



**Wills &
Inheritance
Quality**



The Law Society

Wills and Inheritance Quality Scheme

Re-accreditation application form
guidance notes



Re-accreditation application form guidance notes – Wills and Inheritance Quality Scheme

Contents

Overall guidance	3
Glossary of terms.....	4
Section 1 - General information	6
A - Main office details.....	6
B - Wills, probate and estate administration work.....	6
C - Professional indemnity insurance	7
D - Financial information	7
E - Regulatory matters and complaints.....	8
G - Practice management	8
Section 2 - Supporting documentation	9

Overall guidance

1. These guidance notes are to assist a **practice** applying for re-accreditation to the **Wills and Inheritance Quality Scheme (CQS)**.
2. The **practice** will have already appointed a suitable person to be their **senior responsible officer (SRO)**. This person will be accountable to the Law Society and required to ensure that the **practice** complies with the **scheme rules** and declaration already signed by the **practice**.
3. The re-accreditation form is to be completed by the **SRO**. It is the **SRO's** responsibility to complete the form and submit it with the required supporting documentation.
4. Please answer all questions and complete all the relevant boxes. You may find it helpful to refer to the **glossary of terms**. If your answer to any question exceeds the space available or no space is given, continue on a separate sheet clearly marking the question number to which your comments relate.
5. **Emboldened words** (apart from document headings and advisory notes) are defined in the **glossary of terms** which follows and will carry the meaning set out therein.
6. The re-accreditation application form is designed to be completed electronically in Microsoft Word (1997 and later). Please answer all relevant questions and use the 'tab' key to progress through the form. Answers require a combination of typed answers, choosing an option from a drop-down menu or check box confirmation. You are also required to provide separate supporting documentation, which must be submitted along with this completed application form.
7. References to statutes and regulations include any subsequent statute, legislation or regulation directly or indirectly amending, consolidating, extending, replacing or re-enacting that statute or regulation and to all orders, directions and notices made or served under them.

If any development affecting your practice after submission of this form would affect the answers given by you on this form (whether in relation to complaints, claims, regulatory matters, changes to **relevant persons** or otherwise), you must notify the **accreditation office** of the development as soon as possible and, in any event, within 14 days of the change or the decision to make the change, whichever is the earlier.

Questions?

We cannot process your application if any relevant data or documentation is missing from your application form. If you are unable to resolve your query using information provided in the guidance notes, please contact us:

Tel: 0207 316 5550 Email: wigs@lawsociety.org.uk

Glossary of terms

Term	Definition
Accounts staff	All staff in your accounts department, whether full or part-time and whether qualified or not.
Accreditation office	The Law Society office that will deal with WIQS applications.
Alternative Business Structure (ABS)	An alternative business structure that is licensed by the SRA pursuant to its Practice Framework Rules 2011.
Client service charter	The charter that sets out the client service standards to which member practices must adhere, which is published at: www.lawsociety.org.uk/wiqs
Chartered legal executive	Fellow of the Institute of Chartered Legal Executives.
CPD	Continuing professional development.
Core practice management standards	Those standards set out in the document which can be downloaded from the 'apply for WIQS' page at: www.lawsociety.org.uk/wiqs .
Glossary of terms	The glossary contained within these guidance notes.
Head of wills, probate and estate administration	A qualified solicitor or chartered legal executive who is the head of wills, probate and estate administration work conducted at the practice.
Legal Disciplinary Partnership (LDP)	A recognised body within the SRA Practice Framework Rules 2011.
Limited Liability Partnership (LLP)	A recognised body within the SRA Practice Framework Rules 2011.
Manager	A partner in a partnership, a member in an LLP, or a director in a company.
Member practices	Practices which have attained membership of WIQS .
Non- admitted and key support staff	Any person not a qualified solicitor or chartered legal executive involved in wills, probate and estate administration at the practice including any person involved in financial procedures relating to wills, probate and estate administration . This may include, but is not limited to, contact with clients, requisitioning and directing of funds or other involvement in financial procedures.
Practice	A practice authorised and regulated by the SRA, including: any SRA authorised and regulated partnership, company, sole practitioner , limited liability partnership (LLP), legal disciplinary partnership, and alternative business structure which offers services to: (a) draft wills; and (b) obtain a grant of representation and/ or (c) deal with any aspect of estate administration.
Regulatory matter	Any investigation or supervision by a regulator (whether concluded or not) irrespective of its outcome.
Relevant person	All persons who are managers or accounts staff . They are also qualified solicitors, chartered legal executives , non-admitted trainees or key support staff who work within the wills, probate and estate administration department.

Term	Definition
Scheme rules	The document setting out the framework of the scheme including its objectives, benefits and the eligibility criteria.
Senior responsible officer (SRO)	A senior manager in the practice or the sole practitioner who will be the nominated responsible person accountable to the Law Society on behalf of the practice under the scheme .
Sole practitioner	A recognised sole practitioner pursuant to the Authorisation Rules 2011, until 31/03/2012 and thereafter the Authorisation Rules 2011.
SRA	Solicitors Regulation Authority.
The scheme	The Law Society's quality standard for will writing, probate and estate administration as set out in the scheme rules .
Will drafting, probate and estate administration	<p>Will drafting - Preparation of a document to set out the method to be applied in the management and distribution of someone's estate when they die.</p> <p>Probate and estate administration - the process of dealing with the affairs of someone who has died in accordance with their will or statute.</p>
Will drafting, probate and estate administration experience	Will drafting, probate and estate administration experience obtained in practice (not necessarily private practice) in England and Wales for a minimum period of three years.
Wills and Inheritance Quality Scheme (WIQS)	The Law Society's quality standard for will writing, probate and estate administration as set out in the scheme rules .
Wills and inheritance protocol	The Law Society's guide to best practice in will drafting, probate and estate administration.

Section 1 - General information

In this section the **SRO** will supply all information required about the **practice**. The numbered paragraphs below are intended to reflect the questions in the **WIQS** application form.

A - Main office details

Question	Guidance
4	<p>In this section, please confirm whether there have been any changes to your practice in the last 12 months which have not been notified to the accreditation office.</p> <p>The scheme rules sets out the obligations on the member practice which include providing the accreditation office with updates as set out therein.</p>
5	<p>Please enclose an up-to-date staff list of all relevant persons at the practice. Details should include:</p> <ul style="list-style-type: none"> • First name and surname • Job title • Date of joining
6	<p>If the answer to the question is 'no', please provide full details of your supervision arrangements and explain why they are considered reasonable.</p> <p>Please be as specific as possible about the time spent by managers at each location.</p> <p>For example, if the HOD supervises the department and is on long-term leave, what arrangements are in place for supervision during the absence.</p>

B - Wills, probate and estate administration work

Question	Guidance
8	<p>Please give figures for completed wills, probate and estate administration matters only for your last complete financial year, making sure to include your 'year end' date. These figures should not include abortive instructions.</p> <p>Please give figures for the number of chargeable hours spent on probate and estate administration matters only during your last complete financial year.</p> <p>The figures should be based on accounts/financial information. If you provide estimated figures, please make this clear and explain why actual figures are not available and on what information any estimates have been based.</p> <p>Gross fees in relation to the above matters</p> <p>Please state total gross fees arising from work undertaken from your offices in England and Wales. Gross fees should include all professional fees of the practice including remuneration, retained commission and income of any sort whatsoever but excluding disbursements, VAT and interest.</p> <p>Highest Value Matter</p> <p>Please confirm the highest value estate or probate your department has been instructed to administer within the last year.</p> <p>Average value matter</p> <p>Please confirm the average value estates and probates your department has been instructed to administer within the last year.</p> <p>Please make sure that you answer all sections of this question. If you are unable to provide figures for this question then you must provide a valid reason and a full explanation as to why this is.</p>
10	<p>Please note that this question only relates to referrals that relate to or impact on the wills, probate and</p>

Question	Guidance
	<p>estate administration work in the practice.</p> <p>If the answer to this question is 'yes', then please provide the following details in respect of each introducer and/or arrangement:</p> <ul style="list-style-type: none"> • The name of the organisation or individual with whom your practice has/will have an arrangement for introducing work; • The date of commencement of the agreement, if known; • The percentage of the practice's total fee income arising during your last accounting period from your arrangements with each introducer; • The total sum or details of any other consideration which the practice has paid or given to the introducer during the practice's last accounting period. • Whether your practice provides information about the referral agreements in its client care letter and/or terms of business.
13	<p>If the answer to this question is 'no', please explain how wills, probate and estate administration matters are supervised, providing as much detail as possible.</p>

C - Professional indemnity insurance

Question	Guidance
14	<p>You will also need to provide evidence from your insurers of the number of wills, probate and estate administration claims for the practice. This evidence should cover the last complete five years, plus the current year (redacted to remove any client identity information) and be dated no more than three months prior to the date of submission of the application.</p> <p>Please <u>highlight</u> all wills, probate and estate administration claims. In addition to the Claims Summaries provided by insurers, we require brief details from you of each wills, probate and estate administration notification. If required, the accreditation office will call for more information.</p> <p>All claims recorded on your claims history must show its status i.e. is it open or closed, any reserve costs, information on costs paid out, the area of law the claim relates to and whether it is a claim or notification.</p> <p>Please note that if the practice does not have any claims for a policy year we still require confirmation from the insurer(s) that the firm has had no claims for that policy year.</p> <p>We cannot accept self reported claims summary from the practice, the documents need to be obtained from the insurer(s) as evidence.</p> <p>When answering this question please also confirm whether the practice has top up insurance.</p>

D - Financial information

Question	Guidance
15	<p>If the practice has had any qualifications imposed on its accountant's report form during the last 12 months, you must provide copies of relevant reports. If the nature of the qualification is not clear from the report you will need to provide additional details by way of explanation.</p> <p>Please do not provide the Checklist for the AR1 Reports. We require the full AR1 document from the SRA.</p>

E - Regulatory matters and complaints

Question	Guidance
17	<p>Please provide full details of all regulatory matters affecting the practice, its managers or staff during the last 12 months including copies of relevant correspondence.</p> <p>This does not relate solely to wills, probate and estate administration. Relationship management is the SRA's name for supervision under Outcomes Focused Regulation. Remember to notify the accreditation office of any matters that come to light after completion of the form.</p> <p>In relation to visits by the Practice Standards Unit (PSU) please provide a copy of the letter sent by the Practice Standards Adviser following the visit.</p>
18	<p>Please include details of all complaints relating to wills, probate and estate administration that have been dealt with through the practice's complaints procedure as required under the core practice management standards. This is consistent with the SRA's definition of first tier complaints on its website.</p> <p>Please also include details of complaints relating to wills, probate and estate administration that have been referred to the SRA and/or the Legal Ombudsman. Any matters not disclosed here that come to the attention of the accreditation office <u>at any time</u> that were subsisting at the time that the application was submitted may be cause for the practice's application to be rejected or the practice's membership of the scheme to be revoked. Further, any misrepresentations made in the application form may be referred to the SRA.</p>
19	<p>When deciding if a breach, or series of breaches are material the COLP or COFA will need to consider:</p> <ul style="list-style-type: none"> • the detriment, or risk of detriment, to clients • the extent of any risk of loss of confidence in the practice or in the provision of legal services • the scale of the issue • the overall impact on the practice, its clients and third parties. <p>What is 'material' will depend on the firm and the circumstances around possible failures to comply with the SRA Authorisation Rules, and the SRA will judge each case on its own merits. As set out above, factors such as the detriment or risk of detriment to clients, the scale of the issue and overall impact on the firm will need to be considered in deciding whether a failure is 'material'.</p>

G - Practice management

Guidance
<ul style="list-style-type: none"> • This question asks you to confirm whether all the information held by the accreditation office in respect of your practice's core practice management standards is accurate at the time of applying for re-accreditation. Please note if you answered 'no' or 'working towards' to any of the core practice management standards when you initially applied for accreditation, we expect those standards to be in place. If there have been changes, please provide full details. • The SRO should bear in mind when completing this question that the practice could be subject to an audit. The practice may be asked to provide documentary evidence at any time of the processes in place or being 'worked towards'. This may result in recommendations as to how the practice could take appropriate remedial action within a given timeframe.

Section 2 - Supporting documentation

Enclosing relevant documentation with your application

- This section requires you to confirm that you have enclosed all relevant documentation with your application.
- In relation to the **practice's** professional indemnity insurance claims summary, this document must come from your insurer or broker and be clearly marked as such.