

## **CILEx REGULATION TRANSPARENCY GUIDANCE**

### **INTRODUCTION**

The purpose of this guidance is to support CILEx Authorised Entities in meeting the minimum transparency requirements set out in the CILEx Regulation Transparency Rules.

This guidance will also assist you in making information on all areas of your website clearer.

The Transparency Rules aim to ensure that consumers have the information that they need at the time that they are making decisions about purchasing legal services and who to engage with before they have contacted a firm.

We recommend that you exceed the minimum transparency requirements because of the benefits to your business and consumers in so doing. We encourage you to provide such additional information that you consider will assist the public, consumers, or your clients, in understanding the services you offer and their cost.

It is key to have in mind the consumers that you are aiming to engage with when preparing how you will present the required transparency information. We suggest that you provide information in a format that can easily be accessed and is tailored to the needs of the types of consumers who use your service.

You should read this guidance in conjunction with CILEx Regulation Transparency Rules and the CILEx Code of Conduct.

### **WHO THE CILEX REGULATION TRANSPARENCY RULES APPLY TO**

The CILEx Regulation Transparency Rules (the Transparency Rules) apply to CILEx Authorised Entities (firms) providing legal services in the areas of law set out at Annex A of the Transparency Rules.

### **INFORMATION PUBLICATION**

The Transparency Rules state that you must publish on, or via a link from, your website homepage the required transparency information set out in the Transparency Rules. If you do not have a website, you must have the required transparency information available on request.

You might find the information about website publication later in the guidance useful.

If you do not have a website you may like to think about providing information:

- in public facing parts of your premises,
- by using information leaflets,
- via social media.

## PRICE INFORMATION

The Transparency Rules state that you must provide the total price, the basis on which this is calculated, the services that are included in the price, any disbursements and the VAT on all these elements where payable.

Total price means all costs that must be paid for a legal service including, but not exclusively, the legal fees, disbursements, any other costs and VAT on these elements where payable.

Explaining what services are included and what services are not included in the price makes information clearer for consumers, especially where they may assume that a service would be included. This can establish a good foundation for client relationships and may help avoid complaints.

You may wish to consider the following when planning how to provide price information.

Consumers need information that is easy to understand and engage with.

When providing price information for a property sale, you may present total price in a variety of ways: for a specific priced property, for a range of property prices you regularly deal with, or as the average total price if you consider that will be beneficial to assist consumer understanding, for example:

Sale price	£200,000	£500,000	£800,000
Legal fee	£X	£X	£X

Publishing price information about each of the main legal services you provide can ensure consumers understand what you offer.

You might consider listing factors which could increase the overall cost.

You could provide information about services which can be purchased at an extra cost, if appropriate.

In Annex A we have provided examples for you to consider when deciding how to display price information. You know the types of consumers your firm delivers legal services to. We suggest you consider providing information in the format which consumers will find most helpful and using examples of price information which will most accurately and usefully meet their needs.

Example templates for conveyancing and probate are provided at Annex B. These can be used as a guide to how to set out price information. They are also provided for guidance if you are thinking about operating an online quote generator to deliver the price transparency required in the Transparency Rules.

If you are considering using an online quote generator, you may wish to consider the questions set out in Annex B when deciding which quote generator would work for your business. It may be helpful to be aware that recent research<sup>1</sup> found that consumers are put off by having to provide too much personal information to obtain a quote.

If you decide to use a quote generator, you may find many consumers are reluctant to engage if they have to provide contact details to obtain a quote, so you will still need to provide an indicative total price on your website.

Some disbursements differ for each consumer. You could provide additional details through third-party websites such as the [GOV.UK website SDLT calculator](#) or [Gov.UK Inheritance tax information](#).

### **Benefits to you**

Consumers often assume that legal services are expensive and beyond their financial means. This results in some consumers being reticent in approaching legal firms and some consumers do not engage a lawyer to carry out legal work. Being clear about the price of your services:

- will give consumers confidence to approach your firm,
- provide you with the opportunity to engage with the types of consumers you provide work for and
- help to avoid misunderstandings and cost related complaints later in the transaction.

### **Benefits to consumers**

A clear indication of the price of a service will give consumers confidence to

- instruct your firm and
- budget and or save up to pay for the legal services they need.

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<sup>1</sup> [Price transparency in the conveyancing market p 36](#)

## SERVICE INFORMATION

The Transparency Rules state that the service information you provide must include a description of the legal services provided, the key stage of the legal service and typical timescales for each stage of the legal service.

You might think about the following when providing service information.

If you provide legal services in addition to those set out in Annex A to the Transparency Rules, it makes sense to provide information about those services. This can increase consumer awareness of all the services you offer which may benefit your business.

Legal services can be provided in a variety of ways and information about this is valued by consumers when choosing which firm to use. You could set out how you deliver your services, such as:

- In person
- By email
- Online only
- How you keep consumers up to date with their case
- How frequently you provide information and or an update on a case
- As a sole practitioner, that you deliver all the legal work yourself.

Providing a description of the services you provide with the key stages of the legal services and typical timescales for each stage can help consumers understand the work that will be involved in the price charged.

Consumers value knowing who will be providing the services they are looking to purchase. Providing details of who will carry out the work and how they will do this will allow you to differentiate the services you provide.

Some consumers are content for a range of people to work on their case, whereas others appreciate the continuity of one fee earner. It is good practice to provide information about the mix of staff providing the work and their qualifications.

We encourage you to provide information which demonstrates the areas of work in which you have expertise and or your firm focuses on. For example, the length of time you have practiced in an area of law, your typical clients and any additional qualifications or accreditations you have.

You can further differentiate what you offer to engage with consumers by displaying information about other aspects of your service.

Publishing information about aspects of your service that are important to consumers, makes accessing your services easier. This might include:

- opening hours,
- face to face meetings
- email/phone
- office accessibility,
- hearing loop,
- languages spoken,
- car parking,
- home visits,
- responsive service with out of hours contact,
- dedicated fee earner contact
- web portal.

Another way to assist consumers can be by linking to websites that provide easy to understand information and or animated guides to the key stages in the services you provide. For example, [Legal Choices](#), [Conveyancing Association](#), [Money Advice](#), [Regulation Matters](#) and [GOV.UK](#) websites.

It can assist consumers to list key information they could have to hand when contacting your firm, there is an example for preparing for a first meeting with a family lawyer on [Legal Choices](#). In this way consumers can start accessing your service as soon as they contact you.

### **Benefits to you**

Consumers value knowing who will be providing the services they are looking to purchase, what services your firm offers and how the work will be carried out for them. Providing details of who will carry out the work and other service provision will allow you to differentiate the services you provide.

### **Benefits to consumers**

Consumers can understand what is offered for a price and make an informed decision based on what aspects of service and price are important to them.

Consumers will know from the information you provide that your firm has the right experience to help them with their specific legal problem.

## **COMPLAINTS AND REDRESS INFORMATION**

<p>The Transparency Rules state that you must publish information about your free complaints procedure including how and when a complaint can be referred to the Legal Ombudsman.</p>
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We refer you to our [complaints handling information](#) and remind you that your complaints handling procedure must also inform consumers of their right to complain to CILEx Regulation (Principle 5 of the [CILEx Code of Conduct](#)).

We provide some suggestion below of how you may wish to approach providing details of your complaints procedure in a way that is simple and easy to access.

### **Benefits to you**

Consumers are used to the availability of redress schemes; being up front and explaining that you have a complaints procedure in place in the unlikely event that something should go wrong can offer reassurance to consumers in choosing to use you. You can use this information to:

- demonstrate your commitment to providing excellent consumer service and
- emphasise that there is a Legal Ombudsman available.

### **Benefits to consumers**

Consumers need to know that they can complain, easily find out how to do so and know that there is a Legal Ombudsman where they can take unresolved complaints. Providing complaints procedure details on a firm's website, allows consumers easy access to this important information.

## **REGULATORY INFORMATION**

The Transparency Rules state that you must publish information that:

- 1) states that you are required to have Professional Indemnity Insurance (PII) to cover all legal services you provide and it must be clear which legal services are covered by you PII;
- 2) makes clear the area(s) of law in which you provide legal services that:
  - you are authorised for,
  - are covered by CILEx Regulation's Compensation Arrangements, and
  - are not covered by CILEx Regulation's Compensation Arrangements;
- 3) you must display on the home page of your website the wording that you are "Authorised by CILEx Regulation for.." followed by the area of law in which you have been granted authorisation and your authorisation number, and
- 4) you must display on the home page of your website the CILEx Regulation logo(s) relating the area(s) in which your firm is authorised to conduct legal services.

You may wish to use a diagram to explain this information and we have suggested a possible way to present this in Annex C.

### **Benefits to you**

Research finds that consumers assume all legal service providers are regulated although they are not. You can distinguish yourself as regulated by emphasising the benefits of professional standards and consumer protections offered by PII and possible access to the CILEx Compensation Arrangements.

### **Benefits to consumers**

Highlighting that your firm is regulated, and the benefits this provides, will enable consumers to make informed choices about the type of firm they wish to use. Consumers can feel reassured by the professional standards and consumer protection benefits that come with the use of a regulated firm.

## **QUALITY OF YOUR SERVICES**

Consumers are looking for information which feeds into the quality of your services, so they can assess value for money.

### **Client feedback**

We encourage you to publish client feedback/testimonials on your website or via a third-party platform. Independent services have been set up over recent years which collect and publish client reviews and you may wish to consider use of one of these. You can often demonstrate your commitment to consumer service by providing a positive response in the unlikely event of receiving negative feedback. We suggest that you look at our information on our website at: [online reviews and endorsements](#).

### **Benefits to you**

Reviews often bring out the positive aspects of the service you offer and enable you to share these with consumers and differentiate the service you offer.

### **Benefits to the consumer**

People rarely have legal needs, so they are unable to build up a personal knowledge of legal services providers. Consumers are used to including reviews in decision making for purchasing services and products and can benefit from the views of those who have used your services when deciding which firm to use.

## **HOW TO APPROACH PROVIDING TRANSPARENCY INFORMATION.**

### **WEBSITE PUBLICATION**

We would suggest that you consider the following aspects of your website.

#### **Navigation**

Recent research<sup>2</sup> finds that the ease with which information can be accessed can have a large effect on consumers' ability and willingness to find and use it. Consider how you can make your website simple to navigate. Make it easy for consumers to find information from the Home page of your website, or via a link from the Home page.

#### **Accessibility**

It is good practice to ensure that your website is accessible and can be used by individuals using assistive technology. This will help you engage with a wide range of consumers.

#### **Tools**

You may wish to consider the use of website tools, such as the information icon "i" which can be hovered over to reveal explanations. In this way you can provide information for consumers who value more in-depth explanations while keeping initial presentations simple and easy to understand.

#### **Accuracy**

It makes sense to regularly check that the information on your website is accurate and up to date; and to frequently test and fix any links to other websites.

#### **Contact Details**

It is important to provide contact details on your website, for example, email and telephone number. Consumers may wish to contact you to check out their understanding of website information and or gain a sense of rapport and approachability.

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<sup>2</sup> [Price transparency in the conveyancing market p 36](#)

## Benefits to you

Consumers are more likely to engage with your website and contact you if they can find the information they want quickly and with minimum effort. Research<sup>3</sup> also suggests that consumers can perceive good information that is presented well as one indication of a firm's quality.

## Benefits to the consumer

Consumers can find the information they value and need with minimum effort and this will help people engage with and choose legal services that meet their needs.

## KEY POINTS TO PRESENTING INFORMATION

Research<sup>4</sup> makes it clear that information needs to be:

- provided in a format that can easily be accessed by consumers and
- prepared with the needs of the types of consumers who use your service in mind.

This may include:

- easy to read information and or
- different language versions of information.

There are limits to the volume of information that consumers can usefully process. People often only scan the page. It is important to provide information in a way that is easily digestible.

## INFORMATION SHOULD BE:

### Easy

1. **Show a clear purpose**
  - Use directional headings.
2. **Keep it concise**
  - Avoid excessive detail and dense text.
  - Keep sentences short, so key details stand out.

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<sup>3</sup> [Price transparency in the conveyancing market p 44](#)

<sup>4</sup> [Client Care Letter research](#)

### 3. Use plain language

- The [Plain English Campaign](#) is a good starting point. Using plain language, for example, might see “try” replacing “endeavour”; “issue or case” replacing “matter” and “other costs payable to another organisation” replacing “disbursements”.
- Avoid legal jargon and where this is not possible, provide an easily understandable explanation.

### 4. Prioritise information

- Give priority to information that consumers need and want.

## Attractive

### 1. Highlight key information

- use bold text for essential details
- use imagery so details stand out, such as summary boxes or diagrams
- consider presenting information through short video clips
- consider whether to link to animations or videos.

### 2. Make it easy to read

People more readily engage with content that gives the impression that it is easy to read. You might:

- **Break down information** so that it is straightforward to pick out and more visually appealing. Achieve this by use of:
  - bullet points,
  - tables and or diagrams,
  - a staged process for complex content, such as your complaints procedure, and
  - subheadings.
- Use an **accessible font size**
- Use **short paragraphs**.

## TEMPLATES AND POSSIBLE PRESENTATIONS

We have provided example templates (Annex B) and possible presentations (Annex A) that you may choose to use if you wish. They are indicative of the type of information that you may consider appropriate for consumers, although, it is important that you design the information that you publish to provide an accurate reflection of the services you offer.

Date issued:

## Annex A Example presentations

**BUYING/PURCHASE**

Price based on a buying a property for £X

<b>Conveyancer's/Lawyer's fees</b>		
Legal fee	£X	
VAT on legal fee	£X	
Mortgage administration fee		
Subtotal		<b>£X</b>
<b>Referral fee</b>		
Paid to AB		<b>£100</b>
<b>Search fees</b>		
Local Authority search	£X	
VAT Local Authority search	£X	
Environmental search	£X	
VAT on Environmental search	£X	
Drainage search	£X	
VAT Drainage search	£X	
Subtotal		£X
<b>Costs payable to other organisations (disbursements)</b>		
HM Land Registry fee	£X	
HM land Registry searches	£X	
Electronic money transfer fee	£X	
Subtotal		£X
<b>Stamp Duty Land Tax</b>		
Stamp Duty Land Tax		£X
<b>Total</b>		<b>£X</b>

**FIXED FEE**

**We offer this service at a fixed fee of £X\*. This will be the total cost of the service and includes both our fee and costs paid to other organisations known as disbursements.**

**This fee breaks down as follows:**

**Legal fees:**

Our fee: £X

VAT on our fee: £X

**Costs paid to other organisations**

Taxes/stamp duty etc: £X

Other disbursement: £X (including VAT)

Other disbursement: £X

Other disbursement: £X

**Or**

If you cannot provide the exact cost of the disbursement(s):

**Disbursements**

Other disbursement: £X - £XX (final cost depends on...)

Other disbursement: £X - £XX (final cost depends on...)

Other disbursement: £X - £XX (final cost depends on...)

**\*Note:**

This fee will only cover the services mentioned in the quote. If your case needs additional work that is not included in this quote, you will be told what the additional cost will be at the earliest possible time. Cases typically exceed the quoted fee when they are particularly complicated, for example, where a lease has to be extended when buying a leasehold property.

**HOURLY RATE**

**The hourly rates quoted below will depend on the experience of the lawyer dealing with the case.**

**Type of work (for example sale of a freehold property)**

A typical house sale needs X – XX hours of the lawyer’s time. The number of hours taken depends on the circumstances of your case and the experience of the person doing the work.

**The XXXXX team**

**Partners**

Name (x years’ experience) £X per hour

Name (x years’ experience) £X per hour

**Senior Associates**

Name (x years’ experience) £X per hour

Name (x years’ experience) £X per hour

**Other fee earners**

Name (x years’ experience) £X per hour

Name (x years’ experience) £X per hour

There will also be costs payable to other organisations known as disbursements

**Disbursement: £X - £XX (final cost depends on.....)**

**Disbursement: £X - £XX (final cost depends on.....)**

**Or**

**Disbursement: £X (including VAT)**

**Disbursement: £X**

**Note**

All work carried out by trainees or other unqualified members of staff will be supervised by a senior/qualified lawyer. The cost for unqualified members of staff includes/does not include the cost of the senior member of staff reviewing the work before it is completed. All hourly rates include VAT. Where VAT is payable on a disbursement it has been included in the price given.

**PROCESS FEE****BEFORE EXCHANGE OF CONTRACT**

	Legal fees
Legal fees	£X
VAT (calculated at 20%)	£X
Total fees (inclu. VAT)	£X

	Other costs (disbursements)
Bankruptcy search	£X
Local Authority searches (inclu. VAT)	£X
Land Registry Office copies (inclu. VAT)	£X
Environmental searches (inclu.. VAT)	£X
Drainage search (inclu. VAT)	£X
Local searches (inclu. VAT)	£X

**AFTER EXCHANGE OF CONTRACTS AND BEFORE COMPLETION**

	Legal fees
Legal fees	£X
VAT (calculated at 20%)	£X
Total fees (inclu. VAT)	£X

	Other costs (disbursements)
Telegraphic transfer (incl. VAT)	£X

**AFTER COMPLETION**

	Legal fees
Legal fees	£X
VAT (calculated at 20%)	£X
Total fees (inclu. VAT)	£X

	Other costs (disbursements)
Land Registration fee (no VAT)	£X
Stamp Duty (no VAT)	£X

**Range of costs (menu approach) example**

**1. Advice only – £X - £XX**

**This fee includes:**

Consideration of the evidence against you

Advising on any defence that may be available to you

Advising you on whether to plead guilty or not guilty

Advising you on the likely outcome of the case (including sentencing)

Advising you of any other relevant factors in your particular case

**Note:**

This fee does not include representation.

This fee only applies to work up to a maximum of X hours. This type of work normally takes between X-X hours. A charge of £x per hour applies for additional work.

it will be your responsibility to provide the relevant paperwork.

**2. Guilty plea and sentence (at magistrate's court) – from £X**

**This fee includes:**

representation at court for submitting a guilty plea and subsequent sentencing

submitting a plea in mitigation

advice on whether to appeal the sentence

**Note:**

this fee only covers a single offence that is dealt with at Magistrates Court. It does not cover the cost for cases that are referred to Crown Court.

**Example: Range of costs (representation)**

We can represent you in mediation and help you to try to resolve your dispute.

You will normally need to instruct us X weeks before the mediation (X weeks before if complex).

I can complete all of the preparation for a fixed fee of £X – £X (£X – £X if the mediation will be complex). I will agree the fixed fee with you before I start preparation. This is based on instructions that you give at that time.

If you want us to only do the preparation work, but not attend the mediation, the fee above will apply as well.

I will attend the mediation for a fixed fee of £X for the day. If it takes longer than a day, I will charge an additional rate of £X per hour, if less than a full day. If the mediation will take several days, I will charge the fixed daily rate for each day.

If the mediation is cancelled more than X weeks before, I will charge X% of the fixed fee. If it is cancelled less than X weeks before, I will charge X% of the fixed fee.

All my fees include VAT.

**Disbursements**

**Note**

If instructions change, for example you tell me later that there are additional witnesses or further evidence to be considered, this may change the overall cost of your case, as work may take longer to complete than anticipated when instructed.

**Residential conveyancing template**

Conveyancer's fees

- Legal fee
- VAT on legal fee
- Mortgage administration fee (if any)
- Subtotal (*or just this figure*)

Referral fee (if any)

- Amount of referral fee paid
- Recipient of referral fee

Search fees

- Search fees
- VAT on search fees
- Subtotal (*or just this figure*)

Costs payable to other organisations (Disbursements)

Purchase

- HM Land Registry fee
- HM Land Registry searches
- Electronic money transfer fee
- Subtotal (*or just this figure*)

Sale

- Official copies
- Electronic money transfer fee
- Subtotal (*or just this figure*)

Stamp Duty Land Tax (*on purchase*)

- Likely SDLT
- Total (*This will give clients a clear understanding of the total cost of the transaction and so the full funds the client will need to complete it.*)

Note: In the unlikely event your case will exceed this cost, you will be informed of this as early as possible. Cases typically exceed the quoted fee when they are particularly complicated, for example...

You may consider collecting the following information to help generate a conveyancing estimate (This list is not exhaustive). Whether:

- a first-time buyer
- a re-mortgage
- freehold or leasehold
- a new build
- first registration of title
- a mortgage or not
- an Islamic mortgage
- the purchase is a primary residence, buy to let, or second/holiday home
- multiple owners
- a shared ownership scheme
- using a help to buy scheme
- purchase under right to buy
- purchase at auction
- property has been repossessed

## Probate template

### Legal fees

- Legal fee for grant of probate only
- VAT on legal fee for grant of probate
- Subtotal
- Legal fee for estate administration
- VAT on legal fee for estate administration
- Subtotal

### Disbursements

- Likely disbursements
- Total *(This will give clients a clear understanding of the total cost of the transaction and so the full funds the client will need to complete it.)*

### Inheritance tax

Inheritance tax may be payable and you can find further information at [Gov.UK Inheritance tax information](#).

**Note:** In the unlikely event your case will exceed this cost, you will be informed of this as early as possible. Cases typically exceed the quoted fee when they are particularly complicated, for example...

You may consider collecting the following information to help generate a probate estimate (this list is not intended to be exhaustive):

- whether there is a will and if it has been located
- identity of inquirer and, if they are not an executor, whether all executors have died or refused to act
- estimated value of assets
- whether there is property in the estate
- whether any property is outside England and Wales
- whether the grant of probate is likely to be contested
- number of actual assets/ liabilities apart from properties and their value
- number of properties and their value
- number of beneficiaries

- are any of the beneficiaries lacking capacity under the Mental Health Act or minors
- are there any trusts in the will
- is the estate a taxable one or not
- whether any gifts were made in lifetime
- any missing beneficiaries
- any forensic work needed to create family tree under intestacy.

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## Annex C Example presentation for PII and Compensation Arrangements

### PII and CILEx Regulation Compensation Arrangements

We are specialist and authorised by CILEx Regulation to provide legal services in X (and Y) area(s) of law.

Not all areas of law must be authorised. This includes Z and we also provide these legal services.

We have Professional Indemnity Insurance which covers all legal services that we provide. This insurance ensures that you do not lose out financially in the unlikely event that the firm makes a mistake.

The CILEx Regulation Compensation Arrangements provide additional protection if legal services are provided in X (and Y) area(s) of law. Payments under the scheme are discretionary and subject to meeting certain criteria.

Areas of Law provided by this firm	Covered by Insurance	Covered by CILEx Regulation Compensation Arrangements
Probate (including Estate Administration)	✓	✓
Wills	✓	
Trusts	✓	

Areas of Law provided by this firm	Covered by Insurance	Covered by CILEx Regulation Compensation Arrangements
Conveyancing (residential and commercial)	✓	✓
Landlord and Tenant	✓	
Wills	✓	