

## PRESS RELEASE

21<sup>st</sup> October 2021

### Rise in simple online wills fuelled by pandemic could lead to significant increase in contested wills finds new research

A report published today by independent research and consultancy firm Funeral Solution Expert has uncovered fundamental problems with simple online wills that could lead to a surge in the number of wills that are contested.

A detailed analysis of 26 online will writers finds that the online wills they offer are often too simplistic for many people's circumstances and that the businesses offering the wills aren't always giving consumers the information they need to determine if an online will is right for them.

Funeral Solution Expert also finds that a significant proportion of consumers who have signed up for a will haven't taken the time to understand what they're signing up to.

#### The report provides evidence that:

- Online will writers don't always ask sufficient questions to determine if a 'simple' will is suitable for an individual's circumstances or indicate to a customer that a simple will may not work for them.
- Most online wills are unsuitable for people with complicated circumstances, yet 65%<sup>1</sup> of consumers who believe their affairs are simple, actually have complex circumstances.
- A sizeable proportion (23%)<sup>2</sup> of consumers do not bother to read or even understand the terms of the will they are entering into and signing.
- Online will writers offer very little liability for something going wrong.

Online wills have surged in the past year<sup>3</sup> fuelled by the pandemic and the rise of online will writers offering slick user experience and lower cost. This combined with a lack of consumer understanding and insufficient quality of the questions asked by many online will writers – will inevitably lead to an increase in the volume of future contested wills.

Given that the wills market remains largely unregulated, this means that if something goes wrong, then years down the line, the family of the person making the will have nowhere to complain and have no legal right to any compensation.

Simon Cox; Co-founder of Funeral Solution Expert said

*'There is no doubt that an online will can be a good solution if affairs are genuinely simple and can save money versus a more traditional solicitor route. But our research shows that 65% of consumers who rate their own affairs as 'simple' subsequently reveal through questioning that their affairs are in fact 'complex'. This combined with online will writers lack of robust questioning and limited liability is building a future pool of unsuitable and contested wills'.*

## **Simple or complex – the lack of questions:**

To ensure that a will is fit for purpose it is vital to understand the affairs of the person making the will. But when the person making the will is not sufficiently clear whether their own affairs are 'simple' or 'complex' that's where the problem starts. (See Notes as to research methodology and stats).

Factors that could make a person's affairs complex include marital status, children from previous relationships, assets held, business ownership and self-employment, overseas property and even those who would like to disinherit a family member they consider would squander an inheritance.

The analysis of 26 online will writers shows question sets (many with just 3 or 4 simple qualifying questions) often fail to ask sufficient questions to establish if an online will is suitable. Added to that they often don't provide sufficiently clear suitability warnings or check the customer's mental capacity to be making the will.

Simon Cox says *'Consumers can't be expected to know what questions have or have not been asked that might mean their online will is not fit for purpose'.*

## **Lack of liability:**

The risk of getting it wrong is stacked firmly in favour of the will writing firm and not the customer.

The research found as many as a quarter of customers (23%) didn't read or understand the Terms and Conditions. Yet many providers limit their liability (for when things go wrong) to the price paid or very little more than that. Worse these "catches" are mostly hidden in the terms and conditions not a prominent part of the sales process.

Validating these findings Jon Brewer CEO of 'Bequeathed' said *'The terms and conditions on which a will-writing service is provided often don't fully live up to the marketing claims made to entice the consumer to use it. All those limitations and exclusions in the small print may not matter to the consumer making the will now. They will matter to their family and friends who find the will doesn't do what it should but have no-one to claim against.'*

Michael Culver, Chairman of Solicitors for the Elderly: also said *"It's shocking that whilst solicitors are required to have professional indemnity insurance covering claims potentially as high as £2m or £3m (and many firms go for optional additional cover that can take this as high as £10m per claim), other professionals offering wills limit their liability to the cost of the will. £200 compensation doesn't*

*seem sufficient to cover a mistake that could end up costing someone their entire estate or inheritance."*

*Cox added "We believe every adult in the UK should have a will, the rise of more accessible online will writing solutions can be a good thing. But providers need to seriously consider if their current experience and warnings for customers are sufficiently clear, if the questions they are asking are doing enough to help consumers establish if the will is suitable, and if they need to do more to offer consumers liability protection from something going wrong."*

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## NOTES TO EDITORS

### How the research was conducted

- Four depth interviews with different types of will writing provider: traditional high street solicitor brand, established will writers and on-line will writer.
- Mystery shop of 26 online will writing firms to assess propositions initially looking at:
  - price and features.
  - service capability.
  - customer journey/experience.
  - expertise/heritage.
  - additional complimentary / digital services.
- Further depth analysis of 16 providers looking at:
  - Will writing question sets.
  - Terms & conditions, specifically looking at the level of liability offered by the provider.
  - How executor services (estate administration and probate) were positioned.
- **Consumer insight**
- Consumer research with Trajectory Partnership to evidence incidence of will writing, self-awareness and understanding of their own situation. This comprised:
  - A nationally representative online sample of 1,500 UK adults March 2021.
  - A further nationally representative sample of 1,500 UK adults in April 2021.

### Research data evidence points

**<sup>1</sup> - 65% of UK consumers who believe their affairs are simple, actually have complex circumstances.** 605 people in the survey believed that they had 'simple' needs. Through exploratory questions around their circumstances, 395 then reveal their affairs are in fact complex.

**<sup>2</sup> - 23% of consumers did not read or understand the terms and conditions** 13% read but didn't understand terms and conditions, 10% did not read the terms and conditions.

**<sup>3</sup> - Online wills have surged in the past year** <https://www.thisismoney.co.uk/money/pensions/article-9193447/Will-making-saw-huge-spike-2020-explain-write-yours.html>

## About Funeral Solution Expert

Funeral Solution Expert is an independent and unbiased research and consultancy business. We focus on the pursuit of better consumer outcomes in funeral planning and related later life sectors, by providing insight and guidance to service providers, and directly to consumers. We give at least 10%+ of our annual income to bereavement and funeral poverty charities.

## About Simon Cox

A genuine funeral sector expert with 35 years in funeral planning and later life sectors, responsible for managing and launching Over 50 and Funeral Plan products working for and with leading players Dignity, Royal London, Sun Life, Golden Charter, and Co-Op.

Driven by achieving better outcomes for consumers has worked with English and Scottish Governments, appeared at Parliamentary Select Committees on bereavement benefits and contributed to CMA and FCA sector consultations.

A champion for end-of-life regulatory change. His research and campaigning work has helped lead to FCA regulation of the funeral plan market and improvements to the Funeral Expenses/ Support Payment.

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