

ILEX PROFESSIONAL STANDARDS LTD

CONSULTATION

PROPOSAL TO SEEK PROBATE RIGHTS FOR ILEX MEMBERS

INTRODUCTION

The Institute of Legal Executives (ILEX) is an approved regulator under the Legal Services Act 2007. In accordance with the requirements of the legislation it has separated out its regulatory and representative functions. The regulatory functions have been delegated to ILEX Professional Standards Ltd (IPS). IPS is the regulatory body for Legal Executives and all other grades of members registered with ILEX.

The Legal Services Act 2007 specifies the preparation of probate papers as a reserved legal activity which can only be carried out by authorised persons. ILEX/IPS is making an application under the Act to become an approved regulator to grant the right to undertake probate activities to those of its members who are suitably qualified. Probate activities are defined in the Act as the preparation of applications for grants of probate or letters of administration.

IPS and ILEX are consulting upon the application. This consultation document begins by outlining the nature of the application, summarising the arrangements by which members will qualify as probate practitioners, and then outlining the conduct and practice rules that probate practitioners will be subject to.

This consultation will close on 3 April 2010.

INTRODUCTION

1. ILEX's proposed application under the Legal Services Act 2007 seeks authorisation to become an Approved Regulator for the purposes of granting probate rights. It also seeks approval of its proposed qualification scheme and conduct rules.

PRESENT POSITION

2. At present ILEX members tend to practise as employees of solicitors firms or in legal departments where there is a supervising solicitor or barrister. Members do not have independent practice rights to undertake the probate activities which are reserved under the Legal Services Act. The application seeks probate rights which may be exercised as employees or as independent practitioners.
3. There are some members of ILEX (and others who are not members of ILEX) who provide will writing services as independent practitioners. They may also undertake administration of estates. These areas of work are not reserved activities. Those members undertaking independent practice often refer work relating to an application for a grant to an authorised practitioner or, alternatively, an executor may obtain the grant themselves and subsequently instruct the ILEX member to administer the estate. This application, if successful, will enable ILEX members to provide the full range of probate services to clients including reserved probate activities, as independent practitioners. It will also ensure that those ILEX members are competent to undertake the full range of probate work.

RIGHTS SOUGHT

4. IPS seeks to grant suitably qualified members of ILEX with a Probate Certificate which will enable them to prepare any probate papers for the purposes of the law of England and Wales or in relation to any proceedings in England and Wales. Probate papers mean any papers on which to found or oppose a grant of probate or a grant of letters of administration.
5. It is assumed that qualified Probate Practitioners will be able to draw or prepare papers on which to make an application for the grant of probate in common or solemn form or draw and prepare papers on which to make the application for the grant of letters of administration. It is also assumed that the Certificate will enable practitioners to take instructions, to draw up or prepare papers on which to oppose the grant in either form or the letters of administration. It is also proposed that practitioners will be able to make a charge for these activities. The Application includes requirements which will ensure ILEX probate practitioners are able to undertake all the steps necessary to administer the estate of a deceased person from obtaining grant of probate until final distribution or winding up, for reward.

Question

- 1. ILEX seeks the power to authorise suitably qualified members to carry out probate activities which are reserved legal activities. Do you have any comments on the scope of the activities covered by the application?**

REGULATORY OBJECTIVES

6. ILEX believes that its application complies with the regulatory objectives set out in the Legal Services Act 2007. ILEX Probate Practitioners will:
 - protect and promote the public and consumer interest through the qualification, practice management and account rule requirements;
 - support the rule of law in the work they undertake;
 - help to improve access to justice by making available an alternative form of practitioner to consumers who can provide the full range of probate services;
 - promote competition in the provision of services through the alternative route to practice they take and because they are able to undertake the full range of probate work;
 - encourage a strong, independent, diverse and effective legal profession through the Practice Management Rules and supporting Codes applicable to Probate Practitioners;
 - help to increase the public's understanding of a citizens legal rights and duties through the services they will provide; and
 - promote and maintain adherence to the professional principles through the Practice Management Rules and supporting Codes.
7. The application seeks to establish that:
 - A member of ILEX qualified in accordance with the proposed regulations would have the education, knowledge and experience needed to undertake a full range of probate work including reserved probate activities.
 - ILEX has in place rules of conduct which it is able to enforce against its members. The rules include provisions for the protection of clients' money, acting in clients' interests, supporting the rule of law and only acting where the individual has the appropriate level of skill and competence. These are consistent with the professional purposes set out in the Legal Services Act.

QUALIFICATION SCHEME

8. The application proposes that there will be a comprehensive assessment of the knowledge, skills and experience of members before they will be authorised to provide probate services. A draft of the scheme rules, including the qualification scheme appear at **Appendix 1**.
9. The qualification scheme will be open to:
 - Fellows or Graduate members of ILEX, or
 - Probate Associate members of ILEX. A Probate Associate Member will be a person who has been accepted by ILEX as meeting the entry requirements to become a Probate Practitioner but who is not registered as a Graduate Member or Fellow of ILEX.
10. Graduate members will have completed the academic stages of the ILEX qualification scheme which include study at Level 3 (A level standard) and Level 6 (Honours Degree standard). Graduate members will also have gained some practical experience. Fellows will have completed the academic stage of qualification and will have at least 5 years legal practice experience. Probate Associate members will meet the minimum knowledge and experience requirements to become a Probate Practitioner, although they may not be an ILEX member or have commenced the ILEX qualification scheme at the time of application.

Question

2. **Do you have any comments on who may enrol to become an ILEX Probate Practitioner? If so, please set them out.**
11. All applicants for Probate Practice Rights must meet the eligibility criteria. The eligibility criteria are that they must be:
 - In good standing with ILEX/IPS;
 - Have gained an acceptable level of experience of probate business;
 - Have sufficient knowledge of law and legal practice to undertake probate work.

The criteria are set out in detail below.

Question

3. **Do you have any comments on the eligibility criteria? If so, please set them out.**

KNOWLEDGE AND EXPERIENCE REQUIREMENTS

12. IPS has developed knowledge and experience guidelines which appear at **Appendix 2**. The guidelines set out the criteria that an applicant must meet to become a Probate Practitioner. IPS will use these guidelines to assess the applicant's knowledge and experience.
13. Applicants will be required to submit details of their qualifications and provide a description of their typical workload including the type, range and complexity of the business that they have handled over the last two years.

Examinations

14. Applicants are expected to have:
 - Passed the ILEX Level 6 Probate and Succession, Probate Practice and Equity and Trusts examinations or to have passed examinations which are of a similar standard and content. They must also have knowledge and experience of probate services which will be demonstrated through 5 portfolios.

Alternatively:

 - Experience of delivering probate services as a substantial part of their work prior to making their application, and knowledge and experience of probate services demonstrated through portfolios of 5 cases.
15. In assessing the knowledge and experience of candidates IPS will employ external assessors who will be suitably qualified in that field. The assessor will pay careful attention to the range and complexity of an applicant's experience of providing probate services.
16. An applicant who relies on knowledge that has not been gained through formal examination will be expected to map their knowledge and experience against the syllabus of the relevant examination. In assessing that mapping exercise IPS will pay careful attention to ensuring that applicants have covered a comparable range of topics to the Level 6 examination, and are able to evidence their knowledge.
17. Where IPS is not satisfied that a candidate's knowledge and experience meet the required standards the applicant will be expected to undertake relevant study and/or assessment before their application may proceed.

Case Portfolios

18. All applicants will be required to provide portfolios of 5 cases that they have handled during the preceding two years which demonstrate their legal and

procedural knowledge of probate practice. IPS has produced guidelines for the preparation of portfolios which appear at **Appendix 3**.

19. Where IPS decide that the portfolios are unsatisfactory and do not meet the required standards applicants will be expected to resubmit or withdraw their application.

References

20. Applicants who are employed will be required to obtain confirmation from their employer that the contents of their application are correct. All applicants will also be required to provide two referees who will be asked to comment upon their knowledge and experience.

Development Route

21. Where the assessment of an application reveals that a candidate does not meet the knowledge and experience requirements they may take the developmental route to qualification. Those applicants will be invited to submit a development plan which outlines the way in which they will make good the identified shortcomings. IPS will determine whether the development plan is appropriate.
22. In these cases IPS may issue a Probate Certificate to the applicant valid for one year and make the certificate subject to conditions or restrictions which limit the range of probate services that the applicant may provide until they have met the knowledge and experience requirements and obtain the full certificate.
23. An applicant holding a certificate subject to conditions or restrictions will be required to renew their certificate each year and to provide a report outlining their progress against the development plan. An applicant may only remain on the development route for a maximum of 3 years.
24. The development route has been provided to assist those who provide unregulated will writing and probate services to achieve full regulated status as probate practitioners. This will be in the public interest.

Questions

4. **IPS has set out minimum entry requirements that applicants must meet to provide probate services. Do you have any comments on the minimum requirements, as set out in the knowledge and experience guidelines? If so, please set them out.**
5. **IPS has set out knowledge requirements in the form of academic qualifications. Alternatively an applicant may provide evidence of experience where they do not hold relevant qualifications. Do**

6. **IPS proposes that applicants who are not able to fully meet the entry requirements will be able to embark upon a developmental route to qualification. Set out any comments you have upon this proposal.**
7. **Set out any other comments you have on the entry requirements.**

INDEPENDENT PRACTICE

Practice Management Criteria

25. Applicants who seek to provide probate services in independent practice will also need to meet the practice management criteria or provide a transitional practice management undertaking.
26. The practice management criteria require that they must have certain policies and procedures in place and have made a contribution to the ILEX Compensation Fund for the year for which the application is made. The criteria include:
 - Practice management arrangements that comply with the Practice Management Rules.
 - Accounting arrangements that comply with the Accounts Rules.
 - A complaints procedure which complies with the practice management rules.
 - An anti-discrimination policy which meets the equality and diversity code
 - A money laundering policy which meets the current legislative requirements.
 - A publicity code which meets IPS requirements.
 - Professional indemnity insurance.
27. Applicants will be required to provide evidence to demonstrate that they have the above arrangements in place.
28. Applicants may be required to provide details of their business arrangements and accounts procedures. These will be provided in the form of a financial or business plan.

Transitional Arrangements

29. IPS has developed some transitional arrangements. The transitional arrangements are designed to assist members and others who are already in business on their own account providing unregulated probate and will-writing

30. Those applicants will be required to provide a transitional practice management undertaking to IPS. The undertaking will be that they will have all the practice management requirements in place within 3 months of providing the undertaking.

Business Arrangements and Qualification

31. IPS may require an applicant to undertake a practice management course and accounts course before they can be authorised to provide probate services in independent practice. Where an applicant is required to undertake a practice management course their application to provide probate services in independent practice will be deferred until the requirement is met. IPS may require applicants to complete the course within 12 months of an application being made.
32. Applicants will be required to demonstrate that they are capable of making financial arrangements that comply with the ILEX Accounts Rules. Where an applicant fails to demonstrate to IPS that they are able to make the financial arrangements it may require an applicant to undertake an accounts course accredited by IPS and to successfully pass an assessment in account. An applicant who has not undertaken the accounts course and passed the assessment within 12 months may apply for an extension of time to complete the qualification.
33. IPS will reconsider the application once the applicant has completed the practice management or accounts course or both.
34. IPS has developed course criteria for the practice management and accounts courses which appear at **Appendix 4**. A practice management course or an accounts course which an applicant takes must meet the relevant criteria. IPS has developed assessment criteria for the account course which appear at **Appendix 5**.

Questions

8. **Do you have any comments on the proposals by which members will be authorised to provide probate services in independent practice? If so, set them out.**
9. **Do you have any comments on the proposed transitional practice management undertaking? If so, please set them out.**

10. **Do you have any comments on IPS proposals that members may be required to undertake the practice management course? If so, please set them out.**
11. **Do you have any comments on the practice management criteria? If so, please set them out.**
12. **Do you have any comments on the requirement that applicants may be required to undertake a qualification in accounts? If so, please set them out.**
13. **Do you have any comments on the proposed content of the accounts course and assessment criteria? If so, please set them out.**

VALIDITY AND RENEWALS OF CERTIFICATES

35. Certificates granted to employed Probate Practitioners, other than those who are required to submit a development plan, will not require renewal provided the practitioner continues to be in good standing.
36. Practitioners who have to submit a development plan will be required to renew their Certificate each year and to submit a report on their progress towards meeting the development requirements. Once a practitioner has met the development plan they will be issued with a full certificate.
37. Certificates granted to practitioners who practice independently will need to be renewed annually. Practitioners will be required to submit their annual accounts certified by a qualified accountant, together with proof that they have professional indemnity insurance in place and made a contribution to the compensation fund for the forthcoming year. Practitioners in independent practice who are required to provide a practice management undertaking will need to satisfy IPS that they have fulfilled the undertaking.
38. IPS, at its discretion, may impose conditions or restrictions on the renewal of a certificate provided it gives its reasons in writing for doing so. IPS will also reserve the right to inspect a practice before renewing a certificate where a practitioner practises independently. Probate Practitioners who were required to provide a transitional practice management undertaking will be asked to confirm that the requirements have been put in place within 3 months of the issue of their Certificate. Where such confirmation is not provided, IPS may suspend their Certificate and take other appropriate action.

Question

14. Do you have any comments on the proposals for renewing certificates? If so, please set them out.

PRACTICE STRUCTURES

39. Probate practitioners will be able to provide services through a variety of means. They may be:
- employed in a legal practice regulated by an approved regulator,
 - a manager in a legal disciplinary practice,
 - an employed person providing third party services or
 - practise independently.
40. IPS envisages that Probate Practitioners practising independently may practice as a sole principal, in partnership with one or more ILEX practitioners or approved practitioners, or in a mixed partnership. They may also practice through a limited company, a limited liability partnership with non-ILEX partners, or a limited partnership wholly owned and controlled by ILEX practitioners.
41. IPS is not in a position at present to regulate Legal Disciplinary Partnerships. However, Probate Practitioners may be able to practice in LDPs regulated by other regulatory bodies.

Question

15. Do you have any comments on the practice structures through which probate practitioners may practice? If so, set them out.

Practice Management and Accounts Rules

42. ILEX has developed *Practice Management and Accounts Rules* and supporting codes and schemes for those of its members who wish to practice independently. These appear at **Appendix 6**. The Rules refer to ILEX practitioners. An ILEX Probate Practitioner would fall within the definition of ILEX practitioner.
43. Probate Practitioners who work in solicitors' practices will comply with some parts of the practice management rules. The *Practice Management Rules* stipulate which parts are applicable to employed members.

44. The ***Practice Management Rules*** have been developed to ensure the interests of clients are protected and to maintain consumer confidence in Probate Practitioners.
45. The ***Practice Management Rules*** set out the general duties and standards of conduct expected of Probate Practitioners. They require that Probate Practitioners act professionally, with integrity and ensure that the interests of their clients are paramount except their duty not to mislead the court. They reflect and build on the general ILEX Code of Conduct.
46. The client care provisions within the code ensure that clients are provided with clear confirmation of the instructions they have given to a Probate Practitioner, extent of the retainer, costs and details of the fee earner handling their case, internal complaints handling procedures and the existence of the Legal Ombudsman Scheme. Clear client care letters will help to avoid future disputes. Probate Practitioners will be required under the Rules to keep clients regularly updated on case progress and on costs. They will also be required to develop an in-house complaints handling scheme which complies with IPS, LSB and statutory requirements.
47. In the event that a dispute arises about costs the Probate Practitioner or their client will be able to refer the matter to IPS which will develop an adjudicatory process to determine disputes. Probate Practitioners will be required to refer disputes to the courts for detailed assessment where litigation proceedings have commenced.
48. The Rules include the requirement that Probate Practitioners must act with independence in the interest of their client and not act where there could be a conflict of interest.
49. The Rules will enable fee sharing and referral arrangements to take place provided there has been an honest and open disclosure to clients about the process. IPS has taken the view that transparent referral arrangements should be permitted.
50. The Rules also contain provisions relating to the supervision of a Probate Practitioner's practice. A Probate Practitioner will remain personally responsible for their practice.

Questions

16. **Do you have any comments on the Practice Management Rules?**
17. **Are there any items included within the Practice Management Rules which you think should not be included? If so, state what they are and the reasons why they should not be included.**

- 18. Are there any matters that should be included in the Practice Management Rules which are not there at present? If so, state what they are and why they should be included in the Rules.**

Supporting Codes and Rules

51. The Practice Management Rules are supported by the Anti-discrimination and Publicity Codes.
52. The Anti-discrimination and Publicity Codes appear at **Appendices 7 and 8**.
53. The Anti-discrimination Code is referred to as the ILEX Equality and Diversity Code. Its aim is to ensure that a Probate Practitioner does not engage in anti-discriminatory practices. All Probate Practitioners will be required to have in place an anti-discrimination policy for their practice. They will have the choice of either developing their own policy or adopting the ILEX policy. Failure to comply with the policy will be a matter of misconduct.
54. The Publicity Code has been developed to ensure that there is clarity in any material published by a Probate Practitioner's practice. The code requires that clients are provided with information about a practice and the person dealing with their matter. It also requires that any advertising undertaken by a practice is clear and accurate. Again a failure to comply with the policy will be treated as a misconduct matter.

Questions

- 19. Do you have any comments on the ILEX Equality and Diversity Code? If so, please state what they are.**
- 20. Do you have any comments on the ILEX Publicity Code? If so, please state what they are.**

Accounts Rules

55. IPS has developed Accounts Rules that will apply to Probate Practitioners providing probate services independently or services to third parties. Probate Practitioners practising through these structures will be expected to have gained knowledge of the IPS Accounts Rules. The Accounts Rules appear at **Appendix 6**.

56. The IPS Accounts Rules have been modelled on the approaches taken to accounts by other regulatory bodies. They will require that Probate Practitioners keep client and office money separated and that there is a clear audit trail of transactions. Probate Practitioners will be expected to maintain a client ledger for each client.
57. The Rules contain provisions about how and by whom money can be withdrawn from a client account and when interest should be paid on money held in a client account.
58. Probate Practitioners will be expected to obtain annual accountants reports. IPS will develop the format for an accountants report. The reports will ensure that an independent assessment is carried out of compliance by the Probate Practitioner with the IPS Accounts Rules.
59. The reporting accountant will be required to carry out various test procedures and provide a copy of the report to ILEX. The reporting accountant will be under a duty to report any concerns they have during the course of their audit of the practice. This will provide IPS with an opportunity to take action against any Probate Practitioner who may not be properly protecting client money.

Questions

21. **Do you have any comments on the Accounts Rules? If so, state what they are.**
22. **Are there any matters included within the Accounts Rules that should not be included? If so, state what they are and why they should not be included.**
23. **Are there any matters which should appear in the Accounts Rules that do not appear at present? If so, state what they are.**
24. **Do you have any comments on the arrangements for accountants reports? If so, set them out.**

SCHEMES OF CLIENT REDRESS

60. IPS has developed a number of schemes through which clients will be able to seek redress. They are the poor service scheme, indemnity insurance scheme, client protection scheme and the IPS complaints handling and disciplinary procedures.

Indemnity Insurance Rules

61. IPS has developed a scheme of indemnity insurance. A copy of the Indemnity Insurance Rules appear at **Appendix 9**. All Probate Practitioners will be required to obtain cover under the IPS Indemnity Insurance Scheme unless they are employed Probate Practitioners. Employed Probate Practitioners will need to ensure that they are instead covered by their employers' indemnity insurance scheme or alternatively obtain their own independent cover. Probate Practitioners will also be required to have run-off cover for a period of 6 years.
62. The existence of professional indemnity insurance will provide a route of redress for clients for any civil liability incurred in connection with the Probate Practitioner's practice.
63. IPS investigated whether to opt for an open market or master policy insurance scheme. IPS has opted for a master policy scheme whereby it will obtain a master policy of indemnity insurance through which individual Probate Practitioners will be able to obtain cover. The research showed that this was the most feasible option for its members.
64. Probate Practitioners will be required to obtain cover at the minimum level set by IPS from time to time. They can obtain a higher level of cover if they so wish.
65. IPS believes it is important to protect clients' interests by having a professional indemnity insurance scheme in place. IPS will not issue a Probate Practitioner Certificate to a Probate Practitioner until they have satisfied IPS that they have obtained cover. A Probate Practitioner will therefore be unable to practice without indemnity insurance cover.

Question

25. **Do you have any comments on the ILEX Practitioners Indemnity Insurance Scheme? If so, please state what they are.**

Client Protection Scheme

66. IPS has developed its own client protection scheme whereby clients who suffer loss as a result of dishonesty or failure to account by a Probate Practitioner will be able to seek redress from a compensation fund to be set up by IPS. The existence of a compensation fund will be important to protect clients who have no other route of redress available to them.
67. The Client Protection Fund will be a new fund to be set up by IPS to which all Probate Practitioners will be expected to contribute. In addition ILEX will

designate some of its reserves to set up the fund in the first instance. The scheme rules will enable IPS to invest and borrow for the purposes of developing the fund. The Scheme Rules appear at **Appendix 10**.

68. The fund will be a discretionary fund of last resort and IPS will expect clients to have exhausted all other forms of redress before making a claim against it. IPS will set the maximum payment it can make from the fund, which will be reviewed on a regular basis.
69. The rules set out the procedure that will be followed where a claim is made to the compensation fund. The onus will rest with a claimant to provide information in support of their claim and to show the loss they have suffered. A claimant will subrogate to IPS their right to make a claim against a Probate Practitioner and will be required to support IPS in making any such claim.
70. In assessing what level of payment to make to a claimant, who has suffered loss, IPS will take into account various factors such as whether the claimant contributed to their loss, failed to act with integrity or failed to co-operate with IPS.
71. Where a claimant is shown to be suffering severe hardship during the investigation of their claim IPS has a reserved power to make an interim grant. This will be important for providing assistance to vulnerable clients.

Questions

26. **Do you have any comments on the arrangements proposed for the IPS Client Protection Scheme? If so, state what they are.**
27. **Will the arrangements provide an adequate safeguard to clients in the event of their suffering loss as a result of a Probate Practitioner's misconduct? If not, what changes would you recommend.**

Poor Service Scheme

72. A copy of the IPS Poor Service Scheme appears at **Appendix 10**. The scheme will be used where an allegation is made by a client that the service they received from a Probate Practitioner fell below reasonably expected standards.
73. Under the Legal Services Act 2007 responsibility for service complaints will pass to the Legal Ombudsman by the end of 2010. The IPS Poor Service Scheme will be used until the Legal Ombudsman Service becomes operational. IPS' power to award redress in respect of complaints will cease.

Questions

- 28. Do you have any comments on the IPS Poor Service Scheme? If so, state what they are.**

DISCIPLINARY PROCEEDINGS

74. The requirement to comply with the Practice Management and Accounts Rules is in addition to the requirement to comply with the ILEX general Code of Conduct and Guide to Good Practice.
75. Any complaint regarding the conduct of a Probate Practitioner will be dealt with through the normal disciplinary procedures. The disciplinary procedures are set out in the Investigation, Disciplinary and Appeal Rules, recently revised by IPS, which has been the subject of an earlier consultation.
76. IPS will also set up a Committee which will determine whether a Probate Practitioner remains a fit and proper person to continue holding a Probate Practitioner Certificate, following an investigation into their conduct. The Committee will have the remit to withdraw a Probate Practitioner's Certificate.

Question

- 29. Do you have any comments on the proposal that complaints and allegations about the conduct of Litigators will be investigated in accordance with the normal IPS procedures?**

RIGHT OF INSPECTION AUTHORITY

77. IPS will not issue a Certificate to a Probate Practitioner practising independently unless they sign a Right of Inspection Authority. The Authority will be an irrevocable written authority given by the applicant that IPS will be given:
- Full and unimpeded access to the Probate Practitioner's practice papers, accounts, records and files; and
 - Co-operation, personally and by direction to their staff, with the inspection; and
 - Any information relating to their practice requested by IPS; and
 - Reasonable office facilities as IPS may require; and
 - Copies of any documents which IPS wishes to remove;
 - Authority to their previous and present accountant to provide information and documents that IPS may require.

Question

- 30. Do you have any comments on the Right of Inspection Authority? If so, please set them out.**

SUSPENSION OF CERTIFICATES

78. IPS may suspend a Certificate where a Probate Practitioner becomes subject to an inspection, investigation or disciplinary proceedings.

Question

- 31. Do you have any comments on the circumstances in which a Certificate may be suspended? If so, please set them out.**

CONTINUING PROFESSIONAL DEVELOPMENT

79. Probate Practitioners will be required to complete 16 hours CPD of which at least 8 hours CPD must relate to probate services. All Probate Practitioners will be required to provide a record of their CPD to IPS.

Question

- 32. Do you have any comments on the CPD proposals? If so, please set them out.**

CONSULTATION QUESTIONS

The questions are listed below. Please provide your responses on the attached response form providing reasons for your answers.

- Q1.** ILEX seeks the power to authorise suitably qualified members to carry out probate activities which are reserved legal activities. Do you have any comments on the scope of the activities covered by the application?
- Q2.** Do you have any comments on who may enrol to become an ILEX Probate Practitioner? If so, please set them out.
- Q3.** Do you have any comments on the eligibility criteria? If so, please set them out.
- Q4.** IPS has set out minimum entry requirements that applicants must meet to provide probate services. Do you have any comments on the minimum requirements, as set out in the knowledge and experience guidelines? If so, please set them out.
- Q5.** IPS has set out knowledge requirements in the form of academic qualifications. Alternatively an applicant may provide evidence of experience where they do not hold relevant qualifications. Do you have any comments on this proposal? If so, please set them out.
- Q6.** IPS proposes that applicants who are not able to fully meet the entry requirements will be able to embark upon a developmental route to qualification. Set out any comments you have upon this proposal.
- Q7.** Set out any other comments you have on the entry requirements.
- Q8.** IPS has set out minimum entry requirements that applicants must meet to provide probate services. Do you have any comments on the minimum requirements, as set out in the knowledge and experience guidelines? If so, please set them out.
- Q9.** IPS has set out knowledge requirements in the form of academic qualifications. Alternatively an applicant may provide evidence of experience where they do not hold relevant qualifications. Do you have any comments on this proposal? If so, please set them out.
- Q10.** IPS proposes that applicants who are not able to fully meet the entry requirements will be able to embark upon a developmental route to qualification. Set out any comments you have upon this proposal.
- Q11.** Set out any other comments you have on the entry requirements.

- Q12.** Do you have any comments on the proposals by which members will be authorised to provide probate services in independent practice? If so, set them out.
- Q13.** Do you have any comments on the proposed transitional practice management undertaking? If so, please set them out.
- Q14.** Do you have any comments on IPS proposals that members may be required to undertake the practice management course? If so, please set them out.
- Q15.** Do you have any comments on the practice management criteria? If so, please set them out.
- Q16.** Do you have any comments on the requirement that applicants may be required to undertake a qualification in accounts? If so, please set them out.
- Q17.** Do you have any comments on the proposed content of the accounts course and assessment criteria? If so, please set them out.
- Q18.** Do you have any comments on the proposals for renewing certificates? If so, please set them out.
- Q19.** Do you have any comments on the practice structures through which probate practitioners may practice? If so, set them out.
- Q20.** Do you have any comments on the Practice Management Rules?
- Q21.** Are there any items included within the Practice Management Rules which you think should not be included? If so, state what they are and the reasons why they should not be included.
- Q22.** Are there any matters that should be included in the Practice Management Rules which are not there at present? If so, state what they are and why they should be included in the Rules.
- Q23.** Do you have any comments on the ILEX Equality and Diversity Code? If so, please state what they are.
- Q24.** Do you have any comments on the ILEX Publicity Code? If so, please state what they are.
- Q25.** Do you have any comments on the Accounts Rules? If so, state what they are.
- Q26.** Are there any matters included within the Accounts Rules that should not be included? If so, state what they are and why they should not be included.
- Q27.** Are there any matters which should appear in the Accounts Rules that do not appear at present? If so, state what they are.

- Q28.** Do you have any comments on the arrangements for accountants reports? If so, set them out.
- Q29.** Do you have any comments on the ILEX Practitioners Indemnity Insurance Scheme? If so, please state what they are.
- Q30.** Do you have any comments on the arrangements proposed for the IPS Client Protection Scheme? If so, state what they are.
- Q31.** Will the arrangements provide an adequate safeguard to clients in the event of their suffering loss as a result of a Probate Practitioner's misconduct? If not, what changes would you recommend.
- Q32.** Do you have any comments on the IPS Poor Service Scheme? If so, state what they are.
- Q33.** Do you have any comments on the IPS Poor Service Scheme? If so, state what they are.
- Q34.** Do you have any comments on the proposal that complaints and allegations about the conduct of Litigators will be investigated in accordance with the normal IPS procedures?
- Q35.** Do you have any comments on the proposal that complaints and allegations about the conduct of Litigators will be investigated in accordance with the normal IPS procedures?
- Q36.** Do you have any comments on the Right of Inspection Authority? If so, please set them out.
- Q37.** Do you have any comments on the circumstances in which a Certificate may be suspended? If so, please set them out.
- Q38.** Do you have any comments on the CPD proposals? If so, please set them out.
- Q39.** Do you have any comments on the CPD proposals? If so, please set them out.

HOW TO RESPOND

A response form has been produced for completion. Please send the response form to IPS through one of the following methods:

- Email to bbsra@ilexstandards.org.uk
- By post to ILEX Professional Standards Ltd, Kempston Manor, Kempston, Bedford MK42 7AB
- By DX to ILEX Professional Standards Ltd, DX 124780 Kempston 2

SUBMISSION DEADLINE

The deadline for the submission of responses is 3 April 2010