

Private client – guidance on costs

Our expertise

We believe the approach we take and the legal services we provide to our clients are different from that of other firms. We care passionately about what we do and we go the extra mile delivering the right support when you need it. It's an approach we have taken for over 125 years in all areas of our business.

The depth of our knowledge and expertise means that not only are we very comfortable advising clients with straightforward estates, we can also handle highly complex matters. We have a reputation for maintaining a high standard of service for our clients and, regardless of the nature and extent of the value of the estate, we ensure our clients receive a bespoke personal service tailored to their individual needs.

Our Private Client Team has over 168 years of collective experience in delivering high-quality work in all matters relating to probate and estate administration. The team has particular expertise in high value estates and Inheritance Tax matters and have advised in estates involving former Lloyds names and complex estates involving Business and Agricultural assets.

For details of members of the team who may work on your matter, please see: our people. Where less experienced members of the team deal with your matter, they will be supervised by one of our more experienced fee earners and this information will be clearly stated in our Client Care Letter which will be provided to you at the outset of any matter.

How we charge

We promote transparency when it comes to our charges and will always provide you with a written quantified fee estimate once we understand how we can best help you. This is likely to be based upon our hourly rates and an estimate of how long we think it will take to complete the matter. In some limited circumstances, for very straightforward matters, we are able to offer a fixed fee but it is more common for us to provide a fee estimate based on our hourly rates which we will not exceed without first informing you in advance and agreeing a new fee estimate if required.

We appreciate that every case is different. Whilst some clients are very happy to provide us with the information we need and let us deal with everything for them, other clients may need more care and attention resulting in more frequent meetings/telephone calls/emails or discussions being required which will inevitably increase our charges.

In probate cases, there are two stages for which you may require our assistance:-

1. Obtaining the Grant of Representation (Grant of Probate where there is a Will)
2. Administering the estate

Regardless of whether there is a valid Will, where an individual dies leaving assets, usually a Grant of Representation is required. Where there is a Will, the Executors are responsible for obtaining the Grant of Probate. Where there is no Will, the statutory rules of Intestacy determine who will benefit from the estate and therefore who can extract the Grant of Representation. The people responsible for administering the estate of someone who dies without a valid Will are known as the Administrators.

In both cases, in order to extract the Grant, the Executors/Administrators need to establish the assets of the estate and complete an Inheritance Tax Account (either short or long form account depending on what lifetime gifts have been made, whether the estate is over the Inheritance Tax limit and what reliefs are being claimed). The Inheritance Tax Account is a snapshot of the value of the person's estate at the moment before their death and must include details of all assets, liabilities and gifts. As well as completing the Inheritance Tax Account, the Executors/Administrators also need to complete a detailed application form to be submitted to the Court before then obtaining the Grant.

Once the Grant has been obtained the Executors/Administrators are then responsible for cashing in the assets, paying any liabilities and distributing the estate in accordance with the terms of the Will or, the Intestacy rules (where there is no valid Will). In distributing the estate, the Executors/Administrators need to keep accurate records of what money has been received and paid out during the course of administration of the estate and how the remainder has been divided and beneficiaries have a right to ask for a copy of this information.

Some clients may prefer our assistance just in extracting the Grant of Representation and feel that once the Grant has been obtained they can deal with the administration themselves. Please note that this service is based upon you providing all of the correct information when we need it so that we can prepare the relevant papers. If upon receipt of the information it is incomplete or incorrect we reserve the right to increase our initial fee estimate to cover any additional work required. This option would also mean that you would be responsible for administering the estate yourself.

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The role of Executor/Administrator can be onerous and as a result, many of our clients prefer to enlist our help from the outset with both obtaining the Grant of Representation and administering the estate so that they can rest assured that everything is taken care of for them. If this option is chosen, we will take care of everything from obtaining the information required to prepare the probate paperwork, right through to distributing the estate and preparing Estate Accounts to be given to each of the beneficiaries.

Where we act in the administration of an estate, our client is the Executor/Administrator. In many cases a significant amount of our time can be involved with providing advice to our client. This intangible product can be just as, if not more important as the production of physical documents, such as the probate paperwork. The advice we provide can often assist in ensuring the estate runs smoothly and that disputes (say between Executors and beneficiaries) where they arise, are quickly dealt with to ensure costs are kept to a minimum.

When choosing who to instruct in this type of work, whilst options may appear similar on the face of it, this does not always mean that the work undertaken and the way in which it is done is the same and this is really a key differentiating factor between the services and expertise offered by differing companies.

Our service and expertise incorporates a lot of work which you may not see but which is undertaken alongside the documents you will eventually sign and which, in this firm's opinion and in our experience, serve to ensure that your arrangements will do what they were intended for. The way we often explain this is that the documents clients see and sign constitute only the tip of the iceberg. The bulk of the work, which is perhaps not seen (i.e. fully considered and thought-out advice, ancillary documents such as file notes, correspondence with HMRC etc.) remains "on file" to support the work undertaken and to be relied upon in future if required.

Regardless of which option you choose, there are two main elements to our legal costs in dealing with non contentious estates:

- our charges; and
- expenses we must pay on your behalf

Our charges

As from the 1st May 2020, our hourly charges range from £110 to £255 plus VAT. Our hourly rates are dependent upon the level of experience and expertise of the person(s) dealing with the matter (known as a "fee earner"). To keep costs to a minimum there are often instances where two fee earners will work on the same matter - one with a higher hourly rate who can provide the knowledge and expertise and one with a lower hourly rate to undertake the day to day running of the file. We would always try to ensure that the most appropriate person is dealing with the case. We try to balance complexity of the case with expertise of the fee earner.

We reserve the right to increase our hourly rates if the work to be undertaken is particularly complex or urgent, or if the nature of your instructions require us to work outside normal office hours. If this happens, we will notify you in advance and agree an appropriate rate.

We also reserve the right in some limited circumstances to include an element based on the value of the estate reflecting the complexity of the matter and the risk and responsibility on this Company. The Law Society set out guidelines allowing a percentage element. We only apply these percentage elements in a very small number of cases where we are Executors and only where we feel it is fair and reasonable in all the circumstances. Again full details would be agreed at the outset.

In most cases, all time spent on a matter is charged on the basis of our hourly rates as set out above. This includes any time spent in meetings, making and receiving telephone calls and preparing letters and emails and considering letters and emails from the client, beneficiaries and other related parties. Recordable time also includes time spent preparing file notes of any calls received or made and attendance notes for meetings (you will appreciate that we must keep a detailed record of communications on file in line with our responsibilities and obligations). Travelling time will also be charged if and as applicable.

We tend to review our hourly rates on a periodic basis, usually on the 1st May each year. We will give you notice of any change to our hourly rates.

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The exact number of hours it will take depends on the circumstances of your case. The following is not an exhaustive list of factors that might impact on overall charges but includes such things as:

- whether there is a valid will;
- how many assets there are to deal with and the nature and extent of those assets (such as properties, bank accounts, shares, bonds, business agricultural assets);
- how many Executors are acting in the estate;
- how many beneficiaries there are (both legatees and residuary beneficiaries)
- whether there are any disputes regarding division of assets
- whether there is any Inheritance Tax to pay
- whether there are any claims against the estate
- whether there are foreign assets
- whether there needs to be reconciliation of lifetime gifts (which will impact on the inheritance tax liability) and if so, whether that reconciliation is carried out by us or the Executors
- whether consideration needs to be given to claiming any reliefs for Inheritance Tax purposes

In the vast majority of probate cases where matters are straightforward, our average costs range from £750 to £10,000 plus VAT. Our charges do not include VAT, which we will add to your bill at the prevailing rate.

If for example we are instructed to obtain the Grant of Representation and act in the administration of an estate and there is no property, only two bank accounts, no shareholdings, a valid Will and no Inheritance Tax to pay our charges are likely to be at the lower end of this range.

In accordance with Money Laundering Regulations, we are required to verify the identity of all clients whether or not we have acted for them previously. Please note that as part of the process to verify our clients we will also conduct an on-line client verification and that there will be an administration fee of £10.00 (inclusive of VAT) payable for each individual in connection with this.

Expenses

We would usually expect to incur certain expenses on your behalf which we will also add to the bill (and which will be payable out of estate funds). The amount of expenses can vary and the following is an estimate only:

Description	Costs
Probate Registry Fee	£155 (no VAT is charged)
Sealed copies of the Grant of Probate	£1.50 per copy (not VAT is charged)
HM Land Registry searches fees	£3.00 per search (plus VAT)
Section 27 Trustee Act Notices	Approximately £200 where a search is required in both the local paper and London Gazette (plus VAT)
Unclaimed Assets Register Search	£25.00 (no VAT is charged)
Bankruptcy searches	£2.00 plus VAT per search
Travelling expenses	£0.45p per mile (plus VAT)

Likely timescale and key stages

It is difficult to predict how long a matter will take to complete but in most cases where there are no complexities we generally aim to be in a position to apply for Probate within 3 to 6 months of instructions being confirmed.

While we endeavour to progress matters as quickly as we can this is often dependent upon our receiving responses from third parties, and possibly other external factors beyond our control.

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Complaints

We want to give you the best possible service. However, if at any point you become unhappy or concerned about the service we have provided, please inform us immediately so that we can do our best to resolve the problem.

In the first instance it may be helpful to contact the person who is working on your case to discuss your concerns and we will do our best to resolve any issues at this stage. If you would like to make a formal complaint, then you can read our full complaints procedure here: **TO BE INSERTED ONCE WEBSITE IS LIVE** http://www.latimerhinks.co.uk/media/document/Complaints_procedure.pdf.

Making a complaint will not affect how we handle your case. We will always attempt to resolve any complaints, but where this is not possible, complaints and redress mechanisms are provided through the Solicitors Regulation Authority and the Legal Ombudsman.

Solicitors Regulation Authority (SRA)

The SRA can help you if you are concerned about our behaviour. This could be for things like dishonesty, taking or losing your money or treating you unfairly because of your age, a disability or other characteristic.

You can raise your concerns with the Solicitors Regulation Authority.

Legal Ombudsman

The Legal Ombudsman can help if we are unable to resolve your complaint ourselves. The Legal Ombudsman will look at your complaint independently and it will not affect how we handle your case.

Before accepting a complaint for investigation, the Legal Ombudsman will check that you have tried to resolve your complaint with us first. If you have, then you must take your complaint to the Legal Ombudsman:

- within six months of receiving our final response to your complaint; and
- no more than:
 - six years from the date of act/omission; or
 - three years from when you should reasonably have known there was cause for complaint.

If you would like more information about the Legal Ombudsman, please use the contact details below:

Visit: www.legalombudsman.org.uk

Call: **0300 555 0333** between 9am to 5pm.

Email: enquiries@legalombudsman.org.uk

Legal Ombudsman PO Box 6806, Wolverhampton, WV1 9WJ

The Legal Ombudsman deals with complaints by consumers and very small businesses. This means some clients may not have the right to complain to the Legal Ombudsman, eg charities or clubs with an annual income of more than £1m, trustees of trusts with asset value of more than £1m and most businesses (unless they are defined as micro-enterprises). This does not prevent you from making a complaint directly to us.

Regulatory information

Latimer Hinks is authorised and regulated by the Solicitors Regulation Authority (SRA). Our SRA registration number is 619538.

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