

# ILM FACTSHEET

# Spotlight on Lay Executors

**Legacy  
Foresight**  
Part of Legacy Futures

This factsheet has been prepared by Legacy Foresight on behalf of the ILM

August 2022

This factsheet gives an overview of the lay executor experience when dealing with charitable estates.

It covers who lay executors are and their mindset; an understanding of the experience of being a lay executor and where the pain points lie – in general and with regard to charities – and some tips for working with them.





## Who are the lay executors?

**By 'lay executor' we mean people who are executors of a will who have been appointed in a personal rather than a professional capacity.**

Legacy Foresight ran a consumer research study in April 2022 to find out more about lay executors and their experience of the process. There were 2 stages to the research: a survey of 515 lay executors who had worked on charitable estates (covering 613 charitable estates) and follow-up depth interviews with 20 lay executors.

Our survey suggested that the majority of lay executors are dealing with smaller, more simple estates, mainly involving pecuniary gifts.

- 74% of the estates picked up in our research had an estate value of less than £500K
- 58% of estates had bequests to just one charity (only 16% had bequests to 3 or more charities)
- 84% of estates included pecuniary gifts, 13% included a residual gift and 9% included an item of value

From this research and from anecdotal evidence from the experts we spoke to (lawyers and estate administration professionals), larger or more complex estates with residual bequests were more likely to involve a lay executor working alongside a professional, or be solely managed by professional executors.

- Lay executors were most likely to be male (71%) and affluent (74% ABC1)
- There was a wide spread of ages, with 22% under 35, 38% aged 35-54, 36% aged 55-74 and just 4% over 75.
- They are likely to be a close relative or close friend of the deceased (often one or two generations below) and have been chosen for their executor role because of that relationship rather than because they have relevant professional qualifications such as law, accounting or finance. (If they do have that experience – as 18% of the sample did – then it's an added bonus.)
- 76% were beneficiaries of the estates they were administering & 76% knew they were named executors in advance.
- 47% were already personal supporters of the charity named in the will (if the deceased/ executor relationship was husband/ wife/ partner that rose to 68%)
- They were most likely to have acted alone or with other lay executors (just under a fifth were acting alongside a professional executor), however, they may have had professional advice at some point during the process.



## The lay executor experience

Our research showed that lay executors look online for information on their executorship role – they are doing general research (Google) and they are mainly looking at government websites (GOV.UK, DWP) and legal/ consumer advice/ financial services websites (e.g. Pensions Advisory Service, Citizens Advice, MoneySavingExpert) as well as charity websites (e.g. Age UK, Marie Curie). They are likely to skim read a few different sources to make sure they don't miss anything.

Sources of Information	%
General research on the internet	52
Government websites	38
Asked family or friends for information	23
Sought help from professional	21
Looked at legal services and websites	20
Spoke to other people who've been executors before	18
Looked at consumer advice websites	15
Looked at financial services websites	13
Been an executor before so knew what to do	13
Looked at charity websites	9
I have some financial or legal experience so knew what to do	8
Work in the legal sector and instructed colleagues to provide formal advice	4
Didn't do any research	8



The majority of lay executors surveyed reported that the estates were administered smoothly with only 10% reporting the process not being smooth. The main issues experienced were with the wider estate administration process – that it turned out to be more laborious and time consuming than they'd expected, with lots of steps and delays. The biggest pain points were felt to be dealing with all the different companies and organisations, time delays waiting for the information they needed etc.

*“Not everything is in one place and unfortunately there is so much red tape tied up with estate administration, particularly on the legal side which slows things down.”*  
(survey respondent)

*“The entire process was cumbersome, while the government provides a page on how to deal with it all ([www.gov.uk/when-someone-dies](http://www.gov.uk/when-someone-dies)) it's still an incredibly difficult process.”* (survey respondent)

*“Towards the end of the process, having supplied the DWP with a detailed and accurate account of the assets relating to the estate, they wrote to me saying that the estate should not be distributed until enquiries about the possibility of recovery of overpaid benefits had been completed. This came out of the blue and resulted in a significant delay.”* (survey respondent)

*“Form filling. Lots of forms. Checking that everything is right, putting all the things in the right place. The Inland Revenue took a long time to reply. A lot more than their 8 weeks.”* (Male interviewee, 58, pecuniary)

When it came to dealing with charities, where things had gone well, charities were praised for being sensitive, kind and respectful e.g. they'd sent expressions of condolence and gratitude to the deceased, which was appreciated, or their follow up emails were worded sensitively and respectfully. They were also praised for being easily contactable and efficient, with executors finding them easy to reach, prompt and providing clear, concise and accurate information.

*“It was a fairly simple, easy process. Better than I expected. Compared with all the palaver of dealing with the banks.”* (Male, 29, residual)

*“The charity was very easy to deal with and had an employee who was a direct contact for me which was very helpful.”* (Male, 41, pecuniary)





The main pain points reported when dealing with charities were executors feeling that they didn't receive an appropriate thank you/ acknowledgement for the gift, that the charity came across as too strong/ too pushy when making contact and asking for things, delays in response times, changes to charity contacts/ personnel and being given unclear/ conflicting information about what was needed during the process.

***"One charity failed to respond. You expect a thank you."*** (Male interviewee, 77, residual)

***"I never heard of any thank you letters. I didn't chase it up. But there was definitely one that didn't say thank you. My lawyer commented on it."*** (Male interviewee, 78, residual)

***"The charity could have been a little more grateful for the donation after everything was completed, I received no letter of thanks. All that was received was a receipt for the money from the bank."*** (survey respondent)

***"They sent a couple of letters asking if the money was ready. Why were they chasing it up? They know they're getting the money legally."*** (Male interviewee, 78, residual)

***"I thought it would just take one or two emails. Instead, it took four or five, with delays in between where it would go silent. They were the ones who suggested Gift Aid, and then we had emails where they weren't sure about it."*** (Male interviewee, 61, residual)

***"It would be useful to know that there is a legal requirement. It felt a bit prickly. I provided a simplified version of the accounts, I felt that was all the information that they needed. Then they asked for more detailed accounts. I bridled at this because it wasn't clear that it was legally required. I felt, 'Why can't they just trust me?'"*** (Male interviewee, 79, residual)



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**One charity failed to respond. You expect a thank you**

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## Understanding the lay executor's mindset

In order to develop good working relationships with lay executors, it's important to understand their mindset.

- They are dealing with estate administration at a very sensitive time, whilst grieving, so their emotions may be highly charged and their response to issues or problems may be magnified because of this.
- ***“I think all bodies and organisations involved with the estate need to be more sensitive towards individuals especially at a time when a loved one has passed away and the family involved are in mourning.”*** (Survey respondent)
- LEs are trying to do their best – in the research they expressed a sense of duty and responsibility and were keen to do things properly, to honour the deceased's intentions and not to make mistakes.
- They feel that the relationship with the charity is between the deceased and the charity and that they are simply carrying out the deceased's wishes.
- They are coming to the process new, often without prior experience, so they are learning on the job and have nothing to compare it to.
- The whole process is more laborious and time consuming than they expect with lots of steps and delays.
- They don't expect charities to contact them first and they are not likely to know about legacy notification services (Smee & Ford) working in the background informing charities of the gift, so the initial contact from the charity can be a surprise.
- They don't expect the legacy gifting element of the process to be complicated, they expect it to be light touch and not much more than informing the charity of the gift and making the payment, so there can be a mismatch between expectation and reality.
- There's an information gap as they are unlikely to know the details of a charity's legal obligations as a beneficiary or the differences between charity beneficiaries and family/ individual beneficiaries. They probably don't know or expect that charities need any additional documentation to accompany the legacy donation. (For residual gifts, they may not realise they need to provide a copy of the will or detailed financial information about the estate etc or understand why.) In addition, they may think of those documents as private rather than public documents and so feel sensitive about sharing them.
- They may feel that charities are being insensitive, pushy or distrusting when they contact LEs to ask for documentation or chase things up. (And some lay executors have the mindset that charities should just be grateful for what they get and essentially be the silent recipient which can make interactions more difficult.)
- By the time lay executors are ready to pay the gift, they are at the end of the estate management process and they are looking forward to 'completing the task'. They don't want anything to prolong it.



## Communicating with lay executors

As outlined above, lay executors are learning on the job and so when charity legacy managers work with them, they need to work in a different way and bear in mind their general sensitivities, lack of experience and potential information gaps.

From the experts, charity legacy managers and lay executors spoken to as part of our research it is clear that lay executors need to be treated differently to professional executors.

- Legacy managers need to spend more time with lay executors explaining the process and reassuring them.
- It's important to be mindful of the fact that lay executors are carrying out their executor duties at a sensitive time in terms of grief and often alongside their day-jobs and general daily responsibilities, so things may take longer and they may be doing things outside of normal office hours.
- Any correspondence needs to be sensitively written, straightforward and jargon-free:

Example of getting it right - quote from one of the research interviews - ***"The [charity] contacted me [6 months after first contact]. 'We wondered if you were in a position to provide...' Not worded as a demand. A perfectly reasonable letter."*** (Male interviewee, 79, residual)

Example of getting it wrong – quote from the survey – ***"The charity wrote to us just a few months after my aunt had died saying that as they'd not heard from us, they were reminding us of our responsibilities and that if we did not comply with her wishes we could be prosecuted."*** (survey respondent)

- Any requests by charities for information/documentation are best couched in terms of legal/audit due process, which is generally understood and helps dispel any impression of pushiness or distrust.
- Any information provided to LEs need to be carefully targeted and consider who the audience is, the type of gift in question and the level of information/ detail that is actually needed so as not to overwhelm the LE.
- Language and tone of voice needs to be clear, friendly, accessible, jargon-free and any information must be easy to navigate.
- Consider setting up a dedicated page on your website (if your charity doesn't already have one) which clearly outlines the information/documents LEs might need to provide and why, anything else that may need to be considered, as well as an explanation of how to donate a legacy gift and where/ who they need to send it to. This page needs to be easy to find on the website.
- Having correct, up to date contact details for the charity's legacy manager is really important, so lay executors can speak to someone to get help navigating the process or to double check things.



## Opportunities for further engagement

The main opportunities for meaningful engagement present themselves towards the end of the process and can help make lay executors feel really good about the legacy they have facilitated – both in terms of their loved one's generosity being appreciated and in terms of how they feel about the charity in the future.

- A good thank-you letter which is personal, naming the deceased and any relevant anecdotes if possible, is essential (see the box below for more on this). Charities need to ensure that if professional executors are involved, the thank-you letter reaches the lay executor.
- Offering suggestions for how money may be used in a way that's relevant to the loved one is appreciated.
- Executors also appreciate it when charities outline (or offer to demonstrate) how the money will be/ has been spent, as well as asking if they want to be updated on the impact the charity (and by implication, the gift) is having in the future.
- Offering opportunities for remembrance so the legator is acknowledged and appreciated in a long term and concrete way can also be well received e.g being entered into a legacy book/ book of remembrance, memorial plaques, picture in newsletter etc.

### What makes a good thank you letter?

A good thank you letter strikes the balance between business-like efficiency (practical acknowledgement of gift) and recognising the deceased (emotional acknowledgement).

#### The thank you should include:

- An expression of condolence
- An expression of gratitude to the deceased
- An expression of gratitude to the LE
- Personal details e.g. name of deceased, sum of money
- If relevant: acknowledge the deceased's previous support or engagement
- An indication that the gift will be put to good use – doesn't need to be more than one or two lines, need to keep it generic 'a gift like this can help with...', 'last year legacy gifts helped with x/y' or pick out a couple of stats from the charity's annual report, to avoid issues with compliance and GDPR
- Signed by a named individual (senior level is good)
- For residual gifts, it may be most appropriate for the thank you letter to come from the person with whom the LE built a relationship with (their contact)
- Keep it snappy: doesn't need to be too long or detailed





## Dealing with more complex or difficult cases

Despite the generally positive experiences uncovered in our research, all legacy managers have experienced situations where relationships with lay executors have become strained. While they may be relatively small in number, these cases can be stressful and time-consuming and may present a reputational risk to your charity, so it's important you feel equipped to deal with these difficult situations.

Our colleagues from Legacy Link have suggested a number of practical steps that may help here:

**Listen** – Sometimes a LE struggles to articulate what they mean/what they want from you. Sometimes all it takes is letting them get general frustrations with the probate process off their chest then a conversation becomes much more productive! Then provide the information they want.

**Build the relationship slowly** – Building a trusting working relationship takes time. When working with a new lay executor, the first couple of interactions should be focused on offering help and building trust and confidence, more technical requests/ requests for documentation etc should be saved for later in the process once the relationship has been built.

**Get help with LE letters** – Fundraising or marketing teams will have wordsmiths who can help make letters/ requests for legal/audit requirements sound less threatening. Keep it simple and always explain why you are asking for it – This has been highlighted by the research and mentioned above, it is so important.

**Explain audit requirements in a positive way** – 'our auditors like to see a copy of the will/will clause to make sure there are no restrictions and check that the charity is using the funds as the deceased intended', 'Auditors check we are entitled to the funds received so they want to see accounts', etc.

**Be pragmatic** – If the LE doesn't respond, look for information elsewhere – e.g. using Smeed & Ford data and perhaps Rightmove to estimate your benefit if they refuse to provide accounts. Obtain your own copy of the will (£1.50 is worth it not to chase a LE if they don't respond to a request).

**Be proportional** – Always have proportionality in mind when requesting information from LEs, is what you're asking for really essential to the process? if not do you need to keep chasing for it?

**Don't be afraid to pick up the phone** – If things get difficult, a phone call can help diffuse tension and resolve issues more quickly. Being able to speak to someone, engage in conversation, share experiences, ask questions, be empathetic and hear a person's tone of voice makes the whole experience more personal and less open to misinterpretation.

**Exhaust all internal checks and databases before following up** – Despite best efforts, some executors will pay via donation facilities (eg website) or by credit card over the phone just to get the estate completed, even if they have been in contact with the Legacy Administration team in the past. Depending on the circumstances, it may be helpful to acknowledge you may not yet have been told about a payment and invite them to confirm details of payment so you can tie up records rather than just chasing for updates.