



Regulation Proposals Released

The Legal Services Board, which oversees the regulation of lawyers in England and Wales, has put forward proposals for the regulation of willwriting.

Whether or not to regulate willwriting and estate administration services has long been debated and the LSB has reviewed all of the available evidence about the problems suffered by some consumers in these areas having conducted research to identify what the risks to consumers are and why they emerge.

The investigations found systemic problems with the services delivered by many different types of provider and consistent patterns of sloppiness, simple errors and poor communication. Too often, consumers were subjected to unfair sales practices and the research unearthed examples of fraud and deception.

The proposals would see all providers of willwriting and estate administration services regulated and brought within the list of 'reserved activities', which relates to those services that only qualified lawyers, such as a solicitor or barrister, can undertake.

Chairman of the Legal Services Board, David Edmonds, said: "Making a Will is something everyone should do. It is one of the most important actions that individuals take. We all should have a high degree of confidence in those entrusted with the task of writing our Wills, advising us on the most appropriate actions and ensuring that our wishes are carried out. For many people, the service they receive from their lawyer or willwriter meets their needs, but our research shows that there are significant numbers of people receiving poor service and poor outcomes".

"We found too many examples of providers – lawyers and willwriters alike – not listening to their clients or being sloppy in their work, meaning those taking the important step of writing a Will were also, unfortunately, leaving problems for their beneficiaries. The prevalence of poor sales practices and indeed the incidence of fraud was also disappointing. On the other hand, large parts of the willwriting and estate administration market are working well with a variety of different types of suppliers and services that are valued and appreciated".

The Legal Service Consumer Panel's May 2012 publication 'Legal Education and Training' had the following to say:

"A good Will is not just a legally valid document which reflects the client's stated intentions, but one which is tailored to their personal circumstances following an informed discussion with a lawyer".

"The provider should build a full knowledge of their client's relevant financial and personal affairs and apply their knowledge to identify solutions that would deliver their wishes effectively. Issues and potential scenarios that clients might not have considered should be highlighted. Providers should help clients to think through their options and make a decision they are comfortable with".

They also said: "It is difficult to sustain the argument that an individual wishing to set up a will-writing business should undergo the full training that a solicitor must go through when that training demonstrably does not equip solicitors to prepare competent wills. Instead, it should be recognised that will-writing is an activity that requires specialist training as a condition of practise. We note that the trade associations in the unregulated sector already require their members to obtain specialist qualifications".

As members of the Institute of Professional Willwriters and the Society of Trust and Estate Practitioners, we already have in place the highest levels of service, compliance, expertise and qualification to protect you.

Recent feedback from clients includes:

- Comprehensive and very professional. Would advise others of the quality of the service. Total satisfaction.
- Excellent service of the highest standard.

We hope you find this useful, but please do not hesitate to contact us for further information.

EstatePlanningMatters