WHAT DOES A TRUSTEE DO?

The role of a Trustee is very different to the role of the Executor, and Trustees will only be needed if a Trust is created. The Trustees are the people responsible for looking after the assets in the Trust for the benefit of the beneficiaries.

A Trust is a legal structure that can be included within a Will (a Will Trust) to protect certain assets, and/or the Beneficiaries of those assets, or set up during your lifetime (a lifetime Trust).

There are two main types of trust:

Life Interest Trust – This can give someone the right to income, use or occupation of the Trust assets, which will remain within the Estate of the deceased and ultimately be distributed in line with the terms of their Will.

This is typically a share of the family home, or a capital sum of money the income from which supports the surviving spouse/child.

A Discretionary Trust – This type of trust can provide additional protection as no one person has absolute entitlement, but generally a 'class of beneficiary' such as my children/Grandchildren etc benefit to the discretion of the trustees, who will be guided by the settlors letter of wishes. This is particularly helpful if children are not yet married or settled into a relationship and/or you'd like to protect your estate for future generations so that your wealth lives on for generations after you.

In both cases the Trustees named in the Will have a duty to act fairly towards the Beneficiaries of that Trust, and to act in accordance with the terms of the Trust. They also have a duty to act impartially and exercise reasonable care and skill.

The main duties of a Trustee include:

- Finding out what assets are part of the Trust owns and keeping them safe.
- Recovering any money owed to the Trust.
- Reviewing any investments made from the Trust's assets at least once a year, and seeking financial advice if required.
- Keeping records of how the Trust is being managed (the Trust Beneficiaries will have a right to see these records).
- Storing all relevant documents and paperwork in relation to Trust in a safe place (including accounts, titles deeds, share certificates, etc).