

THE SOCIETY OF WILL WRITERS

COMPLAINTS AND DISCIPLINARY PROCEDURES

1. Introduction

- 1.1 In this document 'Society' and 'member' shall have the same meanings as attributed in the Society's Code of Conduct
- 1.2 One of the roles of the Society is to regulate its members to ensure that high standards of professionalism, quality of work and ethics is maintained within the profession and, as a result, ensure that consumer confidence in the provision of Will writing and other associated services is maintained.
- 1.3 The Code of Conduct to which each member of the Society is to subscribe states that he will observe the Society's disciplinary procedures.
- 1.4 A growing amount of time is expended by the Society's Director General and staff in handling complaints, many of which could or should be resolved between the member and his client without the need of involving the Society. This has not only presented the Society with a cost which is born by the membership as a whole but has utilised man hours which would otherwise be spent on the Society's other activities.
- 1.5 The Society has since its inception handled complaints to the satisfaction of the majority of its members and the public alike
- 1.6 The purpose of this document is to place the Society's complaints procedure on record for the benefit of members and the public.

2. Receiving and monitoring the complaint

- 2.1 The Society will not entertain a complaint whether made by a member of the public or any other party unless it is in writing.
- 2.2 On receipt of the complaint the Society will advise the complainant (if a member of the public) to make one further attempt to resolve the complaint with the member concerned.
- 2.3 If resolution cannot be achieved within 21 days the complainant shall advise the Society. The complainant will be advised that a copy of his complaint will be supplied to the Member complained against as will copies of any further evidence supplied by the complainant.
- 2.4 Within 14 days the Society will advise the member of the complaint and invite the member's response. The member will respond to the Society within a further period of 21 days and shall pay to the Society an administration fee of £150 within such

period. The member will be advised that his response may be forwarded to the complainant.

- 2.5 The administration fee will be refunded to the member if the member is not found at fault in any way or otherwise at the discretion of the Director General of the Society.
- 2.6 The Society may require of the member or the complainant such further evidence as it considers necessary to consider the complaint and same shall be supplied to the Society within 14 days of request.
- 2.7 Unless any extension shall be agreed by the Society in writing, within the paragraphs of this clause time is of the essence. If either or both if the member or the complainant fail to adhere to the above time limits or supply such evidence as required by the Society or in the case of the member does not pay the administration fee the Director General may determine the complaint as he sees fit.
- 2.8 All correspondence sent to a member shall be sent to his last known address as advised to the Society

3. The handling of the complaint

- 3.1 The complaint shall be determined by the Director General of the Society after consultation with three members of the Senior Council of the Society. The said three members shall be supplied with copies of all the evidence supplied to the Society and shall advise the Society of their view within 28 days. The three said members shall be at liberty to consult together before each reaching his individual decision. A majority decision shall be accepted.
- 3.2 Following the decision of the said three members the Society may:
 - (a) exonerate the member if he is not found to be in breach of the Society's Code of Conduct
 - (b) if the member is found to be in breach of the Society's Code of Conduct:
 - (i) order that the member refunds to the complainant either the whole or part of the cost of services he has provided or charged for and/or
 - (ii) warn the member about his future conduct and/or
 - (iii) order the member to undergo further training or
 - (iv) order a full disciplinary hearing
- 3.3 Either the member or the complainant may appeal against the above decision and such appeal shall be heard before a disciplinary hearing held for that purpose. A disciplinary hearing may also be ordered as a result of the Society's findings as above

- (a) the member and the complainant shall be given 21 days prior notice of the date for such hearing and in the case of non attendance the Society's disciplinary committee may determine the proceedings as it sees fit
- (b) the disciplinary committee of the Society shall consist of two members of the Society's Senior Council and a lay person appointed by the Society
- (c) the member and the complainant shall be entitled to have someone other than a solicitor or barrister to assist him at a disciplinary hearing
- (d) the disciplinary hearing against the member may result in exoneration, a fine, compulsory recommendation for further training, a reprimand, suspension of the member or revocation of the member's membership of the Society
- (e) costs of the disciplinary hearing may be awarded against the member
- (f) the decision of the disciplinary committee shall be final and binding and shall be communicated to the member and the complainant in writing within 14 days of the hearing