leave a Will that lacks clarity, your final wishes could be overruled, or your Will declared invalid.

Another common problem relates to the miscalculation of assets. In some cases, people bequeath assets they do not have, whilst in others they do not consider all assets, or where to leave them.

The larger and more complicated the estate, the bigger the problem, but complication is not the domain of just the rich. Anyone who has divorced, remarried, become responsible for step-children or had unusual tenancy arrangements can be at risk from getting it wrong by going down the DIY route.

Another classic example relates to unmarried partners, where the Law does not recognise the rights of an unmarried partner and a Will must be watertight, in order for such a partner to inherit.

“Many issues arise thanks to a lack of legal understanding amongst those completing DIY Will Packs”, says IPW Chairman, Paul Sharpe. “This results in a failure to spot how a particular use of words can create problems, simply because the Law would interpret such words in a completely different way. The easiest example to give is: ‘I leave £20,000 to Mr and Mrs Ellis’. The Law would immediately question whether they are to receive equal shares, or whether this means that the deceased left them £20,000 each.”

The other major pitfall of going down the DIY route relates to Inheritance Tax. A professional and expert Will writer, such as an IPW Member, knows how to use tax law, to ensure as little money as possible is paid to the Chancellor of the Exchequer after death. Thousands of people are now liable for Inheritance Tax (IHT) thanks to booming property prices, but relatively few know how to mitigate tax liability through their Will.

“Knowing how to arrange Trusts, make charitable gifts and plan the taxation strategy is something that a DIY Will just cannot tackle”, says Paul Sharpe. “Even if the person drawing up their DIY Will has some knowledge of this, the incorrect use of clauses can see their intended tax planning become a nonsense.”

The moral of the tale, according to the IPW, is to ensure the legacy you leave is one that brings joy. Anyone wishing to ensure they are not bequeathing misery, legal wrangles, Court costs and taxation woes should think very carefully before choosing a DIY Will.

“We understand why people go down the DIY route when solicitors’ charges are so high”, says Paul Sharpe. “However, we would remind people that a DIY Will can be a false economy when the services of an IPW member can be accessed from around £50. The extra pounds can be the difference between peace of mind and many sleepless nights for your loved ones.” ENDS

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CIVIL PARTNERS MAY JEOPARDISE THEIR PARTNER'S FINANCIAL FUTURE

Civil Partners could be living in blissful ignorance and unaware of financial problems ahead, according to the Institute of Professional Willwriters, which says the introduction of Civil Partnerships might just have destroyed the security couples sought through their union.

December 5, 2005, saw the introduction of the Civil Partnership Bill, which immediately led to a flood of applications for unions. Many thousands of same sex couples have now joined together through Civil Partnership, but many are unaware their new status revokes any previous inheritance plans they had in place.

The Institute of Professional Willwriters is so concerned about this situation it has taken the issue up with the National Statistician and Registrar General for England and Wales. This followed cases it has handled where partners were totally unaware their new status as Civil Partners had changed things.

The IPW believes those entering a union of any kind should be made aware, during the registration process, of the impact this will have on their Will. If they then die intestate, that would be through choice and not by accident. This applies to both marriage and Civil Partnership.

Where a Will has been made before a marriage, or Civil Partnership, the participants become intestate (i.e. without a valid Will), because any previous Will is revoked, unless it has a specific wording to say that it will not be revoked by such a situation. The Will can say there is an anticipation of a future marriage or Civil Partnership to a particular person, to ensure its validity following union.

If one party has made a Will allowing their partner to inherit everything, but does not have the required wording in their Will, they need to amend their Will prior to entering into a legal union, or write a new one, as a matter of urgency, afterwards.

If they do not do so, the law will dictate what happens to the Estate once the Will is revoked. Their partner would only be left with the deceased's personal chattels, the first £200,000 of the Estate and half of the residue over that amount, assuming the deceased had no children. The other half would pass to parents, if still alive, or to siblings and then other relatives.

If the deceased had children, then the partner would only be left with the deceased's personal chattels, the first £125,000 of the estate and the income (but not capital) on half of the residue over that amount. The remainder would be held in trust for the children until they reached the age of 18. The capital that generates the income for the surviving spouse, or Civil Partner, would pass to the children when the surviving spouse, or Civil Partner, has died.

Disputes with family members are not uncommon and for some people the last thing they desire is to leave something to some of their family.

Paul Sharpe, Chairman of the IPW, says: "Civil Partners are often unaware that they are now treated in exactly the same way, in the eyes of the law, as married couples, when it comes to inheritance. Whilst the 2005 legislation was intended to give same sex couples more security, in the case of inheritance, it has often removed much of the financial security that previously existed."

Nina Parker, one of the founders of the Lancashire's first gay affirming Church, Liberty Church Blackpool, says: "Many of our worshippers were unaware of the impact a Civil Partnership has on inheritance. We support the IPW's stance on trying to raise awareness on this issue and believe registrars should make couples aware of the legal situation at the time the union is registered."

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PAUL SHARPE, CHAIRMAN OF THE IPW

Paul Sharpe has been the Chairman of the Institute of Professional Willwriters (IPW) since 2000 and a member of the IPW since 1993. As such he is a highly informed and useful spokesperson on all issues relating to Wills.

Paul first entered the Willwriting profession in 1990, shortly before the IPW was founded, in 1991. The Institute of Professional Willwriters was established to set its members apart from the disreputable operators in the sector, following the failure of a so-called expert Willwriting company - the Quill Willwriting franchise.

The aim of the Birmingham-based IPW has always been to protect the rights of the consumer by campaigning for regulation in the sector and by operating a membership based organisation run on the lines of tight self-regulation, in the absence of any compulsory regulation being imposed by Government.

Paul Sharpe has spearheaded this campaign since becoming the Chairman of the IPW and is heavily involved in government research on the regulation of unqualified Willwriters.

Paul has continuously lobbied for regulation, as the head of the **only** Willwriting organisation to insist on qualifications for all of its members. Membership of the IPW requires the passing of a tough entrance examination, or an equivalent qualification, and on-going professional development. It runs checks into the background of individuals wishing to become members and insists that every member has at least £2 million of professional indemnity insurance in place.

To support its call for regulation, the IPW has commissioned consumer research in 2007, to assess the consumer's view on statutory control and their awareness of the current situation.

The IPW has also reiterated its call for compulsory regulation this year, when yet another Willwriting body, NLS Sheffield Limited, was wound up, leaving many consumers at risk.

With the lessons of the collapse of The Quill Willwriting franchise not having been learnt, 17 years later, and with history repeating itself, the IPW is making the Your Money Matters Show the focus for a huge push and demand for regulation in Willwriting. It believes that, without regulation, consumers are more at risk than ever before, thanks to the plethora of get-rich-quick merchants operating Willwriting businesses, both on the internet and through the press.

Paul Sharpe's views on why regulation is of fundamental importance within Willwriting are already sought by many journalists and he is well prepared to discuss such issues with the media.

His expertise lies in writing Wills and creating lasting powers of attorney and advance decisions, inheritance tax Trusts and means to mitigate care home fees. He is well versed in issues affecting the elderly and has a knowledge of his sector second to none.

Paul Sharpe has also placed the IPW heavily on the consumer's side, by becoming involved in the delivery of a Code of Practice for Willwriters, to be submitted to the Office of Fair Trading, for approval under their Consumer Codes Approval Scheme. The Code of Practice guarantees a fair deal for consumers from any member of the IPW.

The IPW now has members nation-wide and is growing month on month, as Willwriters recognise the status the IPW holds within the profession and why professional qualifications matter. Joining the IPW is means of distancing oneself from every other organisation within the Willwriting sector and sending a signal that the Willwriter is an ethical, trained and honest business person.

To arrange an interview with Paul Sharpe, please either contact him via the IPW Stand at Your Money Matters, or call Catapult PR, on 01253 595558 and speak to Jane Hunt (jane@catapultpr.co.uk).