



How to avoid professional negligence claims

When I present this talk I encourage the audience to contribute their own ideas of what works for them as regards a number of topics covered during the session. I have listed a selection of contributed ideas below. I update the list on my website usually within a week of each presentation.

How do you minimise the risk of being sued by unhappy clients?

- Discussing problems with other colleagues/helpline;
- Making sure there's a reasonable argument to back up the decision;
- Put all advice in writing;
- Do not do any work other than by reference to up to date engagement/retainer letter;
- Discuss matter with client and try to resolve by reference to legal documents, accounting standards etc;
- Follow professional guidance;
- Notes of phone calls, emails and letters including meetings;
- Invest in good quality, well trained staff;
- Always ensure exact nature of engagement is specific;
- Be in a position to have the expertise for the agreed engagement (*I assume this means – never advise on something outside one's own comfort zone*)
- Avoid letting unhappy clients stay that way;
- Typed notes of all telephone conversations and meetings;
- Regularly attend CPD courses and do some training each week;
- Use effective checklists;
- Double checking all work (four eyes policy);
- Publicised complaints procedure;
- Not being afraid to say "I don't know, but I will find out";
- Have good procedures and ensure staff follow them;
- Not advising on anything outside my range of knowledge;
- Go back to the client rather than be put on the spot;
- Ensure all the facts are clarified;
- Keep up to date;
- Try to rectify any problems before they get out of hand;
- Avoid complex cases;
- Be very truthful about uncertainties;
- Communicate regularly in writing or by email;
- Respond rapidly;
- Research carefully;
- Double check advice given if in doubt;

Please note that by sharing contributors' views I am neither endorsing nor condoning any of them. It's your decision what you do. Not mine.

Last updated: May 2006