



Constitution of the Professional Standards Board (PSB) of The Society of Will Writers (SWW)

PREAMBLE

- A. The Society of Will Writers has established the Professional Standards Board (“the PSB”) to oversee the self-regulatory function of The Society of Will Writers (SWW).
- B. The SWW wishes to have in place arrangements which observe and respect the principle of self-regulation for will writing services.

CONSTITUTION

The PSB

- (1). The PSB is the advisory arm of the Society of Will Writers and has no separate legal standing and shall be an independent body advising the SWW.

Membership of the PSB

- (2). The PSB shall consist of up to twelve members (including a Chairman and a Vice-Chairman) appointed by the members of the PSB and the Director General of the SWW

Members of the PSB shall consist of: -

Twelve practising or retired members of the SWW, each appointed for a three-year term (from January 2021).

Every December three members of the PSB shall retire in rotation. Each retiring member may seek re appointment along with any other member of the SWW who seeks appointment to the PSB.

The maximum term of office from January 2021 for any member of the PSB shall be six years unless the majority of the PSB along with the Director General of the SWW make special arrangements for a further term of service.

- (3) Any member not attending 3 consecutive meetings will be asked to explain his/her absence and may be asked to resign their seat on the PSB.

Proceedings of the PSB

- (4). The quorum of any meeting of the PSB shall be six members and resolutions shall be passed by a majority vote.
- (5). The validity of any act of the PSB is not affected:
 - (a) By a vacancy or defect in the appointment of or any disqualification of a person as Chairman, Deputy Chairman or any other member, of the PSB.

- (b) A Chairman and Deputy Chairman shall be elected annually at the AGM of the PSB, with a recommended service of no more than three consecutive years, by majority vote of the PSB. The Chairman of any meeting shall have a casting vote for that meeting.
 - (c) If the Chairman and Deputy Chairman are not present at any meeting the meeting of the PSB may appoint a Chairman for that meeting, with the appointed Chairman having a casting vote for that meeting.
- (6). Unless the PSB resolves that any meeting should be held in private:
- The Director General of the SWW or his appointed representative shall be entitled to attend and speak (but not vote) at any meeting of the PSB.

Functions of the PSB

- (7). The PSB is responsible for:
- (a) Overseeing the performance of advisory functions of the SWW.
 - (b) To maintain and improve the standards of services provided to/by members across the SWW including the improvement of standards and documentation.
 - (c) To support the aims and aspirations of the SWW to the public.
 - (d) Ensure member audits to promote best practice and compliance to the standards of SWW.
- (8) Identifying the educational needs of individual members and the general membership and consulting with SWW to promote new and improve existing educational facilities within SWW.
- (9) Investigating complaints against members in the instances that the member is not able to resolve the complaint and after full investigation and due consideration apply any advisory or disciplinary actions that the PSB considers appropriate.
- (10) The PSB has no representative functions of the SWW

Duties of the PSB

- (11) The PSB must at all times act in a way which is compatible with the principle of self-regulation and which it considers is most appropriate for the purpose of meeting that principle.
- (12) The PSB must have regard to:
- (a) The principles under which self-regulation activities should be transparent, accountable, proportionate, consistent and targeted only at cases in which action is needed.
 - (b) Any other principle appearing to it to represent best self-regulation practice.

- (c) Investigate fully any complaints against members that the member is unable to resolve and advise the SWW on their findings and recommendations.
- (13) The PSB must:
- (a) Supervise and monitor the work and conduct of any committee or sub-committee appointed by the PSB.
 - (b) Monitor and ensure the just operation of disciplinary meetings and tribunals and any other panels assigned to determine any issues as to the conduct of individual members, including whether members are guilty of professional misconduct or inadequate professional service or ought to be suspended from membership by reason of physical or mental incapacity or criminal charges or convictions.
 - (c) Ensure that equal opportunity and diversity issues are taken into account in respect of regulatory functions.
 - (d) Prepare and keep under review a plan for the development and effective discharge of the self-regulatory functions of the SWW.
 - (e) In connection with all matters concerning the financial and other resources provided to the PSB by SWW:
 - (i) co-operate with SWW; and
 - (ii) comply with the relevant procedures and requirements of the SWW.
 - (f) In connection with the oversight and monitoring of the PSB by SWW:
 - (i) Provide to SWW all information and documents which it may reasonably request.
 - (ii) Prepare an annual report to SWW on its work.
 - (iii) Ensure that all relevant information is provided to the PSB by the SWW to allow the PSB to fully carry out its role to the SWW.
- (14) The PSB must act in accordance with the “Nolan” principles of public life (set out in Schedule A to this Constitution) at all times and, in particular, when appointing, or making arrangements for the appointment of, the members of any committee or sub-committee established by the PSB.

Powers of the PSB

- (15) The PSB shall have power to do all things to facilitate its functions or duties. This includes, but is not limited to, power to do the things set out in paragraphs 16, 17 and 18 below.
- (16) The PSB shall have power:
- (a) To regulate its own procedure.
 - (b) To make such rules and/or arrangements as it considers necessary or appropriate.

- (c) To establish, and regulate the procedure of, such committees or sub-committees as it considers necessary or appropriate to enable it to discharge any of its functions or duties.
 - (d) To invite any person to attend any meeting of the PSB in an advisory or consultative capacity.
- (17) The PSB:
- (a) May make representations to, be consulted by and enter into communications with any person(s) appearing to it to be relevant to its functions and amendments to the constitution.
 - (b) Shall make written recommendations to the SWW and has a right to expect the SWW to make a detailed written reply accepting or rejecting the recommendations within 30 days.
 - (c) Shall have the right to communicate directly with the membership through the normal SWW channels i.e. SWW newsletter, SWW forum or the SWW conference or any subsequent successor of these channels.
- (18) This constitution may not be amended or revoked by SWW unless a meeting of the PSB agrees the amendment or revocation.



Schedule A to the Constitution of the Professional Standards Board (PSB) of The Society of Will Writers (SWW)

A1. In this Constitution and in the Schedules to this Constitution, the following terms have the meanings set out below:

the PSB	the Professional Standards Board
the SWW	The Society of Will Writers
the “Nolan” principles of public life	The principles set out in paragraph A2 below
lay person	person who may or may not have a professional interest in the will writing profession and not a member of SWW
Self-Regulation	As defined by SWW

A2. The “Nolan” principles of public life are the “Seven Principles of Public Life” set out in the First Report of the Committee on Standards in Public Life. These are:

(1) **Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

(2) **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

(3) **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

(4) **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

(5) **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

(6) **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

(7) **Leadership**

Holders of public office should promote and support these principles by leadership and example.