



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 expectations of the Transparency Requirements set out at regulation 16 of the CILEx Regulation-ACCA Handbook 2021 (the Handbook).

We introduced our Transparency Requirements with the aim that consumers have the information they need, at the time that they are choosing legal services, so they can make an informed decision about which provider to instruct.

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.

References in this guidance to the Transparency Requirements will refer to regulation 16 of the Handbook. You should also refer to your obligations under the CILEx-ACCA Code of Conduct at Annex 8 of the Handbook.

Benefits to your firm

Firms which have embraced our Transparency Requirements and publish the required information have reported benefits.

Publishing price information can assist your firm because consumers are sometimes reticent to seek legal advice, and some do not, as they assume that legal services are expensive and beyond their financial means. Being clear about the price:

- leads to consumers being more confident to approach your firm,
- enables you to engage with the types of consumers you provide work for and
- can avoid misunderstandings and cost related complaints.

Providing information about your probate services allows consumers to find your firm when searching for this type of work. It provides the opportunity to demonstrate that you have the right experience and thereby attract clients.

Consumers are used to redress schemes being available. Explaining that you have a complaints procedure in the unlikely event that something should go wrong can offer reassurance to consumers in choosing to use your firm.

Research finds that consumers assume all legal service providers are regulated although they are not. You can distinguish your legal services as regulated by emphasising the benefits of professional standards and consumer protections offered by PII.

Consumers are more likely to engage with your website and contact you if they can find the information they want quickly and it is presented in a user-friendly way. Research¹ also suggests that consumers can perceive good information, that is presented well, as one indication of a firm's quality.

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.

¹ [Price transparency in the conveyancing market p 44](#)

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 means all costs that must be paid for probate services including, but not exclusively, the legal fees, disbursements, any other costs, and VAT on each of these elements where payable.

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

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

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.

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.

We have provided examples of how you might present fixed fee packages (Annex A), hourly rates (Annex B) and fixed fees (Annex C) for you to consider when deciding how to display costs.

You know the types of consumers your firm delivers probate 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.

If you are thinking about operating an online quote generator to deliver the price transparency required, you may find the fixed fee template at Annex C helpful as a guide.

If you are considering using an online quote generator, you may wish to consider the questions set out in Annex C when deciding which quote generator would work for your business.

Quotes should be generated without any further contact for the consumer with your firm or an intermediary. It may be helpful to be aware that research² found that consumers are put off by having to provide personal information to obtain a quote.

If you decide to use a quote generator, because many consumers are reluctant to provide contact details to obtain a quote, you will still need to provide an indicative total price on your 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 inheritance tax payable and you could provide a link to a trusted third-party website such as [Gov.UK Inheritance Tax information](#).

Paragraph 16 of the Handbook does 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 Requirements 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. An example of factors to consider including in provision of service information is provided at Annex D.

² [Price transparency in the conveyancing market](#) p36

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 information
- dedicated fee earner contact
- web portal.

Another way to assist consumers can be by linking to websites that provide easy to understand information, such as [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.

We refer you to the complaints handling procedure in the [Regulatory Guidance for CILEX-ACCA Probate Firms](#) and remind you that your complaints handling procedure must also inform consumers of their right to complain to the Legal Ombudsman and CILEx Regulation (regulation 13 of the [CILEx Regulation-ACCA Handbook](#)).

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

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 by CILEx Regulation for probate" followed by your authorisation number
- display on the home page of your website the CILEx Regulation logo relating to probate for which your firm is authorised

You may wish to use the suggested way to present information about regulation and PII in Annex E as a guide.

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](#).

How to approach providing transparency information

Website publication

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

Navigation

Research³ 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.

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.

Key points to presenting information

Research⁴ makes it clear that information needs to be:

- provided in a format that can easily be accessed by consumers and

³ [Price transparency in the conveyancing market p 36](#)

⁴ [Client Care Letter research](#)

- 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.

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 possible presentations in the annexes 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.

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ANNEX A - FIXED FEE – SERVICE PACKAGES

This is an example of how you might display prices for a range of packages of services.

Services provided	Legal Fee packages available*					
	A		B		C	
	legal fee	VAT	legal fee	VAT	legal fee	VAT
	£X	£X	£X	£X	£X	£X
	Total	£X	Total	£X	Total	£X
preparing the grant of representation and applying to the probate registry	✓		✓		✓	
receiving grant of probate	✓		✓		✓	
placing necessary newspaper notices			✓		✓	
looking through paperwork (including death certificate and will)			✓		✓	
obtaining values of the estate, assets and liabilities			✓		✓	
calculating inheritance tax owed			✓		✓	
calculating gross and net values of estate			✓		✓	
advising on finding lost assets					✓	
preparing administrators' oaths					✓	
paying debts and liabilities of the estate					✓	
paying legacies to beneficiaries					✓	
sorting out the estate tax					✓	
distributing the residuary estate					✓	

*These are legal fees only. There will be additional disbursements

ADDITIONAL COSTS payable to third parties, known as disbursements

Disbursement	Price	VAT	Total
Bankruptcy search	£X	£X	£X
Commissioner's fee	£X	£X	£X
Probate application fee	£X	£X	£X

You must also provide details about the service offered, including a description of:

- what is included,
- what will be done,
- anything that is excluded
- likely timeframes.

It is also helpful to indicate how a package might suit consumer's circumstances, such as the value of their estate.

ANNEX B – HOURLY RATE

Legal fees

Our fees will include:

- applying for the grant of probate,
- collecting and distributing the assets

Our fees are £X per hour plus VAT at 20%.

We anticipate this work will take between X and X hours of work. Total costs estimated at £X-X (+VAT at 20%) Total £x - £X.

The exact cost will depend on your specific circumstances. For example, if there is one beneficiary and no property, costs will be at the lower end. If there are several beneficiaries, property and multiple bank accounts, costs will be at the higher end.

We will carry out all the work for you. This cost estimate is for estates where:

- there is a valid will
- there is no more than one property
- there are no more than X bank or building society accounts
- there are no intangible assets
- there are up to x beneficiaries
- the beneficiaries agree on division of assets, if disputes arise costs are likely to increase
- inheritance tax does not have to be paid and a full account is not required to be submitted to HMRC
- no claims are made against the estate

Additional costs

There are also costs that have to be paid to other organisations, known as disbursements. Where applicable VAT is included at 20%.

- Probate application fee of £X
- Swearing of the oath £X (for each executor)
- Bankruptcy-only Land Charges Department searches £X (for each beneficiary)
- Placing a notice in The London Gazette £X
- Placing a notice in a local newspaper £X

Potential additional costs

The list below gives an indication of work which might need to be carried out at an additional cost. We can give you a more accurate quote once we have more information about your specific situation.

- there is no will or it has been altered after signature
- executors have died or refuse to act
- the estate consists of shareholdings (stocks and bonds)
- additional copies of the grant are required
- dealing with the sale or transfer of any property in the estate is not included.
- work required if inheritance tax is payable, including preparing full inheritance tax account, submission to and dealing with HMRC
- there are missing beneficiaries

How long will the work take?

On average, estates that fall within this range are usually dealt with between X-X months. Obtaining the grant of probate typically takes X-X weeks. Assets are then collected, which usually takes between X-X weeks. When this has been done, we can distribute the assets, which normally takes X-X weeks.

The above time estimates are for guidance only and vary depending upon the work involved.

Where there are one or more properties in an estate that need to be sold, this can also delay conclusion of the estate, if it takes time to find a buyer.

ANNEX C -PROBATE COST GENERATOR TEMPLATE (FIXED FEE)

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 (costs payable to other organisations)

- 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](https://www.gov.uk).

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.

Annex D: SERVICE INFORMATION PROVISION EXAMPLE

Work we will do under this service

The price of our full administration service typically involves work to:

- Identify all the deceased's assets (property, investments and possessions) and all their liabilities (debts, for example, loans and utility bills), to be able to work out the value of their estate.
- Verify entitlement to the estate under the terms of the deceased's Will, or in line with Intestacy laws if they died without a Will.
- Obtain the necessary identification documents for the beneficiaries.
- Pay Inheritance Tax to HM Revenue & Customs (HMRC) where applicable, and submit the correct Inheritance Tax return (required whether or not tax has to be paid),
- Apply to the Probate Registry for the Grant of Representation - a document confirming the legal authority to administer the Estate.
- After the Grant of Representation is supplied by the Probate Registry, sell the deceased's assets, settle their liabilities, pay the final Estate administration expenses and account to HMRC for any further Inheritance Tax, any Income Tax or Capital Gains Tax due to or from the Estate.
- Prepare Estate accounts recording all payments into and out of the Estate, and showing the balance left for distribution to the beneficiaries.
- Send the Estate accounts to the Personal Representatives (such as the Executor) for approval.
- Providing there are no challenges to the Estate or other complicating factors preventing distribution at this stage, transfer any assets that the beneficiaries wish to retain, and distribute the balance of the Estate funds.

How long this type of service takes

On average, for simple cases we will try and conclude the estate administration within 6 - 12 months of being instructed:

- We allow 3-4 months for obtaining the Grant of Representation from the point we are instructed.
- Collecting assets then follows, which can take a further 3-4 months.
- Once this has been done, distribution of the assets normally takes a further 3-4 months.
- The above time estimates are for guidance only and vary depending upon the work involved.
- Large and/or more complex estates will take longer to conclude as there will likely be Inheritance tax issues which will require us to liaise with HM Revenue and Customs (HMRC). HMRC can take up to 6 months to finalise their own position on an estate, and this increases the time it will take for us to conclude the estate administration.
- Where there are one or more properties in an estate that need to be sold, there might be a delay if a buyer is not found quickly.

Annex E: EXAMPLE OF PRESENTATION OF PII INFORMATION

We are authorised and regulated by CILEx Regulation to provide probate legal services.

If we carry out both: probate or letters of administration work, and estate administration work, we are authorised and regulated by CILEx Regulation for the part of the work relating to probate or letters of administration work. The estate administration work is carried out by the accountancy firm X which is authorised and regulated by ACCA. You can talk to us if you need more information about this.

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