

## Schedule 5 – Institute of Professional Willwriters

16<sup>th</sup> March 2021 to 15<sup>th</sup> March 2021

Information to be included in an ADR entity's annual activity report

(a) the number of domestic disputes the ADR entity has received;

No. enquiries received (domestic)	No. enquiries received (cross-border)	No. disputes received (domestic)	No. disputes received (cross-border)	No. disputes accepted (domestic)	No. disputes accepted (cross-border)
4	0	4	0	4	0

(b) the types of complaints to which the domestic disputes and cross-border disputes relate;

Types of disputes:

- **Enduring Power of Attorney documents held in storage by a member firm had been damaged. The firm took the view that they had told the complainant previously that they had been damaged - but could not provide proof and that as the complainant could complete Lasting Powers of Attorney online at no cost he had not suffered a loss. ADR found in favour of the complainant and a refund of the fees paid to draft the documents was ordered.**
- **Firm had failed to carry out the administration of an estate 'properly' – according to a firm of solicitors – there were two of these types of complaint involving two different firms of solicitors. ADR didn't find in favour of either complainant – see the end of this report for more detail.**
- **Dissatisfaction with the response times to queries made by the complainant to the member firm during the pandemic. ADR found in partial favour of the complainant. The pandemic had clearly played a part in the delayed responses but there were times when the complainant was due a response and he was ignored. ADR found partially in favour of the complainant and half of the fees paid were refunded.**

(c) a description of any systematic or significant problems that occur frequently and lead to disputes between consumers and traders of which the ADR entity has become aware due to its operations as an ADR entity;

- **None**

(d) any recommendations the ADR entity may have as to how the problems referred to in paragraph (c) could be avoided or resolved in future, in order to raise traders' standards and to facilitate the exchange of information and best practices;

- **Not applicable**

(e) the number of disputes which the ADR entity has refused to deal with, and the percentage share of the grounds set in paragraph 13 of Schedule 3 on which the ADR entity has declined to consider such disputes;

Total no. of disputes rejected	<b>None</b>
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<b>Reason</b>	<b>No. rejected</b>	<b>Percentage of rejected</b>
a) the consumer has not attempted to contact the trader first		
b) the dispute was frivolous or vexatious		
c) the dispute had been previously considered by another ADR body or the court		
d) the value fell below the monetary value		
e) the consumer did not submit the disputes within the time period specified		
f) dealing with the dispute would have impaired the operation of the ADR body		

(f) the percentage of alternative dispute resolution procedures which were discontinued for operational reasons and, if known, the reasons for discontinuation;

	<b>No. discontinued</b>	<b>Percentage of discontinued</b>
Discontinued for operational reasons	<b>None</b>	

Reasons for discontinuation:

(g) the average time taken to resolve domestic disputes and cross-border disputes;

	<b>Domestic</b>	<b>Cross-border</b>
Average time taken to resolve disputes (from receipt of complaint)	<b>47 days</b>	<b>N/A</b>
Average time taken to resolve disputes (from 'complete complaint file')	<b>5.75 days</b>	<b>N/A</b>

Total average time taken to resolve disputes	<b>47 days</b>
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(h) the rate of compliance, if known, with the outcomes the alternative dispute resolution procedures

- **100%**

*(i) This point has been removed in amendments on 1 January 2021*

Please add any additional information or data you think might be useful or interesting at the bottom of this report.

**Two of the complaints were arguably politically and commercially motivated, though the complainants wouldn't have appreciated this fact. In both cases, complainants had sought alternative opinions on work carried out by a member firm from a firm of solicitors. The actions were akin to taking a BMW car into a Mercedes garage and asking for an opinion. In both cases the firms of solicitors were been critical of the work carried out, but in both cases the IPWADR found there were no issues with the work carried out and the complaints were rejected.**

**In one complaint, the following comment was made by the complainant "the industry is unregulated and upon touching base with my solicitor the first thing he explained was about the shambolic mess in the UK that has been created by unqualified , incompetent people working freely in this unregulated industry"**

**In the other the complainant, despite the administration of an estate being completed by the firm and all of the beneficiaries being paid to their satisfaction, the complainant stated "We have had to instruct a solicitor who has needed to start from scratch with most of the estate administration therefore we would like monetary compensation as we have not received any useful service."**