What to do when someone dies

Dealing with the administration of someone's estate after death is often overwhelming at a time of grief and confusion. Even when death is expected and there has been a long approach, there can be shock and disbelief at the ending of a life. Everyday routines are disrupted (and may have been disrupted for much of the preceding time) which may contribute to an inability to deal with decisions and everyday activities, let along take on added estate administration duties.

Knowing what to needs to be done and the order of tasks can help alleviate some of that stress. Having a plan to follow can help to provide some order and focus and act as a distraction, giving a feeling of some control at such a difficult time.

If there is a Will, Executors are appointed and named. Executors do not have to take on the role if they don't want to, and may "revoke" (step out completely) or "reserve power" in which case they will only step in if the original Executor(s) cannot proceed for some reason.

If there is no Will, the Deceased is intestate and there is a strict order of entitlement to deal with the estate; spouse then children, parents, full blood brothers and sisters and wider family.

The death will be certified by a medical practitioner and, providing the Coroner does not need to investigate, will contact the next of kin or Personal Representative to confirm they may now register the death. (A Coroner's inquest is required if the cause of death is unknown, violent or the person died while in police custody). The medical examiner will arrange for send notification to the Registrar of Deaths and Marriages, run by your local council (www.gov.uk/register-a-death). You will then have five days to register the death. You will need to supply the full names, date of birth and death information and proof of address. If you are also able to supply the Deceased's National Insurance Number and National Health Number that is helpful but not essential. The Registrar will also want to know which organisation is dealing with the body. Once you have a death certificate you will be able to make any funeral or cremation arrangements.

The Registrar will give you a code to use the Government's Tell Us Once Service which notifies HM Revenue & Customs, the DWP, Local Authority, DVLA and others.

The death certificate should be presented to the Deceased's banks and other organisations holding investments who will confirm the value of the assets as at date of death. They will let you know whether they require a Grant of Probate (if there is a Will) or Grant of Letters of Administration (if there is no Will) in order to release the assets to the Personal Representative.

Private pension companies and life assurance companies should be notified. If there is a property, if it is owned "jointly" the property passes to the surviving joint owner(s) without needing a Grant. The Land Registry should be notified of the death. Otherwise a Grant will be needed to deal with the property.

When all the assets are added together, you will know If the estate is likely to exceed the Inheritance tax free threshold (this can be checked on the Gov.UK website) in which case IHT400 forms will need to be completed and any inheritance tax paid (instalment options are available). HM Revenue & Customs then issue a "code" which is required for the grant application – they may need to be chased on this!

If there is no inheritance tax to pay, the grant application can go ahead without separate inheritance tax forms being required. A Probate Legal Statement is produced and signed by the Personal Representative(s). If there is a Will, the original document is sent to the Probate Registry, who will keep it as a public record.

Once a Grant has been issued, this is produced to the relevant organisations to enable any funds to be transferred to the Personal Representative's account as appropriate. They hold the account on trust for the beneficiaries. They must then pay any liabilities such as overpaid pensions or debts and settle any income tax matters in the estate.

Once all is complete, the funds are distributed to the relevant beneficiaries according to the Will or the intestacy rules.

If you would like help with administering an estate, please contact the Probate Department at Alison Fielden & Co – we are happy to discuss what is needed and assist as much or as little as you need.