

LEGAL SERVICES BOARD REPORT

The Legal Services Board is responsible for overseeing legal regulators in England and Wales. It is independent of Government and of the legal profession and its overriding mandate is to ensure that regulation in the legal services sector is carried out in the public interest and that the interests of consumers are placed at the heart of the system.

In 2010 the Legal Services Board (LSB) requested evidence on the issue of regulation of will-writing and also referred the matter for consideration by its advisory group, the Legal Services Consumer Panel (the LSCP). The Institute of Professional will-writers (IPW) was involved in submitting expert evidence to the LSB.

The LSCP did some detailed research and their report can be found at on the Legal Services Board website.

If you don't want to read all 92 pages, below are some extracts:

"The panel proposes that will-writing services should be made a reserved legal activity. Any business – not just a solicitors firm – satisfying an approved regulator's entry standards could provide will-writing services. The starting point for a regulatory scheme could be the IPW code."

"Our analysis is that the IPW scheme offers key added protections in the areas of pre-entrance checks on technical competence and business probity, and stronger disclosure rules around cross-selling of services including sales of executor services"

"The core elements of the regulatory scheme should include.....conduct rules, using the IPW code of practice as a starting point;"

The LSCP report mentions the IPW 49 times!

The findings of the LSCP and findings of some other organisations, although reached independently appear to be broadly aligned: The label "solicitor" or "will-writer" in itself is inadequate as an indicator of quality. In fact taken as a whole the LSCP research shows that each arm of the profession has equal performance. The LSCP recommended the regulation of will-writing in England and the LSB called for evidence to investigate this.

On 14th May 2013, Chris Grayling MP, Lord Chancellor and Secretary of State for justice decided not to regulate will writing. There is currently work going on to consider how the legal services regulatory landscape might be simplified and as part of this review the Lord Chancellor will consider whether it might be appropriate to bring will-writing within the scope of legal services regulation.

For most of the 23 years that the IPW has been in existence it has campaigned for the provision of will-writing services to be regulated and during that time has consistently led the way in setting the highest standards for its members, both in terms of technical competence and customer service. This was endorsed when in 2010 the IPW became only the tenth organisation, and the only one in the legal sector, to have a Code of Practice approved by the Office of Fair Trading under its Consumer Code Approval Scheme. From April 2013 the Office of Fair Trading Consumer Code Approval Scheme has been taken over by the Trading Standards Institute.

Should will-writing become regulated the IPW will apply to become a regulator of will-writing and probate services.