

**Not to be used before 00:01 hours, 19 March 2012**

## **REGULATE PROBATE AND ESTATE ADMINISTRATION, SAYS CONSUMER PANEL**

Today, the Legal Services Consumer Panel recommends that probate and estate administration services should be regulated.

Currently, there are no restrictions on who may charge for dealing with someone's estate after their death. Under the Panel's proposals, all providers would be subject to fit and proper checks, ensure proper protection of client money and complaints would be dealt with by the Legal Ombudsman.

The report draws on consumer research and complaints data showing long delays and consumers ending up paying far more in fees than they had been led to believe. The Panel's final submission to the Legal Services Board's call for evidence says that regulation is justified due to the risk of fraud and potential severity of financial and emotional harm that can result from overcharging and poor service.

The Panel's submission follows on from its investigation last year into will-writing which called for this activity to be regulated. This triggered a statutory investigation by the Legal Services Board into the need to regulate all three activities.

Elisabeth Davies, Chair of the Legal Services Consumer Panel, said:

*“Dealing with someone’s finances after their death is an important responsibility and takes place at a time when loved ones are grieving. It’s vital to introduce a mechanism to ensure that professional advisors handle things properly, progress the paperwork speedily and charge a fair price for the work.*

*“Although most people are happy with the service they get, all too often estates end up taking many months or even years to finalise, and costs spiral out of control. Beneficiaries are in a poor bargaining position, often feeling powerless to prevent these problems, especially when lawyers are named as executors in the will. The important safeguard of allowing complaints to the Legal Ombudsman would compensate consumers suffering poor service and also deter malpractice.”*

**-ends-**

**For more information, contact Steve Brooker, Consumer Panel Manager, on 020 7271 0077.**

## **Notes to editors**

1. The Legal Services Consumer Panel was established under the Legal Services Act 2007 to provide independent advice to the Legal Services Board about the interests of consumers of legal services in England and Wales. We investigate issues that affect consumers and use this information to influence decisions about the regulation of legal services.
2. The Panel's submission to the Legal Services Board can be found here: [http://www.legalservicesconsumerpanel.org.uk/publications/consultation\\_responses/index.html](http://www.legalservicesconsumerpanel.org.uk/publications/consultation_responses/index.html)
3. The Panel published a report recommending the regulation of will-writing In July 2011, which can be found here: [http://www.legalservicesconsumerpanel.org.uk/publications/research\\_and\\_report\\_s/documents/ConsumerPanel\\_WillwritingReport\\_Final.pdf](http://www.legalservicesconsumerpanel.org.uk/publications/research_and_report_s/documents/ConsumerPanel_WillwritingReport_Final.pdf)
4. In November 2011, the Panel submitted an interim submission to the Legal Services Board's call for evidence which contained an analysis of complaints to the Legal Ombudsman. It can be found here: [http://www.legalservicesconsumerpanel.org.uk/publications/consultation\\_responses/index.html](http://www.legalservicesconsumerpanel.org.uk/publications/consultation_responses/index.html)
5. Details of the Legal Services Board's work in this area can be found here: [http://www.legalservicesboard.org.uk/Projects/rationalising\\_scope\\_of\\_regulation/index.htm](http://www.legalservicesboard.org.uk/Projects/rationalising_scope_of_regulation/index.htm)  
[http://www.legalservicesconsumerpanel.org.uk/ourwork/will\\_writing/documents/20100909\\_LSBcommissioningletter.pdf](http://www.legalservicesconsumerpanel.org.uk/ourwork/will_writing/documents/20100909_LSBcommissioningletter.pdf).
6. An independent research report by YouGov is published on the LSB's website: [http://www.legalservicesboard.org.uk/news\\_publications/latest\\_news/2012/15\\_march\\_2012.htm](http://www.legalservicesboard.org.uk/news_publications/latest_news/2012/15_march_2012.htm)
7. For consumer advice on dealing with finances after a death: [http://www.direct.gov.uk/en/Governmentcitizensandrights/Death/BenefitsAndMoney/DG\\_10029657](http://www.direct.gov.uk/en/Governmentcitizensandrights/Death/BenefitsAndMoney/DG_10029657)