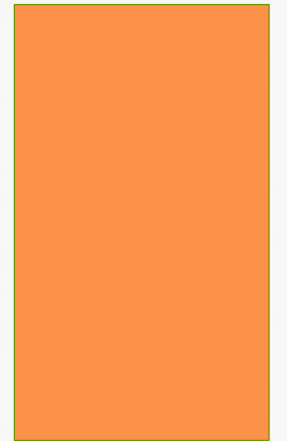




WELCOME

LIME: 4 SEPTEMBER 2017



HOUSEKEEPING



L I M E

LEGACY & IN MEMORY (EAST)

- No Fire alarm test due
- Toilets
- Noise

AGENDA

11.10am	Research in the Legacy Market	Dr Claire Routley
11:40am	<i>Time for Questions</i>	
11:50pm	Active Wills	Nick Billington - Will Associates
12:00pm	<i>Time for Questions</i>	
12:10pm	Working Lunch / Networking with Peers	
12:35pm	Contested Estates	Philip Collins - Pennington Manches
12:55pm	<i>Time for Questions</i>	
1:05pm	New data protection rules	Alison Talbot - Pennington Manches
1:30pm	<i>Time for Questions</i>	
1:50pm	Wrap up, actions, next time and close	Chair - Terri Mclean-Bowman, CRUK
2.00pm	Optional further networking	For anyone wishing to stay until 3pm



Honey

Pure & simple planning

Active Wills Charity Legacy Program



NICK BILLINGTON



Aims of The Charity Legacy Program



- Generate 100,000 wills with Legacy Pledges for other UK Charities by Christmas 2018
- ActiveWills to become No. 1 Legacy Program partner for UK Charities





Free Will's for Charities

- Cancer Research UK started Free Wills as a method of gaining some legacy gifts
- Capacity Marketing run National Free Will Month but only top 100 or so Charities have signed up
- Most Charities get Legacies left to them by supporters and friends, however almost none have an official Legacy Program
- Every charity we have spoken to so far either is in the process of taking someone on to start the program or wants to start a legacy program
- However most do not have the budget to run one, at £80 and £120 cost for a will from a solicitor its just too expensive let alone too difficult to run.





Honey

Free Will's for Charities

- We want to open up the Free Will Campaign to all Charities who would like to generate Legacy Income
- Low cost, easy to promote and simple process
- Online, over the phone or face to face service all for Free Wills
- Free Marketing Collateral, Banner Ads for your website, free image bank to promote your campaign, email templates, point of sale promotional material for retail environments and much more
- Small annual cost to the charity to join, membership includes creation of the Will, storage, marketing and full reporting



The Charity Legacy Program Portal



A screenshot of the ActiveWills website. The top navigation bar includes links for HOME, BLOG, WHY, LIFE STAGES, SERVICES, CHARITIES, ABOUT US, and LOGIN. A dropdown menu is open under the CHARITIES link, showing three options: "Are You A Charity?", "Want To Leave Legacy To A Charity?", and "Register Your Charity". The main content area features a large image of a family running on a grassy hill. Overlaid on this image is the text "FULLY LEGAL WILL" in large white letters, followed by "Our step-by-step process is easy. You are in control. Start now." in smaller white text. At the bottom of the image are two buttons: "LEARN MORE" and "START NOW".



Register, login



ActiveWills

HOME | BLOG | WHY | LIFE STAGES | SERVICES | CHARITIES | ABOUT US | LOGIN

Register Charity

Charity Name

Registered Number

Registered Address Line 1

Registered Address Line 2

Registered Address Line 3

Registered Address Line 4

Registered Address Line 5

Registered Address Post Code

Charity Primary Contact Details

Email Address

Password

Confirm Password

First Name

Middle Names

Last Name

ActiveWills

HOME | BLOG | WHY | LIFE STAGES | SERVICES | CHARITIES | ABOUT US | LOGIN

Login

Email Address

Password

Not registered yet?

Unauthorised access prohibited.

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Like Us | Follow Us | Join Us

UK



Upload your logo and add a description

ActiveWills ADMIN DASHBOARD CHARITIES LEGACIES PAGES BLOGS YOUR ACCOUNT

Demo Charity / Marketing Collateral Area /

Active Wills Legacy Giving Page Details

Description/Activities

Add the text to help promote your charity on your Legacy Giving page in the Active Wills

We at Honey Charity are proud to give support to Cancer research is basic research into cancer to identify causes and develop strategies for prevention, diagnosis, treatment, and cure. Cancer research ranges from epidemiology, molecular bioscience to the performance of clinical trials to evaluate and compare applications of the various cancer treatments.

Having partnered with Active Wills to make writing a Will that includes a gift to us a quick and easy process we have also agreed with Active Wills parent company that if you prefer to have some help writing your will, Active Wills can arrange for one of their professional will writers to come to your home and help you complete this very important document.

Save

Current Logo

Upload your logo for your Legacy Giving Page in the Active Wills



Upload a new logo

Choose File No file chosen



Your Charity Personalised Landing Page

ActiveWills ADMIN DASHBOARD CHARITIES LEGACIES PAGES BLOGS YOUR ACCOUNT

Nick Test Charity (Reg: 123562)



Honey

Pure & simple planning

What We Do

We at Honey Charity are proud to give support to Cancer research is basic research into cancer to identify causes and develop strategies for prevention, diagnosis, treatment, and cure. Cancer research ranges from epidemiology, molecular bioscience to the performance of clinical trials to evaluate and compare applications of the various cancer treatments.

Having partnered with Active Wills to make writing a Will that includes a gift to us a quick and easy process we have also agreed with Active Wills parent company that if you prefer to have some help writing your will, Active Wills can arrange for one of their professional will writers to come to your home and help you complete this very important document.

We've partnered with Active Wills to make writing a Will that includes a gift to your favourite charities quick and easy.

Thanks to Active Wills' online Single Will and online Mirror Will writing application, you can create your will and leave a gift to Nick Test Charity in less than 10 minutes.

Why wait? Write your Will now...

Single Will

£99

Free!



The right choice for an individual.

[Get Started >](#)

[Learn More...](#)

Mirror Will

£149

Free!



Perfect choice for a couple.

[Get Started >](#)

[Learn More...](#)



The Charity Program Marketing aids



ActiveWills

Nick Test Charity / Marketing Collateral Area /

Marketing Collateral Section

Please click the links below to visit the relevant section.

- [Active Wills Legacy Giving Page](#)
- [Active Wills BannerAds](#)
- [Active Wills Product Descriptions](#)
- [Active Wills Image Bank for Promoting Wills](#)
- [Active Wills Logos](#)
- [Active Wills Marketing PDFs](#)
- [Active Wills Social Media Pack](#)
- [Active Wills Email Templates](#)
- [Active Wills POS Collateral](#)

Logos

- [ActiveWills Logo square with stripe 120x40.jpg](#) Download
- [ActiveWills Logo square with stripe 120x100.jpg](#) Download
- [ActiveWills Logo square with stripe 150x100.jpg](#) Download
- [ActiveWills Logo square with stripe 120x74.jpg](#) Download

Image Bank for Promoting Wills

- [Active Wills Logo square 230x74.jpg](#) Download
- [Active Wills Logo square 230x74.jpg](#) Download
- [Active Wills Logo square 230x74.jpg](#) Download
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- [Active Wills Logo square 230x74.jpg](#) Download
- [Active Wills Logo square 230x74.jpg](#) Download

Single Will

A Single Will is the right choice if you are:

- Single
- In a relationship but one of you already has a Will and doesn't want to change it
- In a relationship but do not want your Will to exactly reflect your partner's. Perhaps you have children from previous relationships and each wish to take your Will differently!

A Single Will enables you to specify who you would like to inherit what from your estate after your death.

Key Features

- Individual Will
- Choose your Executor
- Choose who looks after your dependants/children
- Specify gifts you want to leave
- Specify to whom the remainder of your estate is distributed

Mirror Will

A pair of Mirror Wills is the right choice if you are:

- In a partnership and wish to leave your estate to each other upon the death of the first partner, and agree on what you want to happen with the remaining estate upon the death of the second partner.

Key Features

- A pair of Wills
- Choose your Executor
- Choose who looks after your dependants/children
- Specify gifts you want to leave
- Specify to whom the remainder of your estate is distributed



The Charity Program Dashboards



ActiveWills ADMIN DASHBOARD CHARITIES LEGACIES PAGES BLOGS YOUR ACCOUNT

Nick Test Charity /

Charity Dashboard

Month and Year Range
Jan 2010 Jul 2017
Fetch Data

Number of Orders 0 Year order value: 0	No. of Legacies/Gifts 0 Legacies/Gifts Per Order: 0	Total Value of Legacies/Gifts 0 Average Legacy/Gift Value: 0	Average Customer Age 0 Days Average partner age: 0 Days
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ActiveWills ADMIN DASHBOARD CHARITIES LEGACIES PAGES BLOGS YOUR ACCOUNT

Nick Test Charity /

Opt-In Data

Customer Name	Address	Telephone	Email Address	Estimated Value	Gift Description
rick billington test	35 Hampton Drive Market Drayton Shropshire	01630 1235689	nicktest@gmail.com	1000.00	

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Simple Legacy Program

- Create a Legacy page on your site, use the images and/ or the logo's that we provide
- Use your personalised Free Will Link in your Website's call to action
- The Client/ Supporter chooses either a Single Will or a Mirror Will
- Client "Buys" the Free Will and starts the process
- Client has the option to leave a gift to your charity on your charity personalised gift page (this is not compulsory)
- Online chat and telephone support is provided free of charge or the client can request a home visit if they prefer



● Who is the Campaign aimed at

- All Charities who think that they can benefit from a Legacy Program or would like to add an online Will option backed up by a regulated provider
- The over 55's are the best target to promote a Legacy program to, however everyone who has any property/ assets or is married or has Children needs a Will, and over 55% of the population does not have one.



- **Do Charities get a copy of each Will**
 - No. The Charities will get a dashboard that shows the number of Will's created, the No. of Gifts left, the total value of the Gifts and the average age of the Clients that have left you a gift.
 - Any client that has agreed for your Charity to contact them in our to Opt in process will be added to the Opt-In database, this information will include their name, address, email address, telephone number and age range



● **What if the Clients Will requirement is Complicated**

- Active Wills Will is a fairly simple Will and will be suitable to the majority of clients, however if the requirements are more complicated, the client will be informed of the extra charges and it will be up to them if they wish to proceed.





What is the Costs for the Program

● Setup Fee

- Active Wills Charity Legacy Program costs £200 + VAT to join, this includes all setup costs and support costs to help you start your own Legacy Program

● Annual Cost

- Active Wills Charity Legacy Program costs £100 + VAT per Annum. This is to cover management of the Program, hosting costs for your program and all Will production costs. This cost also satisfies HMRC that there is no benefit in kind and stops HMRC charging your charity the VAT for the benefit in kind value that you have received





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CONTESTED ESTATES: WHAT CHARITIES NEED TO CONSIDER

PHILIP COLLINS
CHARITY LITIGATION

4 September 2017



Claims You Might Face

- **Problems with formal validity**
 - Unsigned
 - Incorrectly witnessed
 - Homemade
- **Other validity claims**
 - Lack of testamentary capacity
 - Want of knowledge and approval
 - Undue influence
- **Estoppel claims**
- **Inheritance (Provision for Family and Dependants) Act 1975**



Claims You Might Bring

- **Challenging a lifetime gift**
- **Inventory and Account**
- **Removal of an executor**
- **Breach of trust**
- **Fraud**



Potential Consequences

- Erodes charitable income
- Generates external legal costs
- Creates risk of paying the other party's costs
- Occupies management time
- Delays the payment of legacies
- Public relations



Points to Consider

- **Explore all reasonable options to resolve the issue**
 - Alternative dispute resolution
 - Legal compromise

- **Consider the impact**
 - Of spending funds on legal proceedings
 - on the charity
 - on the charity's beneficiaries
 - on donors or funders
 - Of a charity not defending its position or pursuing a legitimate claim
 - Of devoting management resources, energy and time to the legal action
 - On the charity's reputation



Points to Consider

- **Consider specialist legal advice on**
 - The relative strengths and weaknesses of the case
 - The value or potential value of any claim
 - The likely costs
 - The likelihood of recovering the charity's costs
 - The risk of paying the other party's costs



Dispute Resolution

- **Mediation**
 - A voluntary form of alternative dispute resolution
 - The mediator works with the parties to facilitate an agreement
 - Confidential
 - Conducted on a without prejudice basis
 - Flexible!
- **Lawyers-only without prejudice meeting**



Costs

- Common misconception that costs incurred in contested estates are borne by the estate
- Normal rule is that costs of any litigation are borne by the unsuccessful party
- If successful you might recover anything between 60% - 75% of your costs



Reputation

- Consider both the impact on the charity's donors or funders if money is spent on legal action and also the impact on the charity if it decides not to defend its position or pursue a legitimate claim; and
- Plan for the impact on the charity's reputation of any publicity, the legal action, or even inaction, may attract



ANY QUESTIONS?



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WHAT LEGACY OFFICERS NEED TO KNOW ABOUT THE NEW DATA PROTECTION RULES

Alison Talbot
Partner

Overview

- What is personal/sensitive personal data
- GDPR and key relevant changes
- Data protection principles
- Collecting and handling information
- Internal sharing/reporting
- External sharing/reporting
- Active steps



Personal data

Relates to a living individual who can be identified:

- (a) from those data, or
- (b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller,
- and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual



Special categories/sensitive personal data:

- racial or ethnic origin
- political opinions
- religious or philosophical beliefs, or trade union membership,
- processing of genetic data
- biometric data for the purpose of uniquely identifying a natural person
- data concerning health
- data concerning a natural person's sex life or sexual orientation
- (convictions)



Changes on the way

- Data Protection Act 1998
- General Data Protection Regulation – in force 25 May 2018
- Hugely increased penalties for non-compliance
- Establishes a risk-based/accountability approach
- Consent to processing of data will be harder to obtain
- Conditions for processing will continue to be strict
- Processing for specified purposes only



Data Protection Principles

- (a) processed lawfully, fairly and in a transparent manner;
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes;
- (c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- (d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed;
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.

“the controller shall be responsible for, and be able to demonstrate, compliance with the principles.”



Processing personal data

- the data subject has given consent to the processing of his or her personal data for one or more specific purposes;
- processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
- processing is necessary for compliance with a legal obligation to which the controller is subject;
- processing is necessary in order to protect the vital interests of the data subject or of another natural person;
- processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
- processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

More onerous rules apply where the data is sensitive personal data.



Collecting data

- Data about the deceased testator is not personal data
- Data about executors, beneficiaries is personal/sensitive personal data (may contain sensitive information e.g. health)
- Consent: perhaps unlikely
- Legitimate purposes – possibly
- Follow the data protection principles
- Consider security/integrity of systems
- Retention periods
- Reviewing data for accuracy
- **Importance of good policies, instigated from the top**



Internal sharing

- Where consent is given, don't process for another purpose (e.g. passing beneficiary information to fund-raising)
- Don't just put names you have for one purpose onto a mailing list for another
- Abide by the data protection principles
- Anonymise where possible: and consider proportionality
- Obligation to seek trustee consent for ex gratia payments/settlements
- Internal reporting – what needs to be shared
- Sensitive personal data – high bar for sharing



External sharing

- Reports to auditors, annual report etc
- “Stories” on website
- Other charities?

(An aside: where sharing information with other charities (e.g. where there is a lead charity) be careful about comment and opinion being disseminated amongst the group – potentially disclosable under a DSAR/litigation – plan how to deal with this)



Other steps

- liaise with Data Protection Officer/senior management about readiness for GDPR
- procedure/risk driven, so get policies in place
- privacy notices
- undertake review of all data held (data mapping/data review) and how handled

<https://ico.org.uk/media/1624219/preparing-for-the-gdpr-12-steps.pdf>

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