



What may start off as an initial complaint may quickly escalate into something much larger and possibly more expensive if not handled carefully. How a complaint or dispute is handled in its early stages may have implications later on if the matter “becomes litigated”. A court may look at what attempts each party has made throughout the history of the matter to resolve the dispute and rule accordingly, penalising those who have not made the strongest of effort.

Firstly, ask yourself:

- Is it a genuine dispute or a merely a delaying tactic?
- Does the customer simply want or need more time to pay?
- Do they need information in different way?
- Are they having genuine financial difficulties?
- Can you resolve the matter by speaking to them?

If this does not lead a resolution you need to identify exactly what the dispute is. Consider the following:

- Ask the customer to advise you of the alleged complaint in writing
- Has the complaint only come to light upon request for payment?
- Is the customer having financial difficulties? - Make enquiries
- Can an arrangement be set up for payment either in whole or by instalments?
- If it is a genuine complaint you may want to ensure that you retain the goodwill and maintain the relationship
- Don't issue proceedings if the matter can be resolved amicably
- Be clear on what options you can offer – your Terms & Conditions may help
- Once you have established what the dispute is and how you may resolve it, agree a timescale for action and keep to it.
- Ensure that you keep copies of all documentation as your legal advisor may need these if the matter is not resolved.

The Key to Success

- Stay focused at all times
- Diarise the matter for regular review and stick to agreed timescales
- Never lose sight of commercial realities
- It is nice to fight on principles but you want your money and fast
- If necessary negotiate or do a deal – you may achieve a win/win situation
- Sometimes a commercial deal may be the best outcome for all!
- Litigation is never foolproof and does have risks – your legal adviser should advise you
- Litigation ties your key people up and your time
- Build up a partnership with your legal advisors so that they understand your business ethos
- Keep matters under review – things constantly change in business

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