

PCC Meeting: Legacy Notification

Contents:

1. Introduction	p2
2. PCC Meeting Agenda	p2
3. Prayer of Thanksgiving	p2
4. Letter of Condolences	p3
5. Confirm what (if any) the Terms of the Gift are	p4
6. Timescales	p4
7. Review the PCCs Legacy Policy	p5
8. Review the Parish Vision and/or Mission Plans	p5
9. Wish List	p5
10. Tithing the Legacy	p5
11. Consultation	p5
12. Acknowledgement of the Gift	p6
13. Seeking Legal Advice	p6

Other Useful Resources:

A PCC Guide to Receiving a Legacy

<https://www.parishresources.org.uk/wp-content/uploads/PCC-Guide-to-Receiving-a-Legacy-2018.pdf>

Guidance Notes for Lay Executors

<https://www.parishresources.org.uk/legacies/guidance-on-receiving-a-legacy/>

Charity Commission Charities and Litigation: a guide for Trustees (CC38)

<https://www.gov.uk/government/publications/charities-and-litigation-a-guide-for-trustees-cc38>

1. Introduction

Once you have received notification of a legacy, it is important to inform the Parochial Church Council (**PCC**) of the gift, and to confirm the terms (if any) of the gift (for example if the gift has been restricted for a particular use or fund). Legacies should be individually discussed, allocated and managed in accordance with the Legacy Policy agreed by the PCC.

We have produced this guidance document to help set out what some of the PCC's principles should be following a legacy notification and the process of prayerfully considering the different possibilities of applying a specific legacy.

[We also recommend downloading our PCC Guide to Receiving a Legacy](#)

2. PCC Meeting Agenda

- a. Prayer of Thanksgiving
- b. Letter of Condolences
- c. Confirm what (if any) the Terms of the Gift are
- d. Review the PCCs Legacy Policy
- e. Review the Parish Vision and/or Mission Plans
- f. Wish List
- g. Tithing the Gift
- h. Consultation
- i. Acknowledgment of the Gift

3. Prayer of Thanksgiving

It is important to give thanks to God for this generous gift and to ask for His guidance on how best to use this gift to meet the needs of the Parish.

An example prayer is provided:

“LORD of all, help us to remember that our gifts, our possessions, our loves, our very lives, are the gifts of your grace. Grant that we may be faithful stewards of all that you have entrusted to us, that all people may know your love and all creation come to share your glory.

We thank you for all those who have walked before us in the way of Christ; those who have shared their faith and love with us, and those who have been generous benefactors of church, nation and world, by the lives they have lived, and the inheritance they have left to us who come after.

We praise you Lord, for the life and generosity of (name of benefactor). Help us to be generous in return and support our Parish as it seeks to serve you. We ask to hear and receive your holy word, and to pray for the needs of the parish, that by the power of the Holy Spirit we may give ourselves to your services.

In your name we pray, Amen.”

4. Letter of Condolences

Once the PCC has been notified of a legacy, it is important to write to the executor promptly expressing your condolences, prayers and appreciation of the legacy.

The PCC should include the following in their letter to the executor:

- Express the church’s condolences, prayers and appreciation of the gift.
- Include up-to date contact details of the PCC Treasurer and/or Incumbent.
- Provide the PCC bank details if you wish to receive direct payment.
- Confirm Charity Status and Registered Charity Number (if applicable).
- Request a photocopy of the will/ part of the will and any codicils.

It might be appropriate to include a separate condolences letter to the family of the testator from the Clergy and PCC. It can be very supportive for those bereaved to include a prayer of support and offer to remember them in your prayers.

5. Confirm what (if any) the Terms of the Gift Are

The executor may have included a copy of the will with your notification letter or he/she may have outlined the terms (if any) of the will. If they haven’t, you should request a copy at their earliest convenience. Please remember that until Probate has been granted, a will is confidential and the PCC must treat it accordingly. After the Grant of Probate, a will becomes a public document.

Unrestricted Legacy: Most legacies to churches do not contain any restrictions on how the PCC can spend the gift. Depending on the deceased’s connection with the church, you may want to discuss possible uses with the executor and, if appropriate family members.

It is important to ask the executor if the donor had expressed any non-binding preferences about how the gift might be spent, or whether it would be particularly appropriate to remember the deceased’s connection in some way based on the deceased’s known areas of interest in the church and the church’s priorities at the time. For example, if the testator was involved in the musical ministry of the church, and new choir robes or hymnbooks were currently needed.

Letter of Wishes: A Letter of Wishes may have been included alongside the will. The expressed wishes do not legally bind the PCC however they should be met where feasible. You may wish to speak with the executor about the best way to use the gift to honour the deceased's wishes and meet the church's current funding priorities.

Restricted Legacy: If the gift is restricted, the PCC will need to ensure that the gift can be used in line with the restriction. If the PCC cannot use the gift in accordance with the specific terms outlined in the will, you should seek specialist charity law advice to consider whether and how the terms of the gift could be changed, to enable the gift to be used for broadly similar purposes that may also be undertaken by the PCC.

The PCC may well need to apply to the Charity Commission for a "scheme" to widen or alter the purposes for which the PCC can apply the legacy funds. For more information, please click here <http://www.parishresources.org.uk/wp-content/uploads/restrictedfunds.pdf>

6. Timescales

There is a lot of paperwork involved in administering an estate and certain forms, documents and decisions must be submitted and made within certain time periods. If the Executor is a Lay Executor (i.e. nonprofessional) they may be administering the estate alongside a full-time job. If it is a Professional Executor, chasing responses from beneficiaries can increase costs, which will reduce the overall value of the estate. Whilst recognising that PCC members are volunteers, responding to the Executor in a timely manner should be a priority for the PCC.

On average it takes 11 months to administer a will. Extremely complex cases can take up to 8 years, whilst extremely simple cases can be completed in 60 days. Therefore, PCCs should ask the executor for an estimated timescale (and to be informed should the estimate change by more than a couple of months), so that the PCC can know when it is likely to receive the legacy and plan its finances and projects accordingly.

7. Review the PCCs Legacy Policy

If the PCC has a Legacy Policy in place and the gift is unrestricted, the PCC must propose how to use the gift in accordance with its Legacy Policy. If the PCC does not have a Legacy Policy in place, it is important to establish first whether the PCC wishes to use the legacy for:

- a) An individual project/s.
- b) To put towards an existing project / area of church.

- c) To bless the community as well as the church.
- d) To use the funds for financial investment.

The PCC should prayerfully consider the differing possibilities for how the legacy should be used to further its charitable purposes, by asking the question “what opportunity/s has God given us this resource for?”

8. Review the Parish Vision and/or Mission Plans

If your PCC has recently written a parish vision and mission plan, it may already have projects in the pipeline that the legacy could help to fund. It is the PCCs responsibility to identify which projects would be most appropriate in terms of parish need, as well as considering the following:

- a) Is there an area of church the benefactor was particularly passionate about e.g. heritage, youth work, or community? If so, could the legacy gift be used in this area of church?
- b) Is this an appropriate way to remember the benefactor? What is the long-lasting impact? How is it meeting the needs of future generations of Christians?

9. Wish List

The PCC should now have an idea of what they feel would be an appropriate way to use the legacy. The PCC is tasked to prayerfully look through the proposals and create a final submission.

10. Tithing the Legacy

Many PCCs consider tithing legacies as a model of sacrificial, generous onward giving. If the PCC proposes tithing the gift at 5% or 10%, it is important that any “tithed” part of the legacy is applied for the PCC’s charitable purposes only. It is also important to be aware that if the legacy has any restrictions on how it may be used, or it is a gift of capital endowment for investment, then the PCC will not be able to apply any of the gift in this way as the PCC is required by law to apply ALL of the legacy in accordance with the trusts on which it was given.

11. Consultation

Although the PCC have the ultimate responsibility for deciding how the legacy should be used; following careful prayer and reflection, the PCC may, where appropriate, wish to consult with the appropriate stakeholders on their proposal / series of proposals:

- a) the Executor/s

- b) the Testator's family (if known)
- c) the Congregation

This provides an opportunity for the PCC to discuss possible uses of the gift, bearing in mind the testator and their known areas of interest. It also gives ownership to those who might wish to be consulted, and to share in the joy of what difference the gift will make to parish life.

12. Acknowledgement of the Gift

If the benefactor has not stipulated how they or the gift wish to be recognised, it is important that the PCC decide this before the gift is spent.

The PCC may already have a process in place e.g. a permanent book or sculpture recording the names of previous testators. If the gift is intended to fund a new room or staff role, the PCC may wish to dedicate this in memory of the testator. The PCC may wish to hold a thanksgiving service or light a special candle in memory of the testator and their gift. Again, it is helpful to establish a number of ways to remember the testator that can be discussed with the executor and/or family to determine which they feel is most appropriate.

Finally, continue to pray for the testator, the family of the testator and the executor. As a named beneficiary, the church should be truly grateful, not only to the testator, by whose generosity their work can continue to grow God's Kingdom.

13. Seeking Legal Advice

When a church is notified of a legacy, the executor may indicate that the will has been or might be contested. Although a will is a binding document, there has been a surge in the number of disputes around people's estates in recent years.

When considering whether to take or defend legal action, the PCC should be aware of what the risks might be and plan how to handle them if they occur. To properly carry out their duty of care, PCC members as charity trustees should make a fully informed decision, taking specialist advice from a suitably qualified person and, where required, obtaining the Charity Commission's consent. In such situations, the PCC should contact the Diocesan Registrar straight away.