

FRAMEWORK FOR THE GUIDANCE WE WILL PROVIDE TO CILEX-ACCA PROBATE ENTITIES

The following briefly sets out the main areas that we will look to develop guidance on for CILEX-ACCA Probate entities.

This will be in addition to guidance on timescales for the application process, and meeting all the requirements, as set out in Appendix 11.

We will continue to develop this guidance as we identify any additional areas that CILEX-ACCA Probate Entities would benefit from additional information on.

CLIENT CARE INFORMATION INCLUDING COMPLAINTS

Requirements of the Client Care Letter for ACCA Probate firms regulated by CILEx Regulation.

We require all regulated firms to provide clients with a suitably drafted Client Care Letter prior to the client engaging the services of the firm. The letter should adhere to the following basic requirements:

- 1. It should at an early stage clearly define the purpose of the letter:** Explaining why the client is receiving the letter and why it is important for them to read it.
- 2. It should be concise:** Whilst the letter needs to contain key information, care should be taken to not make it overly lengthy.
- 3. Use Plain English:** Whilst the letter will by its nature be formal and factual, please avoid using overly complex legal terms.
- 4. Highlight and prioritise key information:** This would include an explanation of what work will be provided, the cost, how long it will take and what the client is required to do.
- 5. Be personalised:** The contents of the letter should be specific to the clients matter and not include irrelevant information that may lead to confusion.

In applying these basic requirements, the client care letter must include the following:

- An introduction setting out the purpose of the letter.
- The name of the person and their qualification as a CILEx Practitioner (ACCA-Probate) who will be responsible for undertaking the work.
- Outline the instructions that have been given by the client.
- Define the work that the CILEX-ACCA Probate Entity proposes in response to those instructions related just to non-contentious probate.
- Explain the relationship between the ACCA Accountancy firm and the CILEX-ACCA Probate Entity.
- Explain the separation between the work that will be carried out by the CILEX-ACCA Probate Entity and the work that the ACCA Accountancy firm will carry out in respect of Estate Administration work
- Set out the cost of the work carried out by the CILEX-ACCA Probate Entity and that this will only be charge when the work is completed.

- Provide an estimate of the timescale for completing the work.
- Explain what is expected of the client in terms of requests for further information etc.
- Explain that the CILEX-ACCA Probate Entity is authorised by the Chartered Institute of Legal Executives to undertake probate work and is independently regulated by CILEx Regulation.
- Provide the client with the opening hours of the firm and explain the timeframe for responding to contact made outside of those hours.
- If cancellation rights apply, define those cancellation rights.
- Outline how the client can complain should they encounter a problem with the firm's work, including subsequent referral channels such as that provided by the Legal Ombudsman. The reference in the client care letter should refer to the more detailed Complaints Handling Procedure which should be available on the firm's website.
- Explain the firm's confidentiality and data protection obligations and refer the reader to the Privacy Notice which should appear on the firm's website.
- Explain that the ACCA Accountancy firm will undertake identity and money laundering checks and that information will be shared with the CILEX-ACCA Probate Entity.
- Inform clients that the ACCA Accountancy firm and the CILEX-ACCA Probate Entity are covered by the same professional indemnity insurance, specifying the name of the insurer and the geographic coverage of the insurance
- Explain that the CILEX-ACCA Probate Entity will grant CILEx Regulation access to the firm's client files so that they can audit the firm's work.

CLIENT MONEY

We will remind CILEX-ACCA Probate entities that they are unable to hold client money and, if this is required as part of estate administration work, should be held within the ACCA Accountancy firm.

EQUALITY AND DIVERSITY DATA

We will set out the requirement for CILEX-ACCA Probate entities to provide Equality and Diversity data each year as part of the information that we require from our regulated firms and individuals.

FEE LEVEL

We will remind CILEX-ACCA Probate entities of the need to monitor fee levels related to legal services to ensure that they remain within the limits for their Professional Indemnity Insurance and that we will be collecting this information on an annual basis at renewal.

PROFESSIONAL INDEMNITY INSURANCE / FIDELITY GUARANTEE INSURANCE

We will adapt the existing guidance provide by the ACCA to reflect the new levels of insurance required. This is attached to the end of this document.

We will remind them to provide clarity to consumers that this cover both the ACCA Accountancy firm and the CILEX-ACCA Probate Entity.

We will remind them of the need to have in place Fidelity Guarantee Insurance again covering both the ACCA Accountancy firm and the CILEX-ACCA Probate Entity.

REGULATORY STATEMENT

We will set out the requirement for them to display a regulatory statement that they are 'Authorised as a CILEX-ACCA Probate Entity by CILEx Regulation' followed by their authorisation number.

TRANSPARENCY REQUIREMENTS

We have commenced work on adapting the existing guidance which we have in place for CILEx Authorised Entities who offer probate services.

This is attached at the end of the document. The text that is in black indicates those areas of the guidance where we will be adding additional examples and resources to make the guidance relevant to CILEX-ACCA Probate Entities.

USE OF LOGO / SMART BADGE

They will be provided with details of how to access and load on to their website page a smart badge logo to confirm that the website belongs to a CILEX-ACCA Probate Entity. That will confirm that they have consumer protections in place.

WEBSITE

We will not be expecting firms to have a separate website for the CILEX-ACCA Probate Entity as long as they are clear on the home page of the website of the ACCA Accountancy firm that they are a CILEX-ACCA Probate Entity, they are displaying the Smart Badge and are meeting the transparency requirements by a clear link to information about Probate.

CILEx Regulation Transparency Guidance for CILEx-ACCA Probate Entities

Introduction

The purpose of this guidance is to support CILEx-ACCA Probate Entities in meeting the minimum transparency requirements of the Transparency Requirements set out at paragraph 16 the CILEx Regulation-ACCA Handbook 2021 (the Handbook).

The aim of our Transparency Requirements is for consumers to have the information that they need, at the time that they are choosing probate services, so they can make an informed decision about which provider to instruct.

There are benefits for your business and consumers in providing more information than the rules require. Our Transparency Requirements set out the minimum information that you must provide. We encourage you to provide such additional information that you consider will help consumers understand the probate services you offer and their price.

It is key to think about the consumers who are likely to use your probate services and provide accurate information in a format that is clear and easy to find and understand.

You should read this guidance in conjunction with the Transparency Regulations at paragraph 16 of the Handbook and the CILEx-ACCA Code of Conduct at Annex 8 of the Handbook.

Information publication

The Transparency Requirements state that you must publish on, or via a link from, your **website homepage** the required transparency information set out in the Transparency Requirements.

If you do not have a website, you must make the required transparency information available on request.

If you have a website for your accountancy services, you are required to publish the required transparency information on, or via a link from, the homepage of your existing website. You are not expected to provide a separate website for your probate services.

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.

This information should be freely available without the need for a person to provide any of their details to obtain it.

Price information

The Transparency Requirements state that price information must include:

- a) The **total price** of the legal service being provided.
- b) The basis on which the **total price** is calculated, for example, fixed fee or hourly rate.
- c) The services that are included in the published **total price**, and services that might reasonably be expected to be included in the published total price but are not.
- d) The price of all disbursements payable, together with an explanation of the disbursement.
- e) The prices and disbursements on which VAT must be paid and the amount of VAT payable.

Total price will be explained.

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.

Indicative examples of how to display price and service information will be provided in an Annex.

Guidance about the use of online quote generators will be provided with questions for consideration provided in an Annex. This will include that quotes should be generated without any further contact for the consumer with the entity or an intermediary.

If a quote generator is used there is still the requirement to provide an indicative total price on the website.

If you use an online quote generator, you should ensure that you comply with data protection legislation when handling consumers' data.

Some disbursements differ for each consumer. You should avoid giving an estimate of tax payable and could provide a link to a trusted website with an online tax calculator such as <https://www.gov.uk/inheritance-tax>.

The Transparency Requirements do not require you to publish a quote for every set of circumstances you might deal with, for example, to anticipate unusual complex situations, but to provide sufficient information so people can gain an informed understanding of the price of probate services you offer.

Service information

The Transparency Regulations state that the service information you provide must include:

- a) A description of non-contentious probate.
- b) The key stages of non-contentious probate.
- c) Typical timescales for each stage of non-contentious probate.

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

We will refer to examples of service information in the Annexes and factors that should be considered for inclusion in provision of service information.

Consumers value knowing who will be providing the probate services. 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 your expertise in providing probate services. For example, the length of time you have provided

probate services, 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. *Examples and links will be added including [Legal Choices](#).*

Complaints and redress information

The Transparency Requirements state that you must publish details of your free complaints handling procedure including how and when a complaint can be referred to the Legal Ombudsman and to CILEx Regulation.

Information will be provided/ linked to including the requirement also to inform consumers of their right to complain to CILEx Regulation further to the CILEX-ACCA Code of Conduct.

Regulatory information

The Transparency Requirements state that you must:

- state that you are required to have Professional Indemnity Insurance (PII) to cover non-contentious probate and any related work
- display on your company's letter headed paper, emails and on the home page of your website the wording that you are "Authorised and regulated as a CILEX-ACCA Probate Entity" followed by your authorisation number
- display on the home page of your website the CILEx-ACCA logo relating to probate for which your firm is authorised

An example of how this information might be provided will be included in an Annex.

Quality of your services

We will explain that consumers are looking for information which indicates quality of services and refer to the use of client feedback/reviews.

How to approach providing transparency information

Website publication

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

Navigation

Research¹ 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 on the Home page of your website, or via a link which is easy to locate on the Home page.

¹ [Price transparency in the conveyancing market p 36](#)

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.

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. Research² also suggests that consumers can perceive good information that is presented well as one indication of a firm’s quality.

Benefits to consumers

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

Research³ 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.

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.

³ [Client Care Letter research](#)

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.

Date issued: xx / xx / xxxx

Annexes will follow which provide examples of presentation of price, service and regulatory information.