Wills and Awareness of Inheritance Rights in Scotland

Summary of Findings

September 2006

Whether or not we make a will during our lifetime can have a major impact on those we leave behind when we die. This is becoming ever more important as Scotland’s population becomes wealthier than ever before, and family structures continue to change.

There has been little information available to date as to how many people in Scotland have a will. Given the importance of this issue for everyone in Scotland, we decided to commission research to find out. We were also concerned that some people may not understand the consequences for their family if they were to die without leaving a will. We decided to look at how well informed people in Scotland are about inheritance rights, focusing on two specific groups who may be at particular risk: cohabitants and children within non-traditional family structures.

We commissioned research via the TNS System Three Omnibus Scottish Opinion Survey. A sample of 1009 adults aged 16 and over throughout Scotland was interviewed in-home during February - March 2006.

The research looked at:
- Who has a will
- Why people do or do not have a will
- Who drew up the wills of those who have one
- How long ago their wills were prepared
- How much people think a will would cost
- Knowledge of the inheritance rights of cohabiting couples
- Knowledge of the inheritance rights of children born to unmarried parents and of stepchildren.
Key Findings

• Just over one-third of respondents (37%) had a will. This proportion varied considerably according to age, socio-economic category and relationship status.

• Age was the most significant factor determining whether someone had a will; the older the person the more likely they were to have a will. Only 4% of respondents aged between 16 and 24 had a will, compared to 69% of those aged 65 and over.

• Social class was also a clear indicator of whether or not respondents had a will. While only one-fifth of respondents in socio-economic category DE (those in semi-skilled or unskilled jobs, and those not in employment) said that they had a will, over half (58%) of those in category AB (those in professional and managerial occupations) said they had one.

• Those who owned their home were also more likely to have a will than others: 50% of homeowners had a will, compared with 15% of non-home owners.

• The most common reasons why people said they did not have a will were that they had never got round to it (46%) or had never thought about it (28%). Other reasons given included not having enough property to need one (12%), and being satisfied that those whom they wanted to inherit their property would get it whether or not they had a will (6%).

• The most common reasons given by those who had a will as to why they had made one were ‘peace of mind about what will happen to my property when I die’ (51%), closely followed by ‘to make sure that my family is provided for when I die’ (46%). Other reasons included having a child / children (17%), and being offered a free will by their solicitor when they bought their home (12%).

• Thirty per cent of those who had a will had it drawn up within the last four years, while a similar proportion said it was prepared between five and nine years ago. However, one-fifth had made their will between 10 and 14 years ago, while a further one-fifth said it was at least 15 years ago. As respondents’ ages increased, so too did the number of years that had passed since the will was prepared.

• When asked how much they thought it would cost to have a will drawn up, 40% of respondents answered correctly that a straightforward will would cost between £50 and £100. However, one-quarter believed it would cost more than £100, while 12% thought that it would be less than £50. Over one-quarter of respondents said that they did not know how much it would cost.

• Only half of respondents (52%) knew that a cohabitant has fewer inheritance rights than she would have if she were married. More than one-third (37%) of all respondents incorrectly believed that she had the same rights as she would have if the couple were married. Those in professional and managerial occupations (AB) and those in non-manual occupations (C1) were more likely than those in skilled manual occupations (C2) or semi-skilled or unskilled occupations or those out of work (DE) to answer correctly. Those who were cohabiting with a partner were also more likely than others to give the right answer to this question, with 57% answering correctly.

• There was a higher level of knowledge in relation to the inheritance rights of a cohabitant where her partner was still married to someone else. Almost two-thirds of respondents knew that the man’s partner has fewer inheritance rights than his estranged wife. However, one-fifth incorrectly thought that she had the same rights as the wife. Social class was again significant here, with respondents from AB and C1 more likely to answer correctly than those in groups C2 and DE. Women, those aged 45-64, and respondents cohabiting with a partner were also more likely to identify the correct option.
• Only 58% of respondents knew that a child from a deceased person’s previous relationship has the same inheritance rights as a child from his subsequent marriage. One-quarter incorrectly believed that the child from the marriage had more rights than the first child, while 10% said they did not know the answer. Those with children in their household, those who were married, those aged between 24 and 44 and homeowners were more likely to answer correctly. Social class had no effect on how likely respondents were to give the correct answer.

• Only half of respondents knew that, under the current law, a deceased person’s own children have more inheritance rights than her stepchildren. More than one-third (37%) thought both sets of children had equal rights. Younger respondents and homeowners were more likely to answer correctly.

Issues arising from the research

The results of our survey indicate that most adults in Scotland do not have a will, while many people do not have a good understanding of the succession rights of a deceased person’s family where no will has been left. These findings suggest that many people in Scotland may be at risk of considerable financial detriment should their loved one die unexpectedly, compounding their problems at a very difficult time in their lives. The difficulties which they may face are discussed in more detail in the full report.

Next steps

While ultimately it is up to individuals to make the choice as to whether they have a will drawn up, it is important that they make that choice on an informed basis. The research suggests that many people are not presently making such an informed choice. Our findings have identified a number of issues in relation to wills and inheritance rights that require to be addressed:

• The need to ensure that every adult in Scotland, regardless of their family or financial circumstances, is better informed about the potential consequences for their family should they die without making a will.

• It is particularly important to target certain groups identified by the research as being less likely to have a will, and who may be at greater risk if they do not have one. These include: those under 65 (and particularly those under 45), those in socio-economic groups C1, C2 and DE, those with children in their household, cohabitants and non-homeowners.

• The need to ensure that people are better informed as to the likely costs of having a will drawn up, as well as the potential financial costs their relatives may incur as a direct result of their failure to make a will.

• For those who already have a will, the importance of ensuring that it is kept updated to reflect changing circumstances.

We now intend to use this research as the basis for future work in raising public awareness of the benefits of making a will and the potential consequences of dying without having made one. It is intended that this work will be taken forward in partnership with other organisations having an interest in these issues.
More Information
The full report from which this summary is taken was written by Sarah O’Neill, Legal Officer. Jennifer Wallace, Policy Manager and Andrew Pulford, Researcher carried out the data analysis. The full report (ISBN 0-9551942-7-X / 978-0-9551942-7-6) is available from the Scottish Consumer Council.

The Scottish Consumer Council
The purpose of the Scottish Consumer Council is to make all consumers matter. For more information on what we are doing visit our website at www.scotconsumer.org.uk. The website gives free access to all our reports, campaigns and policy work in progress. SCC reports in printed format are available from our office at the address below. We are often able to make our publications available in alternative formats.

Please contact us for details
Royal Exchange House, 100 Queen Street, Glasgow, G1 3DN.
Telephone: 0141 226 5261 Fax: 0141 221 0731
Email: scc@scotconsumer.org.uk

Published by the Scottish Consumer Council, September 2006