



# Claim and Complaint Handling for Professional Services

The number of claims made against professionals is on the rise. There are many possible reasons for this, ranging from the increasing complexity of professional work to a growing awareness that a successful claim against a professional could potentially be lucrative.

While the reasons for the increase in claims is uncertain, the implications for your business are very clear.

Whether legitimate or spurious, a claim or complaint against your business can have a significant impact.

Defending yourself against a claim like this requires a time investment that will reduce your capacity to undertake client work and occupy time that could be spent growing or working on your business.

## ASSISTANCE FOR SMALLER FIRMS

Claims and complaints can present a significant problem for smaller businesses and sole practitioners who often do not have the resources for a dedicated complaint handling department. Even solicitors with litigation expertise will often find that it is more profitable to invest their time elsewhere in their business.

It is with these firms in mind that Fraser Dawbarns have created a complaint handling service for professionals, which has been designed to help save your business time and money.

## A COMPLEX AREA OF LAW

Professional Negligence claims can be complex to defend and often require advice from a specialist solicitor familiar with the practical and legal issues that can arise.

Issues that will need to be considered include:

- Whether there has been a breach of a duty of care owed and the extent of any such duty
- A detailed analysis of the transaction in question and the scope of the particular retainer or instructions
- Whether the client was being advised as to a course of action or merely being given “information” on which to make his or her decision
- Whether any breach of duty has actually caused loss (for example it may be said that had correct advice been given the claimant would still have proceeded with the transaction being advised upon)
- Where a loss has occurred, how it should be properly assessed or valued
- Whether any limitation issues should be considered (such as whether the claim is time barred)

It is important to have a good understanding of these issues and this will often require professional advice throughout all or part of the process whether you are bringing or defending a claim.

Civil

Commercial

Conveyancing

Family

Probate

## OUR PROFESSIONAL SERVICES

Our bespoke and flexible complaints handling service gives you a range of options. We can look after the entire process from beginning to end or we can offer advice and guidance at certain stages of the process.

Our service can be tailored to your needs in terms of the cost, subject to disclosure of your claims and complaints record, so we could charge you by the case (hourly rate or fixed fee) or work subject to a monthly or quarterly retainer to aid your cashflow and provide reports at regular intervals of any active cases.

If you wish to find out more, we are happy to meet and discuss your needs, either at our King's Lynn office or at your office if that's more convenient. Video conferencing is also an option, so if you would prefer to hold an initial meeting through Zoom or Microsoft Teams, we will be happy to accommodate you.

We are also happy to handle your claims as well. We have a good working relationship with many insurers and their nominated solicitors and can help you reach early settlement on any claim, enabling you to get back to client work as quickly as possible.

As with our complaints handling service, we can charge on a case by case basis or act for your business subject to a retainer. We appreciate this is a sensitive area and confidentiality will of course be preserved, under a Non Disclosure Agreement if you wish.

In addition to the above, we can offer training to you and your staff on an ongoing basis to keep you up to date with current requirements and obligations. This can be done on a bespoke basis at your offices or in a group setting at our King's Lynn office with people from other firms.

## ABOUT DAVID OSBORNE, OUR PROFESSIONAL NEGLIGENCE SPECIALIST

Your professional negligence claim will be handled by David Osborne, the Client Relations Manager at Fraser Dawbarns and member of the PLNA (Professional Negligence Lawyers Association). David will be assisted by other members of the civil litigation team.



David has extensive experience across all aspects of civil litigation, including contract disputes, landlord and tenant, professional negligence and inquests.

David handles client complaints for all departments and liaises with our insurers and their panel solicitors when dealing with any claims made against the firm.

As an experienced and highly regarded solicitor, David's suggested course of action is invariably followed by the solicitors engaged by our insurers when handling claims.

David is responsible for ensuring compliance with professional conduct issues and regularly deals with queries from all fee earners and support staff.

In addition to this, David is also an accomplished trainer, writing and administering the training across the firm to ensure compliance with the new Solicitors Code of Conduct and Accounts Rules that was introduced in November 2019.

## CONTACT FRASER DAWBARNS FOR MORE INFORMATION

We are happy to discuss your specific circumstances. If you would like to discuss your case further, please contact either David Osborne on 01553 666600 or at [davidosborne@fraserdawbarns.com](mailto:davidosborne@fraserdawbarns.com). Alternatively, you can contact the head of the civil litigation department, Neil John, on 01945 461456 or at [neiljohn@fraserdawbarns.com](mailto:neiljohn@fraserdawbarns.com).

**Speak to Fraser Dawbarns today to arrange a discussion on how we can help save your business time and money.**

## CONVENIENT LOCATIONS ACROSS EAST CAMBRIDGESHIRE AND WEST NORFOLK



## OUR FULL RANGE OF LEGAL SERVICES INCLUDES:

Agricultural Law • Commercial and Corporate Law • Commercial Property • Family Law • Children Matters • Wills and Estates  
Residential Conveyancing • Tax Planning • Employment Law • Legal Disputes • Lasting Powers of Attorney • Debt Recovery  
Trusts • Personal Injury • Wealth Management • Court of Protection • Probate and Estate Administration • Regulatory Law  
Divorce and Financial Settlements • Prenuptial Agreements • Land and Boundary Disputes • Remortgaging • Professional Negligence