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By emai[redacted]

8 February 2024

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Thematic review into probate and estate administration

We are currently undertaking a thematic review into the approaches taken by firms and solicitors providing probate and estate administration services.

As part of our review, we will visit a number of firms. Your firm is one of those we have selected. We would like to visit your firm to better understand how probate and estate administration matters are handled and how fee earners are maintaining their competence.

What you need to do now

The visit is compulsory and will take place at your office. We may offer a virtual visit if it is possible and appropriate.

The visit will take place between 26 February 2024 and 11 April 2024. Please click on the below link to access our online booking system:

https://events.sra.org.uk/sra/678/home

Meeting dates are allocated on a first come first served basis. We strongly advise you to select a date as soon as possible. This will give you the best chance of obtaining your preferred date. All visits are set to begin at 11.00 unless otherwise agreed.

A confirmation email will be sent to you once a date has been booked. We will contact you to check whether your firm has electronically accessible files and the capability to meet by Microsoft Teams. If it does, we will consider carrying out your visit virtually.

An agenda for the visit can be found at the end of this letter.

Please note that, as a firm we regulate, you have a responsibility to co-operate with us. More information can be found on our website here and here.

What will happen during the visit?

During our visit we will:

1. speak with the person with overall responsibility for probate and estate administration matters
2. speak with a fee earner and review two of their probate and estate administration files
3. review any policies and procedures relevant to how your firm handles probate and estate administration matters
4. review any policies and procedures relevant to how your firm maintains the continuing competence of its fee earners
5. review a selection of training records for managers and fee earners who do probate and estate administration work
6. review the firm's most recent accountant's report and any letter of recommendations from the accountant.

We will randomly select the fee earner to speak with on the day and confirm them to you at the beginning of the visit.

How should I prepare for the visit?

You do not need to provide us with anything in advance.

On the day of the visit, you need to provide us with:

- a list of all fee earners who work on probate and estate administration matters and their availability to meet with us
- a list of all probate and estate administration matters opened since February 2022. For each matter, the list should provide:
    - whether the firm/fee earner is acting *as* an executor or acting *on behalf of* an executor of the estate being administered
    - the name of all fee earners who have had substantial day-to-day conduct of the matter
    - the date the matter was opened and/or closed
    - the amount billed or of work in progress
- any policies and procedures relevant to how the firm handles probate and estate administration matters
- any policies and procedures relevant to how the firm maintains the continuing competence of its fee earners
- training records for managers and fee earners who do probate and estate administration work

- a copy of the firm's most recent accountant's report (including the date it was issued), a copy of any accompanying letter of recommendations from the accountant, and confirmation of your year end date.

Please ensure that:

- the person with overall responsibility for probate and estate administration matters is available to meet with us on the day of the visit
- we can review your probate and estate administration files on the day of our visit. If you have electronic files, please ensure that these are accessible.

What we will do prior to the visit

A member of the Thematic Team will contact you at least two working days before the visit to confirm who from the SRA will be attending (a maximum of two individuals). We will also answer any questions you have about the visit.

Why are we doing this?

We are committed to ensuring the competence of firms and solicitors that we regulate. This is crucial to safeguarding the interests of consumers, including those who are vulnerable.

Our annual assessment of continuing competence 2023 highlighted probate and estate administration as a practice area that generates a higher volume of reports to us and complaints to the Legal Ombudsman.

Our thematic review will help us to better understand the risks and challenges that firms face when handling probate and estate administration matters and how they address them. We are interested in how firms and solicitors:

- maintain continuing competence
- manage risks around handling estate monies and assets
- meet their obligations to clients and parties to the administration.

More information about the work of the Thematic Team can be found at the end of this letter.

Confidentiality

We recognise that much of the information given to us is confidential and commercially sensitive. We will treat this information accordingly.

Yours sincerely

SRA Thematic Team
srathematicteam@sra.org.uk

Encs Visit Agenda, Guide to the Thematic Team

Visit Agenda

Approx. Time	Activity
11.00	Introductions and context. Confirmation of fee earner we will meet with and files to be reviewed.
11.15	Interview with the person with overall responsibility for probate and estate administration team.
13.00	Interview with a fee earner and a review of two of their files.
15.00	Summary of visit with the person with overall responsibility for the team.
15.30	Visit concluded.

Guide to the Thematic Team

What we do

The Thematic Team:

- reviews and evaluates emerging and actual risks within the legal profession
- visits practices of all types and sizes across England & Wales
- produces thematic reports for consumers and the profession.

Why we visit firms

As part of our thematic reviews, we visit firms in order to:

- review a specific risk and its potential impact
- identify areas of good and poor practice
- improve our understanding of how firms and solicitors manage the risk
- support firms and solicitors with information and guidance.

Previous thematic reports

The Thematic Team has produced reports on a wide range of issues across the legal sector. Links to the reports are provided below:

- Lasting Powers of Attorney and Deputyships (2023)
- Non-Disclosure Agreements (2023)
- In-house solicitors (2023)
- Conduct in disputes (2023)
- Immigration and asylum (2022)
- Workplace culture (2022)
- Cyber security (2020)
- Dubious investments (2020)
- Continuing competence (2019)
- Trust and company service providers (2019)
- Residential conveyancing (2019)
- Criminal advocacy (2018)
- Payment Protection Insurance (2018)
- Diversity (2017)
- Asylum (2016)
- Anti money laundering (2016)
- Personal injury (2016)