

Good Practice Guidance

Initial communications after notification of gifts

Key Principles: Sensitivity, Transparency, Integrity

Legacy notifications are received in a number of ways and with variable levels of information. Notifications can come from:

- Services which give details of the Will and legacy to charities, such as Smee and Ford in England, Wales and Scotland, and the Will to Give Notification scheme in Northern Ireland
- Extracting solicitor
- Lay executor or family member
- Receipt of a cheque
- Another beneficiary

For charities with a diverse membership of local affiliates, it is also worth checking whether a notification or even a gift has already been sent to a local branch elsewhere in the charity.

Things to think about

As this may be the first time our organisation will have spoken with a family or lay executor (see [Guidance Notes - Working with lay executors](#)), it's important that all initial contact is appropriate for the audience. In keeping with the Principle of Sensitivity, we need to take care to consider the tone of any letters we write, should this be passed on from the original intended recipient. This can happen when a Smee and Ford notification gives contact details of a solicitor who then passes a business-style letter directly to a lay executor.

When to send an initial communication

When the contact is a solicitor or other professional, we can make written contact as soon as the notification is received, depending upon our understanding of the situation. We can then create a line of communication between an individual legacy professional at our charity and a named individual at the law firm. We can ensure

that we respond to all queries in their letter, for example providing our charity number or agreeing to a family member removing mementos from the property with little or no monetary value. We can also confirm the documentation we will require, depending on the type of legacy being bequeathed.

Charities have differing ideas as to when lay executors should be contacted. This varies to up to twelve months from the date of notification. Again, being sensitive in this context means thinking about who we are writing to and what they may be going through at this time. Consideration should be given to significant dates, for example, the date of death or a birthday, but it is also important that lay executors have the contact details if they are, in fact, anxious to progress matters.

Conditions

If the legacy notification indicates that benefit to our charity is conditional on other events, such as the death of a spouse or offspring, then it may be best for us adopt a more cautious approach. Depending on the estimated benefit, some charities may choose not to initiate a contact but wait to be informed by the executor or their solicitor. In any case, there are ways we can make checks, such as searching obituaries or checking on our own records, to ensure we have any publicly available information before we progress or close a case.

What to include in correspondence

- Offer of condolences/request for condolences to be passed on
- Name of legacy professional handling the case (including whether this person is acting in a lead charity capacity, see ([Guidance Notes - Working with multiple charities](#)))
- Correct address and charity number
- Where appropriate, personalised information about the donor's existing relationship with the charity
- Brief outline of the process to be followed
- Offer of support - this may also include information on lay executors' rights and role, either in a tailored form from our charity or other resources (see **Further reading and useful links** below)

Offering these elements helps us be transparent and demonstrate our Integrity, by being clear and open about our aims and the process to follow. It can also be useful to later make contact by phone to build a good working relationship, depending upon circumstances.

What not to include at this stage (unless requested)

- Bank payment details
- Demands for timescales for distribution
- Any reference to the charity's financial expectation

Once again, not including these elements at this stage helps us keep a sensitive approach, building a firmer base for a positive working relationship going forward.

Setting the tone

When writing to solicitors, we can adopt a professional but personalised tone. It's worth bearing in mind that the ultimate recipient of the letter may be a family member, if the solicitor was instructed only to the point of probate. It may be useful to them to write a small paragraph about the work of the charity and express gratitude to the family for their support.

It's easy to assume that the solicitor is experienced in probate or executry matters, but they may be the family solicitor with an expertise in family law or conveyancing. Equally, it's important we don't assume that a lay executor has either a lot or no legal knowledge; lay executors will have a range of expertise and knowledge depending on their background. As a result, we try to make sure that correspondence takes a central line of requesting what is needed, without being patronising or confusing. It can be useful to offer to forward the ILM's *Information for executors where a Will contains a legacy to a registered charity* (see **Further reading and useful links**).

Further reading and useful links

- General information see [Member Toolkit: Charities as Beneficiaries publication](#)
- [Duties of an executor](#)
- See [Member Toolkit: Guidance for lay executors](#)
- [Process post-grant](#)
- [When things go wrong](#)
- [What to do after a death in Scotland – Practice Advice for Times of Bereavement](#)

See [Member Toolkit](#) for examples of wording for initial communications.