



# Probate or Pro-Wait?

How to make the hardest part of life easier

Consumer and professional attitudes to probate, death notifications, and overcoming inheritance tax liabilities.





# EXECUTIVE SUMMARY



For the recently bereaved, the experience of probate is poor, and the process takes longer than expected. Complex paperwork, lengthy delays, and difficulties in accessing information regarding the deceased cause considerable strain, as does the need to keep repeating information to multiple parties.

While the Government's 'Tell Us Once' notification tool appears helpful, the perceived absence of any universal private sector equivalent is a hindrance. Cost is also a concern, especially those brought about by the delays in receiving an inheritance that is due.

And the experience of consumers is in many respects mirrored by the experiences of the probate solicitors who advise them. Most believe their clients are being treated unfairly by the system and are poorly served by the processes and platforms designed to help them. Reform is now urgently needed say both professionals and consumers, with a call for the banks, energy firms and other service providers to have more dedicated bereavement teams, better online/digital infrastructure, and improved communications and transparency.

In terms of support available to consumers to ease the bereavement process, the idea of having a dedicated financial services product that provides cash against an inheritance was unanimously welcomed, preventing the bereaved from having to raid their own savings, take out a loan or borrow from family and friends. Greater use of legacy planning tools was also welcomed, but awareness of such tools and consumer education are barriers to progress.

## METHODOLOGY

The research was conducted in two parts to derive both quantitative and qualitative data. A quantitative survey of **2,000 consumers** and a panel of **200 professional advisers** provided the volume; a series of **12 in-depth** (i.e. 45-minute) interviews were then conducted with **12 consumers** who had recently been through the probate process, and **12 solicitors** who specialise in delivering probate advice.



## PART 1. THE CONSUMER EXPERIENCE

Probate – the legal right to deal with someone’s property, money and their possessions (i.e. their ‘estate’) when they die – is a complex affair. Even working out if probate is needed in the first place, if you’re eligible to apply, and whether there is any inheritance tax to pay, can be complicated in itself.

### Overall impressions

When asked of their experience of probate overall, both the length of time for probate to be granted and the lack of information about the deceased (for example their account details, passwords etc) were cited as the most challenging parts of the bereavement process. The expense, and a perceived lack of empathy among creditors was also an issue.

Over two-fifths (45%) report that the administrative burden was complex and time-consuming, and 38% agreed that it took too long.

From a positive perspective, the Government’s ‘Tell Us Once’ service was considered especially useful in almost every case, and for those with simple estates or prior experience of a bereavement, the process was comparatively ‘easy’.

More than a quarter (28%) of all UK adults, however, have no understanding of how long the process actually takes. For the 12 qualitative interviewees, it took **five months on average for probate to be granted**.



*“**Horrific, it costs a fortune.** I have just had bills coming through even though I have appointed a solicitor. When my dad passed in February it only took months to get the grant of probate from when we applied, so not sure why such a difference this time, as all the information that they needed for my husband was there, **and it took 17 months for him.**”*

*“It could have been much worse without the **‘Tell Us Once’** service.”*

*“No empathy from companies. Some questions were ambiguous. **Difficulty dealing with offshore companies.**”*







## Sources of information

Government websites were praised for the information available which simplified the process for most of those interviewed. The financial advisor community was also considered helpful, especially when it came to understanding specific issues around inheritance such as capital gains.

For those having to deal with a death abroad, embassies proved useful as a first point of contact as did the re-assurance and practical help of friends and family.

There were mixed results as regards the role and helpfulness of solicitors; some were helpful, others less so, leaving some of those surveyed saying that they wished they had sought more help from the outset.

*"I did find 'Tell Us Once' to be a good thing. The last thing you want to do is contact numerous providers. It was very easy to use, for me, as it was all online. My mother would have been unable to use the 'Tell Us Once' service though as she does not use the internet."*

## Death notifications

Nearly **three in five (57%)** of the quantitative sample had used the government's 'Tell Us Once' service. **Two-fifths (39%)** found the service useful, and **18% did not**. Interestingly, younger UK adults who have gone through this process were more likely to use the service (82%) and find it useful (49%) than those aged 55+ (where 43% used the service and **only 35% found it to be useful**).

**Eleven out of the 12 qualitative interviewees** used 'Tell Us Once', but none of them were aware of the service until registering the death. Most people found the service straightforward and appreciated how it streamlined the process of notifying multiple government departments at once, saving them time and effort during a difficult period.

The service helped ease the burden, offered reassurance and simplified what is often a complicated process during a time of grief. While the online system was generally easy to use, some raised concerns about accessibility for those who are less familiar with technology, particularly older people. Although it was very helpful for government-related affairs, it was noted that it didn't extend to private companies.

The positive experience with 'Tell Us Once' was often compared to the more frustrating process of dealing with private companies, especially banks. On average, each of the interviewees had to notify **10 organisations of a death**, including banks and building societies, utilities, pension providers, mobile phone providers, the NSI and premium bonds, and general insurance companies. One of those interviewed had to inform **more than 20 individual organisations** that their family member had died.

**20** the number of individual organisations one person had to contact after their family member died.







*“‘Tell Us Once’ was very easy to use, tick box lists, so it is a good service. I only notified passport office, bus pass, driving license, blue badge. It was great as it was taken out of my hands. It was more the private institutions that were the difficult ones, like banks. **NS&I was difficult to deal with** – my mother had to list all the numbers of the premium bonds dating back to the 1950’s – even those for £1 in old money.”*



Those organisations that had a dedicated bereavement team were, not surprisingly, the easiest to deal with. Their staff tended to be empathetic and understanding, and there were clear and efficient processes for making both the notification and any subsequent account management easier. At times, however, **the process can be frustrating, stressful and time-consuming**, with little or no consistency in how the process is managed across different entities or even departments within the same organisation.

EMPATHETIC   
Helpful Straightforward TEDIOUS   
**STRESSFUL** Difficult Frustrating  
 TIME-CONSUMING

For those familiar with computers, online forms and live chat, the experience was better than for those who are not. One recounted that she had ‘lost the will to live’ having spent 90 minutes in a live chat before deciding to cut the conversation short!



*“Most of them were absolutely fine, some had a **bereavement department** which I never knew existed.”*

*“**Frustrating** because of the time you spend on the phone going round in circles.”*





## BEST PRACTICE CASE STUDIES

Nearly **three in four (72%)** UK adults agree that every bank and utility company should have a specific death notification service.

### NotifyNOW and E.ON Next

Energy provider **E.ON Next** uses **NotifyNOW**, an online platform accessed through a simple link embedded on the **E.ON Next** website, to give the bereaved (or the representatives of the deceased) a single route with which to notify them of the death of one of their customers. The benefits are realised within the business, and in particular through increased efficiencies in back-office activity, and for the customer. It has enabled **E.ON Next** to transform its bereavement notification process, providing a true omni-channel solution, preventing bereaved families the burden of call centre wait times and repeating their painful stories.

### Settld and Octopus Energy

**Settld**, now part of The Estate Registry, has a partnership with **Octopus Energy** that has transformed the way the energy provider handles the death of a customer. **Octopus Energy** encourages those handling end-of-life admin to use the **Settld** digital notification service. Through the **Settld** dashboard, notifiers are able to securely communicate directly with **Octopus Energy** staff and notify up to 1,500 other companies at the same time. **Settld** removes the burden of having to repeat the same information dozens of times, while helping the energy provider be more operationally efficient.



*"For one bank **I had to make seven calls** to eventually sort the issue. Part of the problem is that you're **talking to different people every time you call.**"*

*"It was **never resolved** in one phone call."*

*"Even when probate had been granted, they **still would not release the funds.**"*







## Property challenges

All but one of the consumer interviewees had an inheritance that included a property, and four of them had a tax bill to pay as the value of the property was above the threshold. The average they had to pay was £50,000 which was paid for out of savings or by borrowing from friends and family. Of those obliged to pay, all said that having early access to the inheritance money, perhaps through a loan, would have been useful to them, both to meet immediate costs and to assist with longer-term financial planning.

### Statistics from His Majesty's Revenue and Customs (HMRC) relating to Inheritance Tax (IHT) revealed that in the tax year 2021 to 2022, **4.39% of UK deaths resulted in an Inheritance Tax (IHT) charge.**

This was an **increase of 0.66 percentage points** from the tax year 2020 to 2021. This means that IHT is payable on fewer than one in twenty estates. However, the same HMRC report (published 31 July 2024) shows that the total number of UK deaths that resulted in an IHT charge has increased.

In the tax year 2021 to 2022, there were **27,800 taxpaying IHT estates**, an increase of 800 (3%) from the previous tax year 2020 to 2021.

One of the reasons for the increase is undoubtedly linked to a rise in average house prices. Of the **195,000 estates** that were notified and the **27,800 who were liable to pay tax**, the average tax bill was £215,000. These range from a £13,500 liability for a **net estate value of £300,000** up to a **£3.91 million liability** for an estate of £10 million.

The value of the liability leaps significantly for estates around the **£1 million mark**. The total tax liability for an **estate worth £1 million** stands at **£155,000**; but this figure more than doubles for an **estate valued at £1.5 million** (to £325,000). Almost exactly a third (9,230) of those impacted by IHT fall into the **£1 million to £1.5 million bracket**, presenting a very real headache for those who need to settle what's owed.





## Two in five don't understand what happens when they inherit something

**Two-fifths (39%) of consumers** don't understand what happens when they inherit something, rising to **three-fifths for those under 35 (57%)**.

**Indeed, two-fifths (42%) of UK adults** believe they have nothing to inherit so any changes to inheritance tax won't affect them. As such, **just 28%** are very worried about paying the inheritance tax, **while 38% are not**.

Further to that, a **third (33%)** agreed that inheritance tax is something that affects the rich, while **two-fifths (40%) disagreed**. UK adults aged 55+ were most likely to disagree with the statement (51%).

## TO WHAT EXTENT DO YOU AGREE OR DISAGREE WITH THE FOLLOWING STATEMENTS ABOUT INHERITANCE?

I have nothing to inherit so changes to inheritance tax don't affect me



I don't understand what happens when I inherit something



Inheritance tax is only something that affects the rich



I am very worried about paying the inheritance tax



Strongly agree   Agree   Neither Agree nor Disagree   Disagree   Strongly disagree



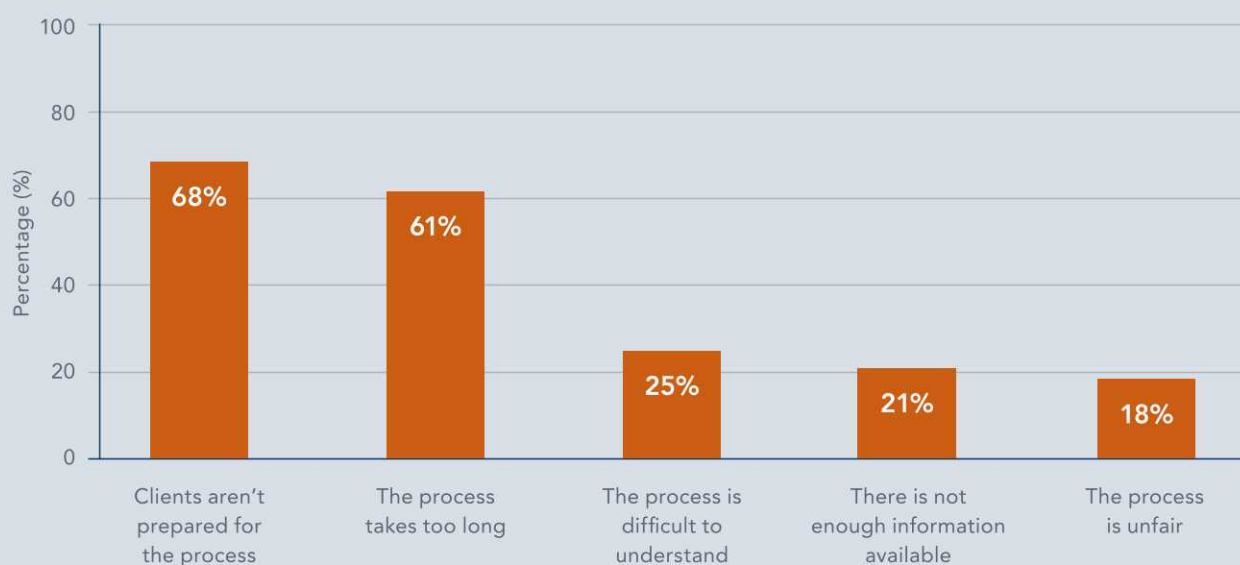


## PART 2. THE PROFESSIONALS' EXPERIENCE

The majority of probate solicitors believe that their clients are unfairly treated due to issues within the probate system. Indeed, every one of the solicitors interviewed said that the complex nature of the process, and the time it consumes, were the cause of significant frustration on all sides.

In terms of specifics, solicitors cited an ongoing backlog of cases with HMRC, inefficient and often outdated online systems, complex forms and procedures, and poor communication and responsiveness from the probate registries.

Of those **Professional Advisors** who support their clients with probate services, **65% say that their clients are unaware** of how it works, and that the process is unnecessarily complicated. More than three out of five (**61%**) **believe the process takes too long**, and a quarter (**25%**) **say that the process is difficult to understand**.





*"The kind of delays that we're experiencing from the government's end in order to give the grant of probate is **very unjustified and unfair** to the family of the deceased or to anyone who is a legal claimant of the probate right of the deceased."*



### Money and time

Beyond the core issues of complexity and communication, **the lack of funds to pay HMRC was also a challenge**, and one exacerbated by the length of time taken for probate to be granted, and for the estate to be finally settled.

On average, the end-to-end process, from the initial notification to settlement, **is taking 10 months**. In the more complex cases, it can be well **over a year before an inheritance is finally resolved**.



*"In general, you can expect the **process to take anywhere between 6 to 12 months**. And, in some unique and complex cases it can take even longer as there are a lot of factors that are taken into consideration like paying off all debts and taxes."*







## Need for reform

All 12 probate solicitors interviewed believed the probate system needed reform to deal with the issues previously highlighted.



*"I have seen that clients are usually **very stressed about arranging for the funds to pay off the IHT so that their probate application can be further processed, and they can get the right to the estate.**"*



## Digitised service

All agreed that a **fully digitised online application process** was a good thing and creating a more unified, user-friendly platform to connect all parties involved, including HMRC, banks and probate registries to streamline document submission, would **reduce paperwork** and allow for easier tracking of application progress. Investment was also needed in IT across all elements of the supply chain to reduce downtime and technical issues.

## People and training

An **investment in digital technology** had to go hand-in-hand with an investment in people, and specifically hiring more private registrars and staff to clear existing backlogs and handle new cases more efficiently. **Improved legal training** was also needed to equip probate office staff to handle more complex queries, and some made the case for creating dedicated teams for handling the most complex cases or inheritance tax matters.



*"The clients **can't sell property like a house without the grant of probate**, so nothing comes from property, and quite often, when somebody passes away, the main asset is the property."*





## Simplifying procedures

Simplifying and standardising procedures would further ease the process, and especially accelerate settlement in the most straightforward estates, even to the point of creating a **'fast-track probate service'** for uncomplicated cases. **Third-party banks** and **other financial institutions** especially should have a standardised procedure for managing death and deliver better communication and more guidance throughout the process. **Solicitors were unanimous** in their belief that all service providers and banks should use a private sector equivalent of the government's **'Tell us Once'**.



*"All service providers and banks should use a private sector equivalent of the government's **'Tell us Once'**."*



**More than two out of five (42%)** believe that deferring the requirement to settle with **His Majesty's Revenue and Customs (HMRC)** prior to probate being granted could make the system fairer and quicker for the consumer.

**Solicitors acknowledge the strain** of having to settle a tax bill before access to the estate is granted. Recommended solutions often depend on the individual's financial circumstances.



To settle with HMRC on time and **avoid paying additional penalties** consumers typically turn to banks or building societies for a loan or take the money from their own savings. Payment plans from the government are also available and these allow the consumer some breathing room, but they are not a panacea, and interest is applied after the first payment.





“Some clients find it **best to settle the tax liability in instalments**. They have a bracket for settling the tax liability over a period of 10 years, but interest accrues in this case. There’s no interest on the first instalment if it is paid on time, and after that, interest is accrued on the remaining balance amount. Applying for a loan to clear the taxes is also a popular choice among my clients. Sometimes, clients may think it is best to apply for an executor’s loan so that all the tax liability is settled with the HMRC and **the estate can be released as soon as possible**.”

### DEDICATED INHERITANCE ‘LOAN’

All 12 solicitors felt that a dedicated financial service that loans cash against the inheritance in order to pay HMRC directly would be advantageous. It would **resolve critical cash flow issues** by providing **immediate liquidity for inheritance tax payment** before probate is granted. This breaks the common deadlock where IHT must be paid to obtain probate, but estate funds are inaccessible until probate is granted.



Solicitors also agreed that such a loan would help beneficiaries to avoid HMRC penalties and interest charges, which can be substantial for high-value estates that don’t have liquid assets.

This **not only saves money** but also **streamlines the probate process** by removing a significant financial bottleneck. It also preserves the estate’s value by preventing a rushed asset sale at potentially below-market prices. Executors gain time to manage the estate properly and **sell assets at fair market value**. They also **don’t need to use personal funds or high-interest loans** which add to their financial burden.

“By ensuring that **tax payments are made directly and promptly**, executors can avoid the circular issue of needing to pay IHT to obtain the grant of probate while simultaneously lacking access to the estate’s funds.”





## PART 3. SUMMARY AND KEY RECOMMENDATIONS

A report by the UK Commission on Bereavement in 2022 highlighted the need for **better solutions to support individuals through bereavement**. The research found that almost two out of three (61%) adult respondents have difficulties with at least one practical or administrative task following a death.

**In the three years since the Commission delivered its verdict, very little progress appears to have been made. WHAT, THEREFORE, NEEDS TO CHANGE?**

- Consumers were universal in their call for banks and other service providers to be obliged to have a private sector equivalent to 'Tell Us Once'. Nearly three in four (72%) UK adults agree that every bank and utility company should have a specific death notification service. To that end, mandating third-party providers – and not only those authorised by the Financial Conduct Authority (FCA) – to have a **dedicated bereavement team** and minimum Key Performance Indicators is now imperative and specialist support is already available.
- Consumers and professionals both feel that the **probate process is complicated** and difficult to understand, and that while information is available, it is not always easy to access. As such there needs to be better signposting to published information and further thought given to how the process could be more easily explained and straightforward to understand.
- At a practical level, further investment is needed in more comprehensive digital, high touch services to better manage the process, albeit that they still require complementary 'offline' fall-backs for those without access to a computer or the internet. The forms that consumers need to complete **need to be further simplified**. Particular attention needs to be paid to the **language used**, as has happened in other areas of personal finance, for example, so that consumers can be clear on what is being asked of them in words that they can understand. **Reducing avoidable errors** will not only **accelerate the probate process** but also help remove the anxiety and frustration that many consumers feel at a vulnerable time in their lives.
- **Best practice guidelines need to be developed and agreed**, and to which all consumer-facing third party providers must adhere. The appointment of a **Bereavement 'Tsar' to champion** the better treatment of consumers managing a death would be especially beneficial, if given the power to sanction those third parties who fall short of best practice.



# Contact Us

## **The Estate Registry**

Building 5, Floor 9,  
Exchange Quay,  
Manchester, M5 3EF

**e.** [support@estate-registry.co.uk](mailto:support@estate-registry.co.uk)

**w.** [estate-registry.co.uk](http://estate-registry.co.uk)

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