

STATEMENT OF PRACTICAL EXPERIENCE (SoPE) Probate Licence

Mandatory Version to be used from February 2024

ABOUT THIS DOCUMENT

ELIGIBILITY CRITERIA TO APPLY TO THE CLC FOR A LICENCE

CLC Licence applications include all first qualifying licence, and dual/cross licence applications (Solicitors and CILEX Practitioners only) to become a Licensed Conveyancer and/or Licensed Probate Practitioner. More about how the CLC applies its regulatory frameworks can be found in the [CLC Lawyer Licensing Framework](#).

Item 1: Demonstrating Eligibility to make an Application:

Prospective Applicants that have not held a CLC licence before, must satisfy the CLC they have:

- 1 (A) passed the CLC's qualifying examination. This comprises of the [SQA Conveyancing Law and Probate Law and/or Practice Diplomas at Level 4 and Level 6](#). Or CLC recognised equivalent professional qualification as prescribed in the [Exemptions Guidance](#); and in respect of HoLP and HoFA applications, [Ongoing Competency pre-application Requirements](#).
- 1 (B) Completed the [CLC Practical Training](#) requirements as prescribed in the Statement of Practical Experience for Conveyancing and/or Probate.

Prospective Applicants will be asked to submit evidence of the above. When any one of these criteria has not been met, prospective applicants will receive one opportunity to provide missing or revised information. Which must be provided to the CLC within 14 days of the request. **Absence of satisfactory evidence (Item 1(A) and 1(B)) is a material omission to an application and the CLC will treat the application as incomplete.**

PRACTICAL TRAINING REQUIREMENTS

CLC Licence Applicants must demonstrate that:

- they have obtained a minimum of 1200 hours of supervised qualifying work experience; and
- their experience meets the CLC's Day One Outcomes, including the competent completion of standard legal and technical processes; and
- they act in a professional, principled manner as per the CLC Code-of-Conduct requirements.

All applicants seeking to apply for a CLC Licence must complete this Statement of Practical Experience (SoPE).

The SoPE forms the occupational competency and professional standards component of a CLC licence application.

An invalid SoPE will be treated as a material omission and the CLC will treat the application as incomplete.

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The CLC will as part of its standard application checks seek to verify genuine supervision arrangements have been conducted. This includes verifying SoPEs with the Authorised Persons who has certified it, and if appropriate, the named employer.

QUALIFYING WORK EXPERIENCE

Qualifying work experience amounts to 1200 hours of supervised work either in full or part time employment completed over a period of 24 months within the past 36 months under supervision of a qualifying Authorised Person in the employment of a Qualifying Employer.

QUALIFYING EMPLOYERS

A Qualifying Employer is a business that:

- A. is regulated by a statutory regulator (such as the CLC, CILEx Regulation, the SRA) in England and Wales; and
 - B. is licensed to provide conveyancing or probate services to the public in England and Wales; and
 - C. has a registered main office in England and Wales
- OR
- D. a Government body, Local Authority, Utilities Company, or national charity (when the work of the licence applicant has been supervised by an Authorised Person in their capacity as in-house legal counsel).

Where supervision cannot be obtained through the standard qualifying work experience route, i.e. in full or part time employment, or in a Qualifying Business. Prospective licence applicants should secure other appropriate supervision arrangements from another appropriate business or Authorised Person. These arrangements should be agreed with the CLC **BEFORE** the period of practical experience begins. Sole Practitioners should contact the CLC to discuss what options may be available to them.

Please email licensing@clc-uk.org with a detailed explanation of your circumstances. We will confirm in writing whether the arrangements have been accepted. Please wait to receive confirmation that this arrangement has been accepted before commencing the 1200 hours of practical experience.

You will be asked to submit this written confirmation with your SoPE as part of the licence application.

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QUALIFYING AUTHORISED PERSONS

A **Qualifying Authorised Person** is an “Authorised Person” i.e., a licensed probate practitioner, a solicitor or a CILEX Lawyer (Probate Practitioner and Fellow), licensed by a regulatory body in England and Wales to offer probate services directly to the public.

- They should hold a current and valid licence, free of conditions.
- They may not certify a SoPE when they are the subject of any regulatory or disciplinary investigations, allegations, proceedings or subjected to a disciplinary sanction during the period of supervision. When a CLC disciplinary sanction has been applied and published, the findings will remain on the CLC website for 2 years, or for the duration of the sanction applied, whichever is the longer period. Supervision cannot take place whilst the sanction remains in effect.
- They are the individual that is providing legal supervision to the licence applicant during the period of their qualifying employment.
- They should be employed by the Qualifying Employer. This means being either a) as a direct line manager or b) a delegated legal supervisor. This excludes peer working arrangements, such as consultants operating as agents verifying each other’s SoPEs.
- Only in exceptional and pre agreed circumstances should the Authorised Person be a relative or spouse of the applicant.

Supervision by a relative or spouse must be agreed with the CLC **BEFORE** the period of practical experience commences. The applicant should email licensing@clc-uk.org setting out the exceptional circumstances. We will confirm in writing whether it is agreed that the circumstances are exceptional and that the proposed supervision arrangements are satisfactory.

You will be asked to submit this written confirmation with your SoPE as part of the licence application.

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APPRENTICES

National Government Apprentices, on the Level 6 Licensed Conveyancer route, may have their SoPE verified by a Legal Education and Training Supervisor when it is completed as part of the End-Point-Assessment.

Please note SoPEs are routinely verified by the CLC in all licence applications.

INVALID SOPEs

A SoPE will be considered invalid when: -

- the Authorised Person certifying the SoPE is not considered to be a Qualifying Authorised Person.
- When the supervision has not been conducted in the employment of a Qualifying Employer

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SECTION 1: TECHNICAL PROCESSES COMPLETED SATISFACTORILY		
(A) WILL INSTRUCTIONS		
DATE FROM:	<input style="width: 90%;" type="text"/>	TO: <input style="width: 90%;" type="text"/>
<i>Tick when completed</i>		√
1	Taking initial instructions for the preparation of a Will including client's personal and financial details	
2	Advising on taxation implications of the deceased's Will instructions	
3	Preparing draft Will and submitting the same to client with explanatory letter advising on effect thereof	
4	Attending client on signing and witnessing of Will	
5	Taking instructions for a Codicil and other steps as set out above for a Will	
6	Advising client on need for statement to be placed with the Will regarding reasonable financial provision for the client's family members	
7	Drafting discretionary trust and other tax planning vehicles	
I confirm as the certifying lawyer that the applicant is competent in the above technical processes.		
<i>Please initial in the box</i>		

(B) GENERAL CONSIDERATION OF LAW IN THE FOLLOWING AREAS		
DATE FROM:	<input style="width: 90%;" type="text"/>	TO: <input style="width: 90%;" type="text"/>
<i>Tick when completed</i>		√
1	Inheritance (Provision for Family & Dependents) Act 1975	
2	Wills Act 1837 in relation to:	
3	Validity of Will	
4	Execution and attestation of Will	

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5	Revocation of a Will	
6	Revival of a Will	
I confirm as the certifying lawyer that the applicant is competent in the above technical processes.		<i>Please initial in the box</i>

(C) PROBATE INSTRUCTIONS		
DATE FROM: <input style="width: 200px; height: 25px;" type="text"/> TO: <input style="width: 150px; height: 25px;" type="text"/>		
		<i>Tick when completed</i>
		√
1	Taking initial instructions from client including investigating all relevant papers relating to the deceased's assets and liabilities	
2	Registering the death	
3	Registering death certificate with all companies	
4	Obtaining valuation of assets comprised within the estate	
5	Preparing IHT form with supplementary schedules	
6	Making the application to the probate registry for appropriate form of Grant	
7	Preparing all appropriate forms to effect closure and transfer of assets comprised within the estate including bank accounts, building societies, insurance policies, National Savings investments of various kinds, National Savings Bank etc.	
8	Registering grant of probate with all companies and effecting encashment and closure of accounts and assets	
9	Writing to pecuniary and specific legatees to confirm their details and thereafter effecting payment of legacies	
10	Preparing and submitting section 27 Trustee Act 1925 advertisements	
11	Making payment of all outstanding liabilities of the deceased	

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12	Making payment of pecuniary and specific legacies on production of prepared form of receipt and indemnity for each legatee	
13	Finalising deceased's income tax position including making final return to date of death and applying for refund or making final balance payment as appropriate	
14	Considering need and desirability of making interim distribution to the residuary legatees	
15	Prepared deed of variation	
16	Preparing disclaimer	
17	Preparing detailed estate accounts	
18	Making final distribution to residuary beneficiaries	
<p>I confirm as the certifying lawyer that the applicant has demonstrated an effective consideration of the above general areas of law.</p> <p style="text-align: right;"><i>Please initial in the box</i></p>		

(D) GENERAL CONSIDERATION OF LAW IN THE FOLLOWING AREAS

DATE FROM:

TO:

		<i>Tick when completed</i>
1	Non-contentious probate rules	√
2	Inheritance (Provision for Family & Dependents) Act 1975	
3	Considering and advising on homemade Wills and, where appropriate, preparing appropriate forms of Oath of due executions, plight and condition etc.	
<p>I confirm as the verifying supervising lawyer that the applicant has demonstrated effective consideration of the above areas of law</p> <p style="text-align: right;"><i>Please initial in the box</i></p>		

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SECTION 2: DAY ONE OUTCOMES COMPLETED SATISFACTORILY		
2.A PROFESSIONAL CONDUCT		
Tick when confident that the Applicant/CLC Trainee Lawyer/Apprentice has competently demonstrated each area of professional conduct.		
	<i>Tick when demonstrated</i>	√
1	Works closely with 3rd party stakeholders and other professionals to understand their technical legal requirements and provide excellent customer service for example, property managing agents, probate lawyers, mortgage brokers, land registry, financial institutions, insurers and Government departments.	
2	Provides ethical legal services ensuring high standards of client care ensuring they are acting in the best interests of the client	
3	Undertakes professional case review of self and others to identify risks and recommend areas for improvement, remedial actions paths to progression and escalation	
4	Engages in identifying the limits of their personal professional experience and competence and escalate instructions that are beyond their scope of expertise	
5	Manages client and organisation data securely and confidentially in compliance with legislation	
6	Conducts all transactions with awareness of fraud including taking a defensive approach towards cybercrime	
7	Risk assesses the impact of transactions on clients and other stakeholders to ensure compliance with legislation and professional standards including recommendations for the mitigation of risks	
8	Ensures all transactions are undertaken in compliance with Anti-Money Laundering regulations	
9	Leads case progression activity to ensure caseloads move with timeliness and with a view to commerciality	
10	Works closely with clients and third parties providing effective customer service	
11	Manages their personal and professional continuous development	
I confirm as the certifying lawyer that the applicant has competently demonstrated each area of professional conduct.		
<i>Please initial in the box</i>		

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2.B. LEGAL AND TECHNICAL PROFICIENCIES			
Tick when confident that the applicant/CLC Trainee Lawyer/Apprentice has competently demonstrated each proficiently.			
		<i>Tick when demonstrated</i>	√
1	Manages caseload to prioritise customer service and working in the clients' best interests		
2	Manages relationships with other lawyers and professional third parties using most effective channels to progress caseloads		
3	Manages clients and their expectations using the most effective channels to ensure clarity of understanding and facilitate clients making informed choices		
4	Handles points of contact with clients and key milestones in an organised and controlled way to lead the client customer experience		
5	Uses the principles of Law and translate using plain English to provide clarification and explanation of the legal process and standard Legal terms.		
6	Organises and manages workflow such as legal files, case management and accounting systems to progress work within service level expectations		
7	Protects client's interests to ensure they receive an honest and lawful service.		
8	Manages risk in relation to legal and regulatory liabilities with regards to the client and business to satisfactorily discharge all professional obligation and limit exposure to complaints and reputational harm to the business.		
9	Manages legal processes adhering to professional, supervisory and regulatory Codes of Conduct		
10	Delivers a cost-effective service by analysing the financial costs and fees generated by activities to inform good business decision making through price transparency. For example operating within the cost-model of the business or identifying when fees have exceeded the initial quote and taking mitigating actions.		
11	Applies fraud protection measures and cyber security procedures in relation to transactions		

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12	Undertakes “Know Your Client” activities to ensure a clear picture of a client’s needs and risks throughout legal transactions.	
13	Provides advice and drafting of wills and lasting powers of attorney to clients	
14	Provides advice to clients during probate activities and the administration of estates.	
15	Manages a case load of drafting of wills, lasting powers of attorney and probate activities to appropriate timescales and quality standards.	
16	Provides legal services in connection with disposal of an estate including advice and guidance to clients relevant to wills and probate	
17	Assesses legal, regulatory and commercial risk related to disposal of estate	
18	Reviews and interpret legal documents related to disposal of estate including completing documentation	
19	Drafts legal documents related to probate transactions such as Wills and Lasting Powers of Attorney	
<p>I confirm as the certifying lawyer that the applicant has competently demonstrated each area of proficiency.</p> <p style="text-align: right;"><i>Please initial in the box</i></p>		

2.C ETHICAL BEHAVIOURS

Tick when confident that the Applicant/Trainee/Apprentice acts in a principled manner consistent with the CLC Code of Conduct and Ethical Principles.

		<i>Tick when demonstrated</i>	√
1	Principle - Act with integrity, honesty, and independence		
2	Principle - Know each customer, treat them fairly, keep their money safe, and act in their best interests		
3	Principle – Uphold the rule of law and public trust in the profession and legal services		
4	Principle - Maintain high standards of professional and personal conduct		
5	Principle – Collaborate openly and truthfully comply with regulators, ombudsman, and other legal professionals		

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6	Principle - Promote and support equality, diversity and inclusion in practice and service delivery	
<p>I confirm as the certifying lawyer that I am confident that the applicant acts in a principled manner consistent with the CLC Code of Conduct and Ethical Principles.</p> <p style="text-align: right;"><i>Please initial in the box</i></p>		

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SECTION 3: AUTHORISED PERSON DECLARATION <i>(Please tick to confirm)</i>						
Important Note: An Invalid SoPE will invalidate the Licence Application						
A	I certify that I have read Sections 1 and 2, and that the details shown above are complete and correct.	Yes <input type="checkbox"/>	No <input type="checkbox"/>			
B	I confirm that I have the appropriate licence and practising permissions to supervise the Reserved Instrument Activity of Probate Services.	Yes <input type="checkbox"/>	No <input type="checkbox"/>			
C	I confirm that I hold a current and valid licence free of conditions	Yes <input type="checkbox"/>	No <input type="checkbox"/>			
D	I confirm that I am not subject to any regulatory or disciplinary investigations, allegations or proceedings.	Yes <input type="checkbox"/>	No <input type="checkbox"/>			
E	I confirm that I am not a spouse or relative of the licence applicant.	Yes <input type="checkbox"/>	No <input type="checkbox"/>			
F	I confirm that I am a spouse or relative of the licence applicant and have obtained agreement from the CLC to provide legal supervision and certify this SoPE. <i>(Please ensure the applicant attaches a copy of the CLCs agreement with their licensing application)</i>	Yes <input type="checkbox"/>	No <input type="checkbox"/>			
G	I was the direct line manager, or designated supervisor of the licence applicant (for a minimum of 1200 hours over 24 months) whilst working at the qualifying employer named below:					
	Employer Name:					
	Practice Regulatory ID Number:					
	Supervision Period covered from Date:					
	Supervision Period covered to Date:					
Authorised Person Name: <i>[IN CAPITALS]</i>						
Work Email Address:			Work Phone:			
Job Title:						
Professional Status:	Licensed Probate Practitioner	<input type="checkbox"/>	Solicitor	<input type="checkbox"/>	CILEx Lawyer	<input type="checkbox"/>
Licence or Practising Certificate Number:						
Signature:				Date:		

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National Government Apprentices ONLY			
Legal Supervisor			<input type="checkbox"/>
In what capacity are you certifying the Applicant:		Job Title:	
Work Email:		Work Phone Number:	

SECTION 4: APPLICANT DECLARATION <i>(Please tick to confirm)</i>			
I confirm that the details shown above are complete and correct			<input type="checkbox"/>
Applicant Name: <i>[IN CAPITALS]</i>			
Signature:		Date:	
Cross/Dual Qualifying Lawyer	<input type="checkbox"/>	CLC Trainee Lawyer	<input type="checkbox"/>
		Apprentice	<input type="checkbox"/>

SECTION 5: USING YOUR PERSONAL DATA
<p>Your details will be held by the CLC in accordance with the General Data Protection Regulations (GDPR). For the purposes of GDPR, if you provide any information to us, we will be the data controller.</p> <p>For further information about how your information is used, how we maintain the security of your information, and your rights to access information we hold about you, please see our privacy policy which is kept under regular review.</p> <p>You can contact our Data Protection Officer via email at privacy@clc-uk.org or in writing to:</p> <p>Council for Licensed Conveyancers We Work, 120 Moorgate, London EC2M 6UR Main Line: 020 3859 0904</p>