

Fellowship of Professional Willwriters and Probate Practitioners



COMPLAINTS PROCEDURE

Complaining about a Professional Will Writer or a Probate Practitioner

The Fellowship of Professional Will Writers and Probate Practitioners (the Fellowship) requires a high level of professional care in respect of work undertaken by its members. One of the Fellowship's functions is to deal with complaints against our members made by members of the general public.

This leaflet explains the steps we take when we receive a complaint about the standard of service which as clients you should expect from our members.

How can I make a complaint about a Professional Will Writers and Probate Practitioner

You should complain to us in writing, preferably on a Complaint Form. You can get a form from our offices or from the Fellowship website at: www.fpwpp.co.uk

How will my complaint be handled?

The procedure is set out in the attached timetable. We will tell you if we make any significant changes to the procedure or the timetable.

We will generally send you and the Will Writer or Probate Practitioner concerned copies of correspondence and other documents that we receive, unless there are good reasons for not doing so.

If a Will Writer or a Probate Practitioner fails to respond promptly and politely to any correspondence from us, they may be in breach of our Rules of the Code of Conduct.

We are able to require Will Writers and Probate Practitioners to deliver a file or files to us.

All complaints are referred to our Regulatory Committee, even those that are resolved by correspondence. The Regulatory Committee considers complaints after receiving final responses and observations from both complainants and the Will Writer or Probate Practitioner concerned.

What is the Regulatory Committee?

One of the functions of the Regulatory Committee is to determine complaints about member Will Writers and Probate Practitioners. Its powers are summarised in this leaflet.

What are the powers of the Regulatory Committee?

The Regulatory Committee examines complaints about Will Writers and Probate Practitioners.

If you were the client of the Will Writer or Probate Practitioner, the Committee may:

- > order a Will Writer or Probate Practitioner to Repay some or all of the costs paid;

- > order a Will Writer or Probate Practitioner to pay compensation of up to £500 for loss suffered which may include compensation for distress and inconvenience (guidance at the end of this leaflet explains how this is determined);
- > Impose a penalty of up to £500.00.
- > order a Will Writer or Probate Practitioner to rectify any error at the expense of the Will Writer or Probate Practitioner.
- > issue a written caution or reprimand.
- > institute further investigation (including appointing appropriately qualified investigator(s)).
- > refer the matter to the Adjudication and Appeals Panel for determination.

The Adjudication and Appeals Panel may upon determination:

- > order that a condition be imposed on the members Membership Certificate which must be complied with.
- > Order that a member be suspended as a member for a defined period or order that membership be terminated permanently
- > order a Will Writer or Probate Practitioner to pay compensation of up to £5000 for loss suffered which may include compensation for distress and inconvenience (guidance at the end of this leaflet explains how this is determined);
- > order a Will Writer or Probate Practitioner to rectify any error at the expense of the Will Writer or Probate Practitioner.
- > issue a written caution or reprimand.
- > Impose a penalty of up to £5000.00.
- > Order that the member in question pays the costs involved in the hearing of the Adjudication and Appeals Panel.

What about claims for negligence?

Although poor service may include negligence, any potential negligence claim should first be referred to the practitioner's insurers. At your request, the Regulatory Committee will consider any outstanding complaints after the negligence claims have been either resolved or abandoned.

Appeals

Any member who is aggrieved in respect of a decision of the Regulatory Committee or the Adjudication and Appeals Panel may within 28 days of the date of the decision request an Appeal against such decision. The Appeal shall be conducted by the Adjudication and Appeals Panel (with if the decision appealed is one of that Panel different panel members sitting).

Data Protection Act 1998

The Fellowship is registered as a data controller under the Data Protection Act 1998 and therefore must comply with the rules of good information handling. The Data Protection Act allows individuals to find out what information is held about themselves on computer and some paper records.

Equal Opportunities Policy

In our regulatory work and in processing complaints against Will Writers and Probate Practitioners, we are committed to ensuring that all users of the complaints service are treated fairly, impartially and without discrimination based on race, colour, ethnic or national origin, nationality, citizenship, sex, sexual orientation, marital status, disability, age, religion, philosophical beliefs or political persuasion.

COMPLAINTS' TIMETABLE

Procedures		Timescale for response
1.	We acknowledge to you that we have received the complaint.	Within 5 working days of receipt.
2.	We send a copy of the complaint to the Will Writer or Probate Practitioner.	Within 5 working days of receiving the complaint.
3.	The Will Writer or Probate Practitioner should respond to the letter informing them of the complaint	Within 10 working days of the date of the complaint letter.

Investigation of Complaint:

4.	We send you a copy of the Will Writer's or Probate Practitioner's response for comment.	Within 5 working days of receiving this response
5.	We acknowledge the response from the Will Writer and Probate Practitioner	Within 5 working days of receipt
6.	If you tell us that you are not content with the Will Writer or Probate Practitioner's response, we write to ask the member in question to send us the file within 10 days of the date of our request.	Within 5 working days of receiving the complainant's response
7.	An external report writer, who has will writing or probate experience, will prepare a report on the file.	A report is normally available within 8 weeks of receiving the file
8.	If time-scales not met, we will let both parties know.	
9.	Once a report is available, we send copies to both parties, giving them the opportunity to comment. We circulate comments to both parties.	Within 21 days of receiving and reviewing the report
10.	PLEASE NOTE: If you do not comment on a Will Writer's or Probate Practitioner's response, then after 3 months the Regulatory Committee will consider the matter, and may decide that the complaint has been abandoned and that the matter should be closed.	

Decision

11.	The complaint is placed before the next available meeting of the Regulatory Committee.	
12.	The parties will be advised of the Committee's decision by letter	Within 28 days of the meeting.
13.	If you are dissatisfied with that decision you may ask the Committee to review its decision. You are expected to notify the Fellowship of your dissatisfaction within 3 months after you have been notified of the decision. If you miss the 3 month deadline, the Committee will not normally carry out a review. However, it may extend this deadline if it thinks that there are 'special reasons' for doing so. 'Special reasons' are reasons outside your control that prevented you from making an earlier application. For example, you or a member of your family may have been seriously ill, or you may have suffered a bereavement.	

Guidance issued by the Regulatory Committee

Awards for Distress and Inconvenience

What is distress and inconvenience?

Distress and inconvenience includes, concern, disappointment, loss of some reasonable expectation and the time and effort you've spent on a complaint that would not have been necessary if your Will Writer or Probate Practitioner's service had been adequate.

How is compensation calculated?

The maximum total award we can make is £5,000 for poor service (but only in respect of relatively serious matters which are referred to the Adjudication and Appeals Panel), including any extra expenses and significant losses. Such a high award is very rare. Sometimes the Regulatory Committee will direct the Will Writer or Probate Practitioner to refund fees you have already paid which may include an element for any distress and inconvenience you have suffered.

We do not have a simple tariff or scale. We will assess your case on its own terms when deciding how much compensation your Will Writer or Probate Practitioner should pay you.

Compensation and the harmful effect of poor service

We may tell your Will Writer or Probate Practitioner to pay you compensation if his poor service falls into one of the categories listed below

Modest - usually £250 or less

Your Will Writer or Probate Practitioner's poor service has had a limited effect. Your Will Writer or Probate Practitioner has made a mistake, acknowledged the mistake, and taken steps to put it right.

Significant - usually between £200 and £500

Your Will Writer or Probate Practitioner's poor service has had a more serious effect, but not a lasting one. The poor quality of your Will Writer or Probate Practitioner's service has caused some concern, annoyance, upset or inconvenience. But it has been a short-term effect, and the problem has been resolved.

Serious - usually in excess of £500

As a result of your Will Writer or Probate Practitioner's poor service, you have suffered a serious effect, probably over a significant period of time. Your quality of life has been considerably disrupted, or you or your family (or both) have suffered particular hardship. Awards of over £500 can only be made by the Adjudication and Appeals Panel where a matter is referred to that Panel by the Regulatory Committee.

Extremely serious - in excess of £1,000

Your Will Writer or Probate Practitioner's poor service has had a severe impact on you, possibly over a long period of time or with permanent effects. Situations of this kind occur very rarely. Awards of over £500 can only be made by the Adjudication and Appeals Panel where a matter is referred to that Panel by the Regulatory Committee.