

SRA PRICE TRANSPARENCY RULES

What are the rules and when do you have to have them in place

- These rules set out the information authorised firms, and individuals providing services to the public from outside authorised firms, should make available to clients and potential clients.
- The Rules come into effect as of 6 December 2018
- The Rules do not apply to publicly funded work

The SRA requirements apply to the following services

For members of the public:

- Residential conveyancing
- Probate
- Motoring offences
- Employment tribunals
- Immigration

For businesses:

- Debt recovery
- Employment tribunals
- Licensing applications for business premises

What Information is Required

- Price information must be presented in a clear and easy to understand format.
- You must specify exactly what is included within the price displayed.
- It must be clear and accessible and in a prominent place on your website.
- It must provide a total cost – where not possible provide an average or range of costs.
- Explain the basis of your charges, including any hourly rate or fixed fees.
- Highlight likely disbursements, and their costs.
- Be clear on whether VAT is included.
- For conditional or damages-based fees, explain when clients may have to make payments.
- If you publish a range of costs, you need to set out the basis for your charges, including any hourly rates and the types of factors that will determine what the final price will be.

What Information is Required

- If you offer your services in different ways and the delivery model impacts on the price, make this clear. For example, if you charge a higher fee for face-to-face services than for strictly online services.
- Highlight any services not included within the price, which a client may reasonably expect to be included.
- If using an online quote generator, the generator must produce a quote directly without requiring any additional contact, for example someone calling to discuss the quote.
- Include information on key stages and typical timescales.
- Publish the qualifications and experience of anyone carrying out the work and of their supervisors.

Conditional Fee Arrangements

If you are using a conditional fee agreement (CFA) or a damages-based agreement (DBA) and want to assess the viability of a case before agreeing to accept it, to meet the requirement in relation to the provision of likely timescales, you should clarify on your website how long you will spend doing that assessment. You should also set out what (if any) cost this will incur.

Conveyancing

- Freehold sale or purchase
- Leasehold sale or purchase
- Mortgages or re-mortgages

Conveyancing

- Be clear about any taxes that may be payable and explain they will be additional to the price displayed.
- Avoid providing an estimate of the actual tax payable, as this is subject to change. Instead, you could provide a link to an online tax calculator that you trust, such as the one provided by the HMRC.
- Outline factors that would typically increase the cost of the service. For example:
 - if legal title is defective or part of the property is unregistered
 - if you discover building regulations or planning permission has not been obtained
 - if crucial documents you have previously requested from the client have not been provided

Probate - uncontested

The collection and distribution of money, property and other assets belonging to a person following their death, where these are within the UK and the matters are not contested.

Probate

- You are required to publish prices for probate work in relation to uncontested cases where all the assets are in the UK. This includes both testate and intestate and taxable and non-taxable estates. However, the charging models for these may well differ. You will need to explain anything that could affect the price quoted (e.g. indicating there is a separate cost for preparing tax returns if it is not included) clearly on your website.
- You may wish to consider whether you charge different prices based on the value of the estate involved. If so, that needs to be made clear in the pricing guide.

Probate

- Be clear about any taxes that may be payable, and explain these costs will be additional to the price displayed.
- Avoid providing an estimate figure of the tax payable. Instead, you could provide a link to an online inheritance tax calculator that you trust e.g. HMRC.

Immigration

the preparation and submission of immigration applications, excluding asylum applications.

the provision of advice and representation at the First-tier Tribunal (Immigration and Asylum Chamber) in relation to appeals against Home Office visa or immigration decisions, excluding asylum appeals.

Immigration

- The quoted fee should include and should list:
- considering documents
- attending on the client
- taking their instructions and providing advice
- preparing and submitting the application
- advising the client on timelines and the outcome of their application
- It should also be clear what is not included in the quoted fee, and specify what disbursements (such as interpreters fees) are included.

Road Traffic Offences

the provision of advice and representation at the Magistrates Court in relation to **summary only** road traffic offences dealt with at a single hearing.

Road Traffic Offences

- If you undertake this work on an hourly rate basis, provide the rate and an estimate of the number of hours
- Unless stated as a specific exclusion, the price displayed should include:
 - Considering evidence
 - Providing advice in relation to plea and likely sentence
 - Where you cannot anticipate the likely sentence, advice on the options available to the court in relation to sentencing
 - Where appropriate, advice on whether an exceptional hardship, or special reasons argument should be made
 - Representation at a single hearing

Employment Tribunals

The provision of advice and representation to employees in relation to the bringing of claims before the Employment Tribunal against an employer for unfair dismissal or wrongful dismissal.

Employment Tribunals

- If you cannot provide the total cost of a service, you can provide the average cost or a range of costs instead. The SRA have not prescribed what these ranges are, but they should be the best information you can provide based on your knowledge and experience.
- One method of providing this information is to set out the normal range of costs for cases depending upon their complexity.
- If you follow this model you will need to set out some factors to help consumers determine whether their case is likely to be of simple, medium or high complexity.

Services in relation to businesses

- (a) the provision of advice and representation to employers in relation to defending claims before the Employment Tribunal brought by an employee for unfair dismissal or wrongful dismissal;
- (b) debt recovery up to the value of £100,000;
- (c) the provision of advice and assistance and representation in relation to licensing applications for business premises.

Details of Staff

- You will be required to provide an over view of the experience of the individuals dealing with each type of matter, and;
- The details and experience of the supervising staff member.

Example of Staff Details

- Tamara Singh – Partner
- Tamara is the head of our team and has over 20 years' experience in private client work, specialising in wills and probate. Tamara has been working in this area since she qualified and has helped thousands of families and individuals.
- Tamara qualified as a solicitor in 1996 after gaining a First in Law from the University of Exeter. She completed her training contract at Legal & Co and worked at different firms before moving on to join our firm in 1998. She became a partner in 2006.
- Tamara has also completed several professional development courses in probate and estate administration.

Complaints and the LeO

You must publish on your website details of:

- your complaints handling procedure.
- details about how and when a complaint can be made to the Legal Ombudsman.
- details about how and when a complaint can be made to the SRA.

Digital Badge

- The Transparency Rules will require all regulated firms to display the SRA digital badge on their website. This will show that the law firm is regulated by the SRA and the protections that brings.
- The badge, will be available to download from 6 December but it will not be compulsory to display the digital badge until Spring 2019.
- The SRA will publish full details on how to download and use the badge, together with further guidance, in November.
- Please check or add your website within mySRA, as you can only use the badge if the SRA have an accurate address for your firm.

Next steps

- Any questions e-mail teamadmin@dglegal.co.uk with Transparency Rules in the heading.
- Presentation, FAQ & Useful links guide will be produced next week.
- Further assistance contact (e.g. retainer support or training for staff), contact DG Legal by phone 01509 214999 or e-mail .
- <https://www.sra.org.uk/solicitors/resources/transparency.page>

Pat Estabrook | Consultant

M: 077 8631 4011

T: 01509 214 999

E: pat@dglegal.co.uk