

Input to the LSB re Will-writing Estate Administration & Probate Activities.

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Thank you for this opportunity to make an input to your deliberations.

I did submit evidence to the first call for evidence on Will-writing.

I do support **all** the Panels views on Regulation and the Core elements.

This email is more pertinent to Estate Administration & Probate Activities.

I have a disabled daughter, and another daughter with mental problems due to drug abuse.

I was married for 30 years. We set up a discretionary Trust fund (on the advice of Mencap) to provide for the girls.

We divorced (Acrimoniously) in (2001-2005) a long and costly exercise.

My ex wife set up a new discretionary Trust fund with the aid of a solicitor (Who was to become a Trustee.) with two women friends also Trustees, obviously I was not involved.

My ex wife met someone and went to live in Turkey where she died shortly after.

The Trust fund came in to force.

Statement of the concerns I have linked to your specific questions in *blue italics* my concerns in black: -

Fraudulent activity linked to administering an estate.

How can anyone know if there is any fraudulent activity related to a Trust fund if there are NO accounts produced for the Trust fund.

Errors in the Will document leading to difficulties with probate and administering the estate

I have not had any sight of the Will and therefore can not comment.

Service issues such as unnecessary delays, failure to keep beneficiaries informed of progress and providing deficient costs information

It is now over two years since my ex wife's death, my daughters received an initial payment of £1,000.

The estate is in my opinion valued at over [REDACTED].

Neither of my daughters have received an Annual Audited set of accounts nor have they had written or been given verbal information on the progress of the management of the estate.

Property in Turkey is an obvious problem and understandable.

Property in England is not selling in the current situation and is rented out at circa £900 a month.

Yet the Trustees are unable to agree to my disabled daughter having a land line telephone installed to enable her to keep in touch with her family.

Overcharging and / or tying in an expensive estate administration package at the time that the Will is written

How can we know without a set of accounts.

Errors in the process of handling of a person's estate after death

How can we know without a set of accounts.

Probate and estate administration

What are the key outcomes for consumers that we should aim to achieve?

Audit ability leading to Honesty and certainty

What are the existing problems experienced by consumers of probate and estate administration services (testators, executors and beneficiaries)?

Lack of visibility and Audit ability of the actions of the Trustees.

What are the causes?

No Audit trail, no mandatory independent Audits.

What are the consequences?

Theft. Maladministration. Suffering.

What evidence is there of consumer harm?

See my input a real case study.

To what extent are avoidable problems with the process of probate and dealing with a person's estate after death a consequence of a poorly drafted Will or there not being a Will?

I would say that the avoidable problems are the lack of regulation and verifiable standards.

To what extent are problems a direct result of actions taken while administering the estate?

Not known until a set of account is available.

How and at what stages of the process are problems normally discovered?

To Late, or not at all, ie when all the money has gone.

How and how easily can problems be put right and detriments reversed?

A Legal obligation placed on Trust fund Trustees to publish an Audited set of accounts each year.

What do good providers of probate and estate administration services currently do to protect against problems and ensure that consumers receive a quality service?

Not known.

Are self-regulation and general consumer and criminal law capable of addressing consumer harm?

I would think that the criminal law is too late as it only comes into effect after the fraud has taken place. Self regulation is self interest.

Do you think that assessed accreditation schemes and quality marks specific to this field would benefit consumers either as a supplement or alternative to statutory regulation?

No

If providers of probate and estate administration services were regulated, what form of regulation should this take, and what are the core elements that should be

included within the regulatory system? What specific harm would each core element protect against?

Visibility, Accountability, Audit ability; Delay; legal action against criminals; Fraudulent activity.

What impacts do you think regulation might have on consumer protection, competition, access to services, the cost of services and the administration of justice?

More certainty more viability and less crime

How effective is the regulation of the existing reserved activity of preparing papers on which to found or oppose a grant of probate or letters of administration?

Not known

How does this regulation work in practice, what benefits does it bring for consumers and how does it impact on the way that providers organise themselves to deliver services?

Not known

We would welcome information about the size and characteristics of the market including the different types of organisations undertaking Will-writing, probate and estate administration services, the mix of these services offered and common referral links between different types of organisations in relation to the different services.

Not known

Once again thank you for your enabling me to make an input.

Stewart W Campbell