SWWEPP Wills & Estate Planning Certificate Syllabus

This course is designed to be an introduction to will writing and estate planning suitable for beginners and covers the following topics:

Day 1

- What is a will and the need for estate planning
- Establishing what can be gifted by will and what passes outside of the estate
- Understanding the roles in a will and each appointee's duties:
    - Appointing executors
    - Appointing trustees
    - Appointing testamentary guardians – Understanding parental responsibility
    - Roles and duties of the above
- The basic structure of a will
- Understanding mental capacity in relation to wills:
    - Banks v Goodfellow test
    - The golden rule
    - Practical considerations
- The requirements of a valid will – ensuring we comply with the s9 Wills Act 1837 formalities:
    - Testamentary intention/knowledge and approval
    - Basic requirements
    - Dealing with more complex signing requirements e.g. blind or frail testators
    - Witnesses – suitable choices of witness
- Attestation of wills and looking at the issues surrounding attestion; contrasting supervised and unsupervised attestations and what can be done to protect the client and reduce liability on the drafter.
- Revocation of wills – effective destruction, incidences of accidental destruction, altering wills using codicils.
- Understanding the different types of legacy:
    - Specific legacies
    - General legacies
    - Demonstrative legacies
    - Dealing with residue – examining use of survivorship clauses.
    - Dealing with chattels and precatory trusts
- How gifts in a will might fail and where it is possible to avoid failure
- Need to plan appropriately to ensure that the circumstances of the testator are considered regarding timescales, i.e. urgency, deathbed wills, ensuring a process is in place.
- Intestacy
- Inheritance (Provision for Family and Dependants) Act 1975 claims. Who can bring a claim and how to advise the testator. Examination of the key recent case of Ilott v Mitson
- Dealing with foreign property

Day 2

- The morning session will be an examination of inheritance tax:
    - Basic operation of IHT
    - Nil Rate Band
    - Transferable NRB
    - Exemptions (annual, small gift, gift of income, maintenance, spousal, charity)
    - Residence NRB
    - Potentially Exempt Transfers
    - Chargeable Lifetime Transfers
- Dealing with the family home – establishing how a property is held and what this means for an estate. Understanding basic land law concepts and survivorship. Severing joint tenancies and dealing with the Land Registry.
- An introduction to the types of trust and what can be included in a will:
    - Discretionary trusts
    - Immediate Post Death Interest Trusts
    - Trusts for Bereaved Minor's
    - Trusts for Bereaved Young Person's
    - Age Contingencies
    - Introduction to the taxation of trusts

Day 3

- Continuation of trusts, covering the more advanced types of settlement:
    - FLITs
    - Disabled Person's Trusts
- Lasting Power of Attorney including an examination of the forms and practical considerations when drafting.
- Introduction to will drafting using software – a demonstration on Sure Will Writer
- Group case studies considering a range of practical scenarios encouraging students to apply the knowledge gained over the last 3 days:
    - Working on case studies in small groups
    - Full group discussions on case studies – potential problems and outcomes
    - Using the Sure Will Writer software to practically draft wills based on the case studies discussed

Day 4

- Further case studies and drafting exercises
- Storage
- Pricing
    - What to charge
    - What others charge
- Market research/SWOT analysis
- The client journey
- Documents you may need
- Complaints
    - How to avoid them
    - How to deal with a complaint
- SWW membership – costs and benefits
- Costs of running a Will Writing business
- What to expect & practical implications