

BOLTON ADULT ASPERGER SUPPORT

Minutes of the meeting held on 28th May 2014 at Thicketford Care Centre

The Chairman welcomed all present. Apologies received from Julie Farrar.

Minutes of Last Meeting – approved and agreed

Matters Arising – Completion of web site

Informal Presentation from Liz Braude from Pannone who are part of a firm of Solicitors called Slater & Gordon from Greater Manchester, who specialise in Wills and Estate Planning.

The making of a will is the starting point from which the estate can be divided but can be more complex where beneficiaries of the will are deemed vulnerable or with 'special needs' and who may be unable to manage their financial affairs or the estate, or who may be in receipt of welfare benefits.

Pannone recommend that the general rule would be not to leave within the estate a gift of money but suggested that a **discretionary trust** be set up to meet a number of requirements for the beneficiaries being all the children and the wider family. Also, the provision of a 'letter of wishes' to be set out in a side letter which would have the result of 'not impacting' on any means tested benefit so as not to effect any ongoing or future benefit payments.

Trustees to administer funds from the estate but it is crucial that trustees can be trusted to administer the estate that have 'no self interest' or financial gain.

Professional Trustees through Pannone can administer but there is a cost but the overriding concern even with professional trustees would be 'who would make the final decision'.

Pannone advise that there is no reason why the family home (which is the greater part of the estate) would have to be sold and turned into cash as this is not means tested and will not affect benefits. Planning ahead is the key as it is not advisable to have a situation where the executors/trustees have to apply to the court of protection where wishes have not been made or not clarified sufficiently. It is vital to select Trustee carefully, also the Letter of Wishes, must be totally clear as to what is required to happen etc', taking guidance from your appointed Solicitors and discussing this with your appointed Trustees, taking into consideration that the appointed Trustees circumstances may change; provision can be made for alternative trustees to act on ones behalf. This is particularly crucial when managing benefits as this is classed as 'an income stream'.

Trustees are not allowed to profit but can request expenses or trustees could be made beneficiaries (but think carefully as again this could generate self interest or create breach of trust). Also, trustees may die before the will is activated and therefore, there is a need to consider the need for a second tier of Trustees.

Professional Trustees who operate impartially and are a Corporate Entity who do not die but will endure or never cease to exist.

If when selecting your Trustees there is no one left, this option would need to be looked at as a 'fall back'.

Letter of Wishes – this is not a legal requirement and can be changed but if any change occurs this must be signed and dated (as the most recent change will act as a legal document in law).

At all times care must be taken to ensure trustees can be trusted to manage the estate in accordance with your wishes and that no one trustee can act alone. This can be administered by a bank mandate which all the named trustees must sign. This involves extra administration fees if administered by the professional trustees. Where the estate involves the family home, the home needs to be 'approved' and the trust will own the home and a rental charge would pay for any ongoing maintenance or running costs.

Discretionary payments - the Trustees can refuse payments and do not have to give any specific reasons for refusal or can compromise by investigating the reasons behind any request.

Capital Distribution – often concerns about risky relationships or unwise ventures etc., The Trustees will take legal advice which can be paid for from the estate.

Trustees have a statutory duty to take independent, impartial advice when appropriate.

Trustees need to be aware of 'any concerns' and within the letter of wishes it is important to write down what the trustees need to know and which can be shared.

The estate is subject to tax, this can be arranged through the estate.

The letter of wishes is more of a discretionary guide where you can discuss your concerns and fears, a will is a published document and therefore a public document.

A will can be challenged if this does not make provision for an 'equal provision'. Whilst this is not a legal requirement, the trustees can ignore or determine the best consideration for the person or persons involved.

Any existing wills need to be revisited, and reviewed but it is recommended a new will be written if a Trust is required.

Where the family home forms part of the estate this is disregarded and will not be used for any future care costs incurred.

The average price of a Discretionary Will is in the region of £550 plus vat and any other individual costs or cost of the preparation of a Letter of Wishes is extra.

Following a question and answer session the Chairman thanked Liz and Kirsty for their attendance and for a very informative presentation.

Chairman's Report - The grant from the CVS of £1500 included £300 for the provision of meetings at The Holiday Inn. The Group were asked to suggest alternative uses for this money given that we now no longer use the Holiday Inn as a drop-in facility as we now meet at 59 Bridgeman Street. We are still waiting for suggestions on how we can use this money, please forward your suggestions to the Chairman for consideration.

Kath Martin suggested that we spend the money improving and refurbishing 59 Bridgeman Street but the Chairman said this would not be permissible due to the conditions attaching to the grant.

Helen Green asked could this be used for BDS certificates or ongoing Safeguarding training, the Chairman said that to some extent this was already provided but he would explore this suggestion further.

The Chairman advised the group that the money was specifically for the benefit of parents/carers etc., and suggested that this might be used for a Carers trip.

A member suggested that other agencies might be able to assist towards the improvement of Bridgeman Street (such as the Prince's Trust Community Project) of which EH has in the past had some experience. She offered to contact the Trust. **Action;** EH to contact Prince's Trust and report back at next meeting.

Stephanie Shaw reminded members that Steph Sherrat (ABAG) was holding a Table Top Sale at Bridgeman Street on the 21st June (ABAG would welcome support from BAAS).

Chairman advised the Group that the web site was in progress and the provider would now proceed with a domain name and the creation of a specific logo which is included in the overall costs and would provide twelve months maintenance costs.

Chairman advised the Group that whilst attending the NAS Conference he met a Rachael Nut (Trafford Partnership Team – Greater Manchester Police, based at Trafford). Chairman has arranged to contact her counter -part at Bolton and hopefully arrange for a presentation at our next meeting.

Chairman reminded the group of the next drop in at 59 Bridgeman Street on Saturday 31st May.

Next Wednesday Meeting – 25th June 2014 at 2pm at Thicketford Health Centre.

BAAS/MM/14