



Institute of
Professional
Willwriters

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Scottish
Professional
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Making a complaint



Making a complaint

Members of the Institute of Professional Willwriters (IPW) and members of the Institute of Scottish Professional Willwriters (ISPW) (the Institute) have chosen to join the Institute because they wish to operate to the highest standards within the profession.

Regardless of any 'small print' or formal procedures, Institute members aim to exceed the expectations of every one of their clients.

Very occasionally things can go wrong and this booklet details the procedure for dealing with any matters of dissatisfaction or non-compliance with the Institute's Code of Practice.

For any matter relating to the Code of Practice, please contact the Institute. Contact details are at the back of this brochure.

1. Clear channels for Clients for resolution if things go wrong

- 1.1 Clients do not have to pursue matters of dissatisfaction through the procedures laid out in this booklet and may pursue other options, such as court action, as well as or instead of these procedures at any time if they wish.
- 1.2 Clients must, in all cases, raise issues of dissatisfaction with the Member before pursuing other options described in this booklet. Both Clients and Members are encouraged to resolve any matters of dissatisfaction informally, if at all possible.
- 1.3 A complaint is any expression of Client dissatisfaction which the Member is unable to resolve informally.
- 1.4 Members are required to maintain and conduct a complaints procedure which shall be in writing and issued to all employees, agents, subcontractors and franchisees. It must be available on request to all Clients and will be sent to anyone making a complaint. The written complaints procedure will cover the Member's internal systems including the name of a person responsible for handling complaints (or their job title) and explain how the matter can be referred by the Client or Member to either:
 - 1.4.1 The Legal Ombudsman if applicable or;
 - 1.4.2 The IPW Alternative Dispute Resolution (IPWADR) Service .
- 1.5 Each Member's complaints procedure is required to be available for prompt inspection by the Institute during normal business hours.

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- 1.6 All complaints, including those made orally, must be recorded and be available for prompt inspection by the Institute during normal working hours. Information recorded must include the name of complainant, their contact details and a summary of the complaint.
- 1.7 Written complaints are required to be acknowledged in writing within 5 days of their receipt by the Member (except when the Member is on holiday or ill, in which case they must be acknowledged within 19 days) together with a written commitment to send a formal, written, response within 56 days of receipt of the complaint.
- 1.8 The Member must communicate with a representative appointed by the complainant in writing.
- 1.9 The Member is required to make available to the Institute, promptly, a full record of the details of all the complaints made in the preceding 3 years upon request.

2. An option for matters to be considered by the Legal Ombudsman

- 2.1 If this option is available it should be described in the Letters of Engagement provided by the Member.
- 2.2 Where this option is available, complainants should refer the matter to the Legal Ombudsman whose contact details are as follows:

Legal Ombudsman
PO Box 6806
Wolverhampton
WV1 9W

Telephone: 0300 555 0333
www.legalombudsman.org.uk
enquiries@legalombudsman.org.uk

- 2.3 If this option is not available, complainants can follow the procedures available in section 3 described on the following pages.

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3. An arbitration service provided by the Institute for all other cases which cannot be easily resolved the details of which are as follows:

- 3.1** Clients who have been unable to obtain satisfactory redress to their complaint through the Member's own internal procedure may refer it to the IPW Alternative Dispute Resolution (IPWADR) Service provided by the Sponsor.
- 3.2** There is no cost to the Client or to the Member for the Client accessing the IPWADR Service and it does not prevent the Client from seeking redress (such as through court proceedings) instead of through the IPWADR Service or once the IPWADR has been completed or ended early by the Client.
- 3.3** The IPWADR Service and those who consider its cases are funded from a budget separate from the budget of the Institute.
- 3.4** The IPWADR Service will consider the following complaints;
 - 3.4.1** About service irrespective of where the Client is resident.
 - 3.4.2** About documents drafted in accordance with the laws of the United Kingdom.
- 3.5** The IPWADR Service is unable to consider the following matters:
 - 3.5.1** Claims for compensation for financial loss sustained through the negligence of the Member. These issues should be dealt with through the indemnity insurers of the Member and it is mandatory that all Members have such indemnity insurance.
 - 3.5.2** Where the matter has not been brought to the attention of the Member and/or the Member has not been allowed to respond to the matter in accordance with clause 1.2 of this booklet.
 - 3.5.3** Where the total value of the fees paid for the transaction (or part of it) which is in dispute is greater than £10,000.
 - 3.5.4** Where the disputed transaction started before an individual or firm became a Member of the Institute, or where the Member of firm is no longer a member of the Institute or when the transaction was completed more than 12 months previously.
 - 3.5.5** Where the Client refuses to give permission for the IPWADR Service to access their file held by the Member.
 - 3.5.6** Where the dispute has already been considered by either a court or another approved ADR provider.

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- 3.5.7** If it becomes apparent that one of the parties has sought to deliberately mislead the IPWADR Service on a matter which would otherwise have led to the refusal of the IPWADR Service to deal with the dispute.
- 3.6** Where a complaint is submitted to the IPWADR Service and it is apparent (or it subsequently becomes apparent) that it cannot be dealt with because of one of the above provisions then the IPWADR Service will promptly advise both parties (and any relevant 3rd parties), giving reasons.
- 3.7** Clients must submit their complaint in writing by any of the following methods:
- 3.7.1** by post to
Institute of Professional Willwriters
Trinity Point
Halesowen
West Midlands
B63 3HY
- 3.7.2** by email to compliance@ipw.org.uk
- 3.7.3** online at www.ipw.org.uk/professional/making-a-complaint
- 3.8** Where a Client submits their complaint online, all future exchanges of information will be by email. Where a Client submits their complaint by post, all future exchanges of information with them will be by post unless the Client requests them by email. All exchanges of information with a Member will be by email.
- 3.9** Complaints must be submitted in the English language and the IPWADR Service will be conducted in the English language.
- 3.10** Clients can appoint an advisor or a third party to represent them, though this is not a requirement to be able to access the IPWADR Service.
- 3.11** Once the ADR procedure has started, the Client can withdraw from the procedure at any time by writing to the Institute.
- 3.12** The Member will be provided with full details of the complaint made by the client and will be allowed 14 days in which to respond to the allegations made by the client. The Client will then be provided with details of the response from the Member and given 14 days to respond to the response from the Member. This process will continue until both Client and Member have made all of their points in their responses or failed to respond within 14 days whichever occurs first.

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- 3.13** When both the Client and the Member have reached the point where they have no further comments to make, the complaint file will be considered complete and a copy of it will be made available to both parties.
- 3.14** All complaints will be considered by an ADR official who shall immediately declare any conflict of interest to another ADR official and the case will then be considered by another ADR official.
- 3.15** The IPWADR Service will advise both parties of the outcome within 90 days of the date that the complaint file became complete,
- 3.16** Where a case is complex and cannot be resolved within 90 days of the date that the complaint file became complete, both parties will be advised of the need for an extension of the timescale and the length of the extension required.
- 3.17** In considering any matter, the ADR official shall consider the requirements of the IPW Code of Practice, best practice in the sector and legislative requirements.
- 3.18** The outcome decided by the IPWADR Service will be notified in writing to both parties, including the grounds on which the outcome was decided. The outcome is binding on the Member who must comply promptly with any award made by the IPWADR Service.
- 3.19** An award may include any of the following:
 - 3.19.1** A refund of any fees paid by the Client up to a maximum of the fees paid by the client for the transaction (or the element of it that is in dispute) and/or
 - 3.19.2** A requirement for remedial work to be completed by the Member and/or
 - 3.19.3** An award of costs to the client, limited to the actual costs that they have incurred in pursuit of their complaint.
- 3.20** The Client must advise the IPWADR Service whether they accept or reject the outcome within 14 days of them being advised of it. If no response is received within the 14 day period, the IPWADR Service will consider the dispute closed.
- 3.21** A report may be made by the IPWADR Service to the Council of the Institute who is empowered to sanction any Member.

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Full details of the rules of the IPWADR can be found at www.ipw.org.uk/professional/making-a-complaint

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