



## REGULATORY GUIDANCE FOR CILEX-ACCA PROBATE ENTITIES

This document has no regulatory status. It is issued for guidance purposes only, and in the event of any conflict between the content of this factsheet and the content of the [CILEx Regulation-ACCA Handbook](#), the latter shall always take precedence.

Therefore, this document should not be regarded by an ACCA member or a CILEX Practitioner (ACCA-Probate) as a substitute for familiarising themselves with the appropriate regulations or, where necessary, obtaining specific advice concerning a specific situation. Any reference to a Regulation or Annex refers to the CILEx Regulation-ACCA Handbook.

Throughout this guidance we will refer to a CILEX-ACCA Probate Entity as a CILEX-ACCA Probate firm.

### CLIENT CARE INFORMATION

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

- 1. It should at an early stage clearly define the purpose of the information:** Explaining why the client is receiving the information 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.

*(Reference to a letter could include other mediums to provide this information)*

### **One set of client care information or two?**

The important consideration is that the client receives the information that they require about the work carried out by the CILEX-ACCA Probate firm. You can do this by either of the following ways:

- Issue separate client care information in the name of the CILEX-ACCA Probate firm, or
- Incorporate all the required information in the client care documentation you use for the ACCA Accountancy firm

Where the CILEX-ACCA Probate firm is dealing with the ACCA Accountancy Firm rather than directly with the client of the ACCA Accountancy Firm, it is acceptable for the CILEX-ACCA Probate firm to rely on the content of the client care information sent out by the ACCA Accountancy firm.

### **What should my client care information include?**

We would expect all ACCA members to be used to setting out client care information, but the following section will explain our expectations.

The client care information provided by the CILEX-ACCA Probate firm should include the following:

#### ***Explain who will be involved and what they will do***

- 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 firm proposes in response to those instructions related just to non-contentious probate.

#### ***Explain why there are two firms involved***

- Explain the relationship between the ACCA Accountancy firm and the CILEX-ACCA Probate firm.
- Explain the separation between the work that will be carried out by the CILEX-ACCA Probate firm and the work that the ACCA Accountancy firm will carry out in respect of Estate Administration work.

#### ***Explain the cost and how long it will take***

- Set out the cost of the work carried out by the CILEX-ACCA Probate firm and that this will only be charged when the work is completed.
- Provide an estimate of the timescale for completing the work.
- Provide the client with the opening hours of the firm and explain the timeframe for responding to contact made outside of those hours.

#### ***Explain how you will look after the client***

- Explain what is expected of the client in terms of requests for further information etc.
- Explain that the CILEX-ACCA Probate firm is authorised by the Chartered Institute of Legal Executives to undertake probate work and is independently regulated by CILEX Regulation.
- If cancellation rights apply, define those cancellation rights.
- 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 firm.
- Inform clients that the ACCA Accountancy firm and the CILEX-ACCA Probate firm are covered by the same professional indemnity insurance, specifying the name of the insurer and the geographic coverage of the insurance.

### ***Explain what the client can do if it goes wrong***

- 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 information should refer to the more detailed Complaints Handling Procedure which should be available on the firm's website.
- Explain that the CILEX-ACCA Probate firm will grant CILEX Regulation access to the firm's client files so that they can audit the firm's work.

### ***Where the information is provided by the ACCA Accountancy firm***

For this arrangement to be acceptable, we would expect to see the following:

- A copy of the client care information sent out by the ACCA Accountancy firm needs to be retained on the probate file held by the CILEX-ACCA Probate firm.
- The client care information will need to follow the basic principles that would apply if the client care information was being sent out directly by the CILEX-ACCA Probate firm (*Please see the information in the section above*).

However, additionally it will need to be clear on the following points:

- It will need to detail for the client what work is to be undertaken by the ACCA Accountancy firm and what will be undertaken by the CILEX-ACCA Probate firm.
- Detail who in the CILEX-ACCA Probate firm will be responsible for the probate work and how they can be contacted.
- That the PII will cover all the work carried out by both firms.
- Make the client aware that their personal data will be shared with the CILEX-ACCA Probate firm solely for the completion of the reserved elements of the probate work listed in the client care information, and that this element of the work will not commence until the client provides the ACCA Accountancy firm with written consent that that personal data can be shared with the CILEX-ACCA Probate firm.
- Define within the fee information the full cost of the probate work which is being carried out by the CILEX-ACCA Probate firm, including VAT (where payable) and disbursements, defining when and how this is to be paid.
- Ensure that the client is aware of their options for raising a complaint in

respect of the elements of the work that are being carried out by the CILEX-ACCA Probate firm.

## **CLIENT MONEY**

*(See Regulation 3)*

CILEX-ACCA Probate firms are not allowed to handle client money and as such are precluded from engaging in estate administration work and from taking advanced payments for the services the firm provides.

The Client Care information setting out the work being carried out by the CILEX-ACCA Probate firm should therefore make it clear that the only services being provided by the firm are the obtaining of the grant of probate or a grant of letters of administration. It should also state that the firm will not request payment for these services until the work has been completed. Any client money should be held by the ACCA Accountancy firm.

## **COMPLAINTS HANDLING PROCEDURE**

*(See Regulations 13 & 14)*

All CILEX-ACCA Probate firms are required to have a documented Complaints Handling Procedure (CHP) (Regulation 13) and required to publish it on the firm's website (Regulation 16). Principle 5 of the CILEX-ACCA Code of Conduct (Annex 8) requires the CILEX Practitioner (ACCA-Probate) to make their clients aware of their complaint handling arrangements. This includes the client's right to refer a complaint to the Legal Ombudsman or to CILEX Regulation where appropriate. This guidance explains how to meet these requirements in practice and to handle first-tier complaints<sup>1</sup> in a way that is transparent, fair and consistent.

Your Complaints Handling Procedure will ensure that clients know how they can make a complaint and are aware of how such a complaint will be dealt with.

A well-communicated and consistently followed CHP helps clients understand their right to complain and ensures they can do so in a way that is accessible and suited to their individual needs. You are encouraged to set out your CHP clearly, operate it fairly, and respond to complaints in a way that reflects the circumstances of each client.

You may wish to have one Complaints Handling Procedure covering both your ACCA Accountancy firm's legal work and your CILEX-ACCA Probate firm, and this would be perfectly acceptable. But such a procedure should address the following points and would need to be clear that only misconduct relating to the work undertaken by the CILEX-ACCA Probate Entity can be referred to CILEX Regulation for investigation.

This guidance supports compliance with the Regulation 13 and encourages continuous improvement by using the insight gained from complaints to strengthen service delivery and client care.

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<sup>1</sup> Complaints that are made directly to a provider of legal services are often referred to as "first-tier complaints", while complaints that are escalated to the Legal Ombudsman (LeO) or CILEX Regulation (CRL) are known as "second-tier complaints".

You are encouraged to read this guidance alongside any other applicable regulatory requirements including Regulation 13.

## Benefits to you

A well-designed and consistently applied CHP brings significant benefits to your firm. It enhances client trust and satisfaction by demonstrating transparency, responsiveness and fairness. Qualities that reflect positively on your professionalism and reputation.

Proactively learning from complaints can also uncover recurring issues, enabling you to refine your procedures, reduce the likelihood of disputes escalating and strengthen the overall client experience. These improvements not only mitigate risk but also promote efficiency, client retention and long-term value, building a stronger, more resilient practice.

## Definition of a Complaint

A complaint is defined as:

An oral or written expression of dissatisfaction which alleges that the complainant has suffered (or may suffer) financial loss, distress, inconvenience or other detriment.

A complaint can be about any aspect of the service you provide, for example, delays, unclear or infrequent communication, the quality of your work, unexpected costs, or how the client feels they have been treated. It might also arise if the client believes you have not followed their instructions, met their expectations, or acted in line with your professional responsibilities.

It is important to take a broad and inclusive approach to identifying complaints. Clients do not need to explicitly use the word “complaint” or put their concern in writing for their dissatisfaction to be taken seriously. Consider any suggestion of dissatisfaction from a client, whether raised in person, over the phone, by email or through another channel, such as through another member of staff, and, where appropriate, handle through your complaints procedure.

## Third-party complaints

Not all complaints will come directly from your clients. Sometimes other people affected by your service may raise concerns, for example a family member of a client or a beneficiary in a probate matter. Where a concern is raised by another professional, such as a legal representative on the other side of a case, or the other party to a case, this would not be treated as a complaint about your service. If their concern indicates potential misconduct, it may instead be reported to CRL under the CILEx-ACCA Code of Conduct (Annex 8).

Third-party complaints may not always be covered by your formal complaints procedure, but they should still be considered carefully. Where it is appropriate, respond in a fair and proportionate way, taking into account the nature of the issue and the circumstances involved, giving consideration to the information you can disclose.

## Who can complain to the Legal Ombudsman

When designing your CHP it is likely that your client will be able to take their complaint to the Legal Ombudsman (LeO). However, familiarise yourself with Section 2 of LeO Scheme Rules (April 2023) which sets out people and organisations LeO can only consider complaints from.

A complaint may also be continued by someone lawfully entitled to act for the complainant, for example an executor, someone with lasting power of attorney, or residuary beneficiaries of an estate.

LeO cannot normally deal with complaints made by public bodies, or by authorised persons (such as another lawyer) who arranged the services on behalf of someone else.

For full details, including eligibility thresholds, further eligible categories, and exclusions, please refer to section 2 - "Who can complain" - of the Legal Ombudsman Scheme Rules.

### Regulation 13.2

The firm must inform clients about its complaints handling procedure and ensure that clients are informed:

- a) of the client's right to complain to the firm about services and charges, including how to complain and to whom;
- b) of any right the client has to complain to the Legal Ombudsman at the end of the firm's complaint handling procedure if they are dissatisfied with the outcome of their complaint;
- c) that after eight weeks following the making of a complaint, if the complaint has not been resolved to their satisfaction, of any right to complain to the Legal Ombudsman;
- d) how to make a complaint to the Legal Ombudsman including:
  - (i) the time limits for doing so;
  - (ii) full details of how to contact the Legal Ombudsman;
  - (iii) information about how to make a complaint available from the Legal Ombudsman;
- e) of the client's right to complain to CILEX Regulation if the complaint does not fall within the Legal Ombudsman Scheme Rules and include full contact details: and

### When and how to inform clients about your complaint procedure

Your CHP explains:

- how to make a complaint, who to contact about a complaint and provides the time limits and process for resolving the complaint;
- sets out any right the client has to take the complaint to LeO if it is not resolved within eight weeks or if the client remains dissatisfied with your final written response to their complaint;
- provides a link to LeO information about how to make a complaint, currently found [here](#) on the LeO website;
- provides LeO's full and up to date contact details and time limits for taking a complaint to LeO. You could use the suggested wording below and the Legal Ombudsman provides [signposting information](#) which includes suggested wording for client care letters (see below) and complaints final written response letters;
- explains the client's right to raise a complaint with CRL if it falls outside LeO's remit and may involve professional conduct or a breach of the CILEX Code of Conduct, and the

details of an Alternative Dispute Resolution (ADR) body as appropriate together with whether that scheme would be used.

### **Suggested text about LeO**

*If at any point you become unhappy with the service we provide to you, then please inform us immediately so that we can do our best to resolve the problem for you. You can obtain a copy of our complaints procedure here [insert link].*

*If after receiving our final written response to your complaint you feel we have not resolved your complaint to your satisfaction or we have failed to provide you with a final written response to your complaint within eight weeks of you submitting your complaint, you can have your complaint independently looked at by the Legal Ombudsman. The Legal Ombudsman investigates complaints about service issues relating to the provision of legal services by CILEX Practitioner (ACCA-Probate).*

*Before accepting a complaint for investigation, the Legal Ombudsman will check that you have tried to resolve your complaint with us first. If you have, then you must take your complaint to the Legal Ombudsman:*

- *within six months of receiving our final written response to your complaint or, if we have not provided a final written response to you within eight weeks, within six months starting at the expiry of the eight-week period:*
- *no more than one year from the date of the act or omission that gave rise to the complaint;*
- *no more than one year from when you should reasonably have known there was a cause for complaint.*

*The Legal Ombudsman's contact details are:*

- *Website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)*
- *Telephone: 0300 555 0333 between 10am to 4pm.*
- *Relay UK: 18001 0300 555 0333*
- *Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)*
- *Post: Legal Ombudsman PO BOX 6167, Slough, SL1 0EH*

It is important that you regularly check the LeO contact details to ensure that you have the most current contact details on your website, documents, letters and any other communications and publications.

### **Right to complain to CRL if the complaint does not fall within LeO Scheme Rules**

As a CILEX Practitioner (ACCA-Probate) you are required to comply with the CILEX-ACCA Code of Conduct (Annex 8). Where an individual believes your conduct breaches the Code of Conduct, they can free of charge refer the complaint to CRL to investigate.

You will need to cover this in your CHP and can do so by using wording such as:

*Where your complaint relates to the misconduct of a CILEX Practitioner (ACCA-Probate), you can refer your complaint free of charge to CILEX Regulation for them to investigate. Misconduct complaints must be made within 12 months of the act or omission that gave rise to the complaint or within 12 months of the complainant having knowledge of the act or omission that gave rise to the complaint, whichever is the greater.*

*CILEX Regulation's contact details are:*

- *Website: <https://cilexregulation.org.uk>*
- *Telephone: 01234 845770;*
- *Email: [info@cilexregulation.org.uk](mailto:info@cilexregulation.org.uk)*
- *(Registered office: Room 301, Endeavour House, Wrest Park, Silsoe, Bedford, MK45 4HS. CILEX Regulation request no postal submissions please.)*

### **Regulation 13.3**

The firm must inform clients of the information in Regulation 13.2:

- a) at the time of engagement on a new matter or the next earliest appropriate opportunity;
- b) at the conclusion of the matter;
- c) upon request; and
- d) if a complaint is made during a matter.

You are encouraged to provide the information in Regulation 13.2 to your clients whenever it is appropriate to do so.

There are four points during the work you carry out for a client when you are required to inform them of the information in Regulation 13.2. These key points are: when they first instruct you or at the next earliest appropriate opportunity, at the conclusion of the matter, whenever a client asks for your CHP and whenever a complaint is made.

### **Data Protection Complaints**

Some complaints may relate to how you have handled a client's personal data. These types of complaints fall within the remit of the Information Commissioner's Office (ICO), which regulates compliance with data protection law.

Part of making clients aware of how their personal data is processed, includes information on how to raise concerns, by signposting clearly to your privacy notice.

A data protection complaint might arise where information has been shared inappropriately with

another party. For instance, if a client has a new partner and the former partner's contact details are inappropriately shared with the new partner, this could amount to a breach of data protection law.

You can signpost clients to more information on how to raise a concern with the ICO at [How to make a data protection complaint – ICO](#).

### Good practice: inviting feedback

Actively inviting feedback from clients at appropriate points throughout a case helps you identify and address issues before they become formal complaints and enables you to adjust service provision to enhance client satisfaction.

There may be opportunities throughout the client journey, rather than waiting until the very end of a matter. At these stages, reminding a client of your complaints information and inviting feedback can help you understand what clients perceive as good service, identify misunderstandings, and address any ongoing concerns before they escalate into formal complaints.

Make it simple and accessible for a client to provide feedback by offering options such as a follow-up call, short survey, or informal conversation at different stages during a case.

Use plain language and give clients a choice of communication methods, such as in person meeting, letter, email, phone call or online forms. You can demonstrate that their input is valued by acting on it and, where appropriate, letting them know what has changed as a result.

It is important to be alert to informal comments made by a client during everyday interactions. Responding positively in these moments can resolve concerns early and strengthen client trust.

### Tailoring complaint information to client needs

#### Regulation 13.4

The firm must effectively communicate its complaints handling procedure to each client in a format or formats reasonably tailored for the client's circumstances having due regard to their information needs.

Take reasonable steps to ensure that complaints information is provided in a format that suits each client's individual circumstances. This includes considering their communication needs, level of understanding, and any relevant vulnerabilities or protected characteristics. It is also important to consider this in relation to the publication requirements relating to your complaints policy in the Transparency Requirements (Regulation 16).

You might provide information:

- in large print or Easy Read
- in a different language<sup>2</sup>

<sup>2</sup> Where you serve a substantial number of clients who share a particular language(s), it may be reasonable to provide translated materials to support accessibility. Where only isolated cases arise, you might exercise your judgement on whether translation is proportionate, taking into account the individual client's needs and available alternatives.

- in audio format or video clips
- over the phone, online meeting or in person explanation.

Not every format will be necessary in every case, but you would be expected to make a reasonable effort to meet the needs of individual clients where these are known or can reasonably be anticipated. This may include proactively offering information in an alternative format where it is clear that a client may benefit from it. In some instances it may be involve sensitively exploring with a client, and if necessary a person that supports them, what communication would be most beneficial for a client .

### **Making complaint information easy to find**

#### **Regulation 13.5**

The firm's complaint handling procedure must:

- a) be prominent and accessible;

When publishing your complaint handling procedure (CHP) on your website, think about how it can be accessed and understood by the widest range of clients and consumers.

Give consideration to the most frequent consumers using your services. Remember your obligations under the Transparency Requirements (TR), as appropriate, to publish your CHP prominently in a clear and accessible format on, or via a link from, the homepage of your website.

Under the TR your CHP must be published prominently on your homepage or a page accessed via a link from your homepage and clearly signposted to from your homepage. Homepage has its usual meaning. It is the first page that visitors see when they access your website and is the default webpage that loads when a user visits a web address that only contains your domain name.

Your CHP, and the link to it, must be published prominently and in a clear and accessible format. The TR define prominently to mean: in a way that stands out so as to be easily seen; noticeably or conspicuously.

Publication of your CHP, or a link to it, in the footer of your website alone is not compliant with the TR.

The TR define clear and accessible format to mean: in a clear font and at least font size 11. It is helpful to look at how Arial font 11 presents and use this as a guide to what is acceptable. Clear and accessible fonts are easy to see, read and understand with distinct letters that do not contain unnecessary visual clutter that detracts from comprehension. Examples of readable fonts are: Arial, Veranda and Tahoma

Keeping navigation simple and ensuring your website is compatible with assistive technology will help more people access the information. You may also want to use tools such as hover-over icons to provide extra explanations for those who want more detail, without making the main page crowded.

It is helpful to review your website regularly to make sure the content remains accurate and that all links work. Including straightforward contact details, such as an email address and telephone number, encourages clients to get in touch to clarify information or raise concerns.

Under the TR, if you do not have a website, you must provide your CHP in a Consumer Information Leaflet, taking account of the information above about the need to tailor your complaint information to meet client and consumer needs. Your Consumer Information Leaflet is available on request.

### Presenting complaints information clearly - key points

When providing complaints information, consider how to make it accessible, relevant, and easy to use for the typical clients that use your service. Using plain language, short sentences, avoiding legal jargon and providing clear explanations for any technical terms will help more people engage with the content. Where appropriate, provide translations or alternative formats to meet clients specific communication needs.

People often scan rather than read information in detail, so prioritise the information they most need to know and make it easy to find. This can be achieved through clear headings, short paragraphs, and visual cues such as summary boxes, diagrams, or well-placed bold text. Breaking down your procedure into clear stages can make it easier to follow.

Where it adds value, consider using imagery, short video clips, or animations to explain key points. Visual formats can help details stand out and make the content more memorable, while keeping the written text concise and easy to navigate.

### Supporting vulnerable clients

Making your CHP accessible to all clients is especially important where clients may have some form of vulnerability. Many clients will experience some form of vulnerability when using legal services. This may be due to personal circumstances, the nature of the legal matter, or the emotional and financial pressures involved. In practice, this is the case for nearly all clients, as legal issues often arise at times of significant change, uncertainty, or stress. For example, the impact of a bereavement.

Vulnerability can take many forms. It may be temporary or long term, visible or hidden. It can arise from factors such as health conditions, language barriers, caring responsibilities, financial difficulty, or lack of experience in dealing with legal matters. Recognising these factors and responding with understanding, patience, and clear communication will help clients feel supported and able to engage fully with your complaints process.

It is important to make sure that information is provided to clients in a way tailored to their individual needs as far as is reasonable. In some situations this may mean taking additional steps to provide or check understanding of information.

## Receiving and acknowledging complaints

### Regulation 13.5

The firm's complaint handling procedure must:

- b) make provision for a client to make a complaint in a way that is reasonable and accessible to the client;
- c) explain how a complaint will be handled;
- d) set out the steps that will be taken in resolving a complaint;
- e) ensure that complaints made orally are acknowledged in writing, stating the firm's understanding of the details of the complaint;
- f) provide information on the possible outcomes to a complaint, including any options if a complaint is not resolved to the complainant's satisfaction;
- g) provide for a complaint to be:
  - (i) investigated by a person of sufficient experience, seniority and competence who, where possible, was not directly involved in the particular act or omission giving rise to the complaint;
  - (ii) assessed competently, diligently, and impartially;
  - (iii) responded to fairly, consistently, and promptly;
  - (iv) resolved at the earliest possible opportunity;
  - (v) dealt with free of charge;
- h) ensure that when a complaint is first notified, the firm must provide the complainant with:
  - (i) a prompt acknowledgement of receipt of the complaint;
  - (ii) clear and comprehensive information about the firm's complaints handling procedure that will apply to their complaint and how it will be handled, including the information specified in Regulation 13.2;
  - (iii) information on who the complainant may contact about their complaint;
  - (iv) a timeline for the resolution of the complaint.

Your CHP needs to build in provision for a range of ways that allow a client to complain that are reasonable and accessible to the client. Think about the methods of communicating with your clients that you currently use and you might wish to include these within your CHP.

If a complaint is made orally, confirm the details in writing so both you and the complainant are clear about the nature of the concern and how it will be addressed.

Acknowledge the complaint as soon as reasonably possible, ideally within two working days<sup>3</sup>, to show the complaint is being taken seriously and to build trust.

The acknowledgement can confirm that the complaint has been received, summarise the issues raised, outline the process that you will follow to deal with the complaint, give the expected timeframe for a full response, and provide the contact details of the person handling it.

<sup>3</sup> LeO guide “[Listen, Inform, Respond: a guide to good complaints handling](#)” (current at August 2025), which advises that acknowledging a complaint within two working days of receipt enhances consumer confidence in the complaints handling process.

It is good practice for another member of staff, other than the person dealing with the client's case to deal with a complaint. You may have a designated person who handles complaints. This provides the reassurance to a client of independence in investigating a complaint.

Complaints are dealt with at no cost to the client. LeO's service is also free for complainants, and CRL investigates allegations of misconduct without charging the complainant. Clients are often concerned and can be deterred from raising a concern because they think that they will have to pay to do so. Other frequent worries for clients that cause reluctance to raise a concern include the impact on progression of their case and their relationship with you. It is important to recognise these types of potential concerns and emphasise that there will be no charge or other impact in your CHP and communications about a complaint to provide reassurance to clients.

### **Sole practitioners**

If you are a sole practitioner, you may not have another member of staff to handle a complaint. In this situation, you can still provide a fair and transparent process by taking steps to review the matter as objectively as possible. You should actively communicate that you will do this to a client to give them confidence in the process.

Make it clear to your client that their concerns will be considered thoroughly and without bias, even though you will be the one investigating. Reassure them that you will approach the complaint with an open mind, take into account all relevant information, and aim to reach a resolution that is fair to all parties.

Where appropriate, you may wish to seek input from an external colleague or peer to provide an independent perspective. In such cases, it is essential to ensure this practice complies with client confidentiality and data protection requirements. This includes obtaining the appropriate consent to sharing information potentially outside your firm from your client, and any others where necessary, and recording this before any referral takes place.

If you have an arrangement with another practitioner to review complaints on your behalf, explain how this works and what the client can expect from the process.

### **Responding to and resolving complaints**

Complaints should be handled in a way that is clear, fair and proportionate. The response needs to match the seriousness of the concern and show a genuine commitment to resolving the issue.

Your final response to a complaint should be in writing and be easy to understand, address the points raised, explain the outcome and the reasons for it, confirm any remedy being offered, and include details of the client's right if they remain dissatisfied to refer the complaint to the Legal Ombudsman or CRL with the relevant information, contact details and time limits. For the Legal Ombudsman these are:

- that the client must refer the complaint to the Legal Ombudsman within six months of your final written response;
- that the Legal Ombudsman expects complaints to be made to them within one year of the date of the act or omission about which the client is concerned or within one year of the client realising there was a concern;

- The Legal Ombudsman's contact details:
  - Website: [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk)
  - Telephone: 0300 555 0333 between 10am to 4pm.
  - Relay UK: 18001 0300 555 0333
  - Email: [enquiries@legalombudsman.org.uk](mailto:enquiries@legalombudsman.org.uk)
  - Post: Legal Ombudsman PO BOX 6167, Slough, SL1 0EH

If the information above is not included in your final written response, there is a high risk that the Legal Ombudsman will waive the six-month time limit and accept a complaint for investigation.

For CRL the referral should be as soon as possible and must be within one year of the date of the act or omission about which the client is concerned or within one year of the client realising there was a concern. The contact details are:

- Website: <https://cilexregulation.org.uk>
- Telephone: 01234 845770;
- Email: [info@cilexregulation.org.uk](mailto:info@cilexregulation.org.uk)
- (Registered office: Room 301, Endeavour House, Wrest Park, Silsoe, Bedford, MK45 4HS. CILEx Regulation request no postal submissions please.)

You need to explain to a client in your written response that, as your regulator, CRL may seek access to the client's papers and that, in these circumstances, you will grant CRL access unless the client objects.

Aim to resolve complaints within eight weeks of receipt. If this is not possible, let the client know the reasons for the delay and confirm their right to contact LeO after the eight-week period.

Keep the client informed throughout and providing regular updates is key. It is important to communicate in a way that suits a client's needs, taking account of any accessibility requirements, or additional support they need from you or another person.

### **Early resolution**

Not every complaint can be avoided, so recognising when a concern is being raised and addressing it promptly is important.

Resolving complaints or expressed dissatisfaction at the earliest and most appropriate point improves a client's experience and is often the most cost-effective approach.

Early resolution involves working with the client to understand what went wrong and how to put it right. An early explanation or a quick and sincere apology can sometimes be more valuable to a client than a financial remedy offered much later. Taking this approach can help maintain trust and avoid unnecessary escalation.

Wherever possible, it is good practice to resolve a complaint at the earliest opportunity, whether through an explanation or apology, or another appropriate remedy such as a refund or corrective action. For further guidance on resolving complaints and appropriate remedies, you may find the [Legal Ombudsman's Guidance on Remedies](#) helpful.

## Alternative Dispute Resolution (ADR)

### Regulation 13.2 f)

The firm must inform clients about your complaints handling procedure and ensure that clients are informed:

f) of the name and website address of an alternative dispute resolution (ADR) approved body which would be competent to deal with the complaint; and whether you agree to use the scheme operated by that body.

### Check if a client is eligible to use ADR

Under the Alternative Dispute Resolution for Consumer Disputes (Competent Authorities and Information) Regulations 2015, only a consumer may bring a complaint to an ADR body. A consumer is defined in regulation 3 as "*an individual acting for purposes which are wholly or mainly outside that individual's trade, business, craft or profession.*"

Under the ADR for Consumer Disputes (Amendment) Regulations 2015, clients need to be given the name and website address of an approved Alternative Dispute Resolution (ADR) body that could deal with their complaint, along with confirmation of whether you would agree to use that scheme. This applies whether or not you choose to take part in the ADR process.

This information should be set out clearly in client care documents at the start of the matter and repeated at the end of your complaints process, particularly where the issue has not been resolved to the client's satisfaction. Make sure the details are accessible and presented in plain, easy-to-follow language.

Even if you do not intend to take part in ADR, the information still needs to be provided. Not doing so could mean a breach of the ADR Regulations and may also put you at risk of non-compliance with Principle 4 of the CILEx Code of Conduct.

A current list of approved ADR providers is available on the Chartered Trading Standards Institute (CTSI) [website](#). It's worth checking that the provider you name is still on this list before making a referral.

This is a separate obligation from informing clients about their right to refer service-related concerns to the Legal Ombudsman or professional conduct matters to CILEx Regulation.

You can cover this requirement in your CHP by including wording such as:

*Alternative Dispute Resolution bodies such as (include the name and contact details of an ADR Approved body) exist which are competent to deal with complaints about legal services should you and our firm wish to use such an ADR body. We (state whether you do or do not) agree to use (include the name of the ADR body). (And if you do agree to use an ADR body you will need to include the timescale for contacting them about a complaint).*

## Vexatious or frivolous complaints

There may be times when a complaint seems vexatious or frivolous. Even so, it is important not to dismiss it without fair and proper consideration.

The Legal Services Board's section 162 guidance recognises that such complaints can arise and allows regulators discretion to decide what is appropriate and proportionate. In using this discretion, care should be taken not to overlook genuine concerns or treat valid complaints unfairly.

Every complaint should be considered on its own merits, taking time to understand the issues raised and deciding on a fair and balanced response.

When assessing whether a complaint is vexatious or frivolous, it can help to reflect on:

- whether the same issues have already been addressed in full
- whether new concerns are being raised
- whether the complaint is being used to harass or burden staff
- whether the type of work involved (such as family law or contentious probate) may naturally lead to heightened sensitivities or strong emotions.

If you decide not to proceed with a complaint, keep a written record of your reasons. Where appropriate, offer the complainant a brief written explanation and confirm their right to take the matter to the LeO or CRI where appropriate.

For further guidance, you may wish to consult the Legal Ombudsman's resource: Responding to challenging situations.

## Distinguishing between service and conduct complaints

### Regulation 13.2

The firm must inform clients about its complaint handling procedure and ensure that clients are informed:

- b) of any right the client has to complain to the Legal Ombudsman at the end of the firm's complaints handling procedure if they are dissatisfied with the outcome of their complaint;
- c) that after eight weeks following the making of a complaint, if the complaint has not been resolved to their satisfaction, of any right to complain to the Legal Ombudsman;
- d) how to make a complaint to the Legal Ombudsman including:
  - (i) the time limits for doing so;
  - (ii) full details of how to contact the Legal Ombudsman;
  - (iii) information about how to make a compliant available from the Legal Ombudsman;
- e) of the client's right to complain to CILEx Regulation if the complaint does not fall within the Legal Ombudsman Scheme Rules and include full contact details;

Clients may raise concerns about both the quality of service they receive and your professional conduct. It is important to that the difference between these types of complaints is understood and to guide clients to the appropriate route for addressing their concerns. It may assist clients to

be informed that:

- **Service complaints** relate to the standard of service provided. This might include issues such as delays, poor communication, or administrative errors. These complaints should usually be handled through your internal complaints procedure. If the matter is not resolved, the client may refer it to the Legal Ombudsman.
- **Conduct complaints** involve potential breaches of the CILEX Code of Conduct, such as dishonesty, discrimination, or serious failures to act with integrity or maintain independence. These matters may be referred to CILEX Regulation, which has the authority to investigate and take disciplinary action where appropriate.

Some complaints may contain both service and conduct elements. For example, a complaint about a delay might be accompanied by issues that your communication has been inappropriate or disrespectful. In such situations, it may be necessary to inform the client that their concerns could be considered by more than one organisation, depending on the nature of the issues raised.

To help clients understand where to direct their complaint:

- Make your CHP available in clear and accessible language, avoiding technical terms
- Include a copy or summary of the CILEX-ACCA Code of Conduct (Annex 8) or a link to it
- Clearly explain which organisation (LeO or CRL) handles which types of issues.

It is important to avoid discouraging clients from raising concerns, even if you think the issue falls outside your direct responsibilities. When in doubt, provide clear signposting and let the relevant organisation decide whether it can consider the matter.

If a complaint is made to LeO or CRL by one of your clients, you need to cooperate with LeO or CRL and assist them to deal with the complaint. This is a requirement of Principle 4 of the CILEX-ACCA Code of Conduct.

## Recording and reviewing complaints

### Regulation 13.8

You must maintain records for each complaint including:

- a) details of the complaint;
- b) how it is dealt with; and
- c) the outcome.

Keeping full, clear and accurate records of all complaints, regardless of how they are received or resolved is essential and helps maintain transparency and supports the identification of patterns, risks, and areas for improvement.

We recommend that you maintain a log of all complaints, separate to the client file, in which you record all the relevant information, including:

- the details of the complaint
- how it was handled
- the outcome

- any remedy offered and whether it was accepted
- relevant correspondence and file notes
- whether a complaint has been referred to LeO and the reasons for the referral.

Reviewing complaints is an important part of maintaining and improving the quality of both the way that you handle complaints and the service you provide to clients. The purpose of reviewing is to identify what can be learned from each complaint and to determine whether changes are needed to prevent similar issues and improve your practice in the future.

This involves looking beyond the immediate resolution to consider the root causes of the complaint. It may mean reviewing parts of your practice such as systems, processes, communication methods, or training needs. Regularly analysing complaints in this way helps ensure that your complaints procedure is effective, fair, and continually improving.

Periodic reviews of complaints data can be a valuable tool for improving both complaints-handling procedures and the overall client experience. Such reviews also demonstrate a commitment to fairness, accountability, and continuous learning.

It is helpful to have clear internal processes for reporting complaints and acting on any findings, so that learning is shared and embedded across the organisation.

## Learning from complaints

### Regulations 13.9 and 13.10

13.9 The firm must implement measures to:

- a) identify any risks or issues including systemic issues in:
  - (i) how it has assessed and sought to resolve complaints and
  - (ii) in its services, and
- b) address those risks and issues;

13.10 The firm must consider and undertake appropriate training and provide appropriate support to address the risks and issues identified in section 13.9a).

Complaints are an important source of insight. They provide valuable opportunities to identify where services have not met expected standards and how they can be improved.

You must take appropriate steps to identify any trends or risks that emerge from the complaints you receive. This includes recognising systemic issues in your complaints handling process or in the quality of service provided to clients.

Where patterns are identified, such as recurring issues in communication, timeliness, or conduct, you should:

- consider how internal procedures or practices may need to change
- identify whether training or additional support is needed for staff
- take action to reduce the likelihood of similar complaints arising in future

Reviewing complaints regularly, and embedding learning into your risk management and training processes, demonstrates a proactive and accountable approach to service quality. It also

reinforces client confidence in your ability to handle concerns fairly and constructively. You will need to be able to evidence how complaints have led to improvements, either through changes in process, updated policies, or further training.

## **EQUALITY AND DIVERSITY DATA**

We collect diversity data from all the people working in our regulated firms via a data collection survey.

All CILEX-ACCA Probate firms are required to provide diversity data or ensure that diversity data is provided to CILEX Regulation for everyone working in the CILEX-ACCA Probate firm during the diversity data collection period.

If you run a CILEX-ACCA Probate firm, we will contact you in advance of the diversity data collection period to advise you of the procedure for collection of data.

Everyone working in a firm will need to take part in the data collection, including employees who:

- do not have legal qualifications
- work in corporate services support roles
- are on maternity leave or sick leave if they are willing to respond
- are temporary – for example, consultants or other contracted staff

## **FEE LEVEL**

The firm should maintain the level of income received from probate activities in line with their insurer's expectation, but certainly at less than 20% of all the firms total fee income. This is covered in the Obligations declaration in the application.

Currently insurers are looking at nearer to 10/15% as an acceptable figure. Should this figure be close to being exceeded then the firm is expected to advise the insurer and CILEX Regulation.

As we are required to monitor the suitability of the professional indemnity insurance held by the CILEX-ACCA Probate firm which will cover the probate work of the CILEX-ACCA Probate firm, it is a requirement of authorisation that annually the CILEX-ACCA Probate firm are required to advise CILEX Regulation of the income generated from probate work.

## **PROFESSIONAL INDEMNITY INSURANCE / FIDELITY GUARANTEE INSURANCE** **(See Regulation 7 & Annex 4)**

We have provided separate guidance on the new levels of Professional Indemnity Insurance required by CILEX-ACCA Probate firms and the need to have in place Fidelity Guarantee Insurance.

We will be expecting CILEX-ACCA Probate firms to provide clarity to consumers that both insurances will cover both the ACCA Accountancy firm and the CILEX-ACCA Probate firm.

The guidance can be found [here](#).

## REGULATORY STATEMENT

Once authorised, firms are expected to display a regulatory statement that they are '*Name of firm* authorised as a CILEX-ACCA Probate Entity by CILEX Regulation' followed by their authorisation number.

This should be added to the website they are using (*see below Website*) and to all business communications including client care letters.

## TRANSPARENCY REQUIREMENTS (See Regulation 16)

We have published separate guidance on the transparency requirements which can be found on the ACCA Probate page of our website.

## USE OF LOGO / SMART BADGE (See Regulation 16)

Once authorised, firms will be expected to load on to their website page a smart badge logo to confirm that the website belongs to a CILEX-ACCA Probate Entity. They will be provided with the details of how to do this and the badge will confirm that they have consumer protections in place for probate work.



Because this logo may be placed on the website of the ACCA accountancy firm, ideally it should be placed close to the regulatory statement related to the CILEX-ACCA Probate Entity.

## WEBSITE

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

If you have a separate website for probate work, then the transparency requirements will apply to that.