

*How the Vestry can
encourage and help
members of the
congregation to make
their wills.*



Whatever you decide to do as a Vestry, above all remember that pastoral sensitivity towards each individual member is crucial.

Some ideas for the Vestry to discuss

- Do different age groups, single persons, married couples, families, the retired, the very elderly, friends and fringe members need the same or different approaches?
- Decide how you might approach members of the above groups. Research shows that many people are happy to receive low key reminders to review or write their wills and in leaving legacies. Many charities will already be in contact.
- Make sure the item 'Wills and legacies' appears on the vestry agenda at least once a year.
- Encourage the Vestry to agree to review their own wills as an example to the rest of the congregation.
- Produce an agreed statement outlining the vestry's policy on legacies.

Legacy Policy

People will often leave the church a legacy when they believe that the church will use it for development projects rather than simply balancing the books. The vestry needs to agree how any legacy income will be spent and how the congregation can be kept informed of its use. It is therefore advisable to discourage restricted legacies. The policy might read along the lines of:

The policy of St.Simon's is to use any legacy, it is left to help fund significant mission and ministry development projects. Whether they be in relation to buildings, equipment or staff.

As circumstances change over time, it may not be possible to fulfil specific donor requests, so church members are encouraged to leave legacies for the general purposes of the congregation

Publicity

Research your archives to discover how legacies have been used in the past. Who are the churches past benefactors? Are their legacies still alive today?

Adapt your communications to the needs of your members at the different stages of life they find themselves at:

- ***Those with young families:*** encourage them to make a will to provide and protect their children.
- ***The middle-aged:*** encourage them to review their wills every five years or when significant events occur.
- ***The elderly:*** now the next generations are established, legacies could be encouraged in favour of favourite charities and the church. Shares in the residual estate could also be left.
- ***The frail elderly:*** Encourage them to consider setting up a Power of Attorney to protect their interests in the event of incapacity.

Even if they have died those leaving a gift to your church still need to be thanked, in the eyes of their family and friends.

Agree the most appropriate ways to do this:

- A Book of Remembrance
- Clear thanks to the giver in the annual accounts and how the gift was used.

Remember to get the permission of the deceased nearest and dearest before you publicise anything.

Write occasional articles and news items for your church magazine or web-site about how any legacy has been used to further the vision of the congregation.

Ensure that publicity focuses on the positive work the church does and what future developments can be achieved by others leaving the church a gift in their will, rather than on the mechanics of making a will.

Mention 'reviewing wills' in any Increased Giving or Stewardship Campaign your congregation undertakes.

What else?

Encourage those who wish to leave a legacy to leave a percentage of their residuary estate rather than a fixed amount of money (pecuniary). This is less likely to be damaged by inflation. It also means that the Will need not be changed frequently in order to keep up with financial trends.

Organise occasional 'Wills' evenings for different church groups involving local professionals skilled in will writing.

Topics might include:

- How a will is structured and what it costs.
- Why certain language is used?
- How to choose your beneficiaries?
- Codicils
- Valuing your estate.
- Who to choose as an executor?
- How to reduce inheritance tax?
- Making your funeral arrangements and what it costs.

*Try to take the fear away from those you are encouraging to make a will.
Keep your information simple but informative; light hearted and
celebratory of life.*



What not to do

Do not write to all your frail and elderly members or to those who have recently experienced bereavement. Be sensitive to the issue and raise the idea of making or reviewing wills at an appropriate time in a one to one pastoral conversation.

Do not offer to make a contribution towards the cost of anyone making a will as you could be left open to possible legal challenges to any legacy given because of the close pastoral relationship it implies.

Do not ask your members for ‘Legacy Pledges’ as these are not good indicators of any future legacy receipt and it may make any potential giver feel uncomfortable or under pressure to do so.

Do not recommend ‘do it yourself’ will forms. Always encourage the individual to use a reputable legal advisor.



Some facts and figures about wills

- Only one in seven wills contain a charitable legacy
- The average age of death of those who left a legacy is 80 compared to 78 in those who did not and with 68 for those who died ‘in testate’.
- 57% of the adult population have wills, only 37% of the working population have a will but 71% of those retired do.

- Currently about £16 billion a year is distributed in bequests in UK wills about two-thirds of this going to partners and children, 17% to other relatives, 7% to friends and 9% to charity.
- Many charities get 20%+ of their income from bequests.
- Legacies left to charities including the church are free of inheritance tax and reduce the total amount of an estate that is liable to tax.

Common excuses for not making a will

- *I am too young to think about it.* Sadly, accidents and early deaths do occur. It is particularly important to write or amend your will if you marry or enter into a Civil Partnership, or if you have children (who do you want to be their guardians?).
- *I don't have anything to leave.* Without a will any possessions you have will be sold and the money raised to pay the legal costs.
- *I don't have the time.* Organising a will only takes a couple of hours and it can save your next of kin much time and trouble if you do so.
- *It is too expensive to make a will.* Straightforward wills cost little more than £100 and there are often will writing campaigns that reduce this cost.
- *Thinking about dying upsets me.* Sadly, none of us are immune from death and it is important that we prepare for that by making things easy for our nearest and dearest when the time comes.
- *My partner will get it anyway.* Not necessarily, if you are not married or in a Civil Partnership, your partner may get nothing. If you have any children by any relationship they will inherit, as will your closest blood relations if you are not legally partnered or have no children. If you have no blood relatives at all then the Crown inherits.

- *Everyone knows what I want to happen.* Without a will you can not be sure that your wishes will be carried out.
- *I can't be bothered, or it never occurred to me.* This is self-centred and again does not really show any concern for those left after your death.

Useful contacts

Citizens Advice www.adviceguide.org.uk

Help the Aged www.helptheaged.org.uk

The Law Society
Scotland www.lawscot.org.uk

HM Revenue
And Customs www.hmrc.gov.uk

The Office of
The Scottish
Charity Regulator www.oscr.org.uk

(General Synod of the Scottish Episcopal Church
Scottish Charity Number SC015962)