

WINTERTALING

COMPLAINTS PROCEDURE WINTERTALING CONSTRUCTION LAW & REAL ESTATE LAW

Version 21.07.21

1. Definitions

- 1.1. **Complaint:** any communication that can reasonably be construed as expressing dissatisfaction with the services provided by the attorney at law, whether verbally or in writing, issued by or on behalf of the client, including complaints about persons working under the responsibility of the attorney at law;
- 1.2. **Complainant:** the client or his representative making a complaint;
- 1.3. **Complaints procedure:** the procedure used at this firm for handling complaints;
- 1.4. **Complaints rules:** this document, being the written account of the complaints procedure used at the office;
- 1.5. **Complaints officer:** the person, other than the attorney at law against whom the complaint is directed, to whom the handling of the complaint has been transferred;
- 1.6. **Complaints registration form:** a form to be used in this firm to implement the procedure laid down in the complaints rules.

2. Informing the client

- 2.1. The attorney at law will inform the client that the firm has complaints rules and will provide the client with a copy of the rules.

3. Internal complaints procedure

- 3.1. One or more members of the Board of Wintertaling Construction Law & Real Estate Law. have been appointed as complaints officer, from whom or by whom, depending on which discipline the complaint concerns, an attorney at law will be charged with handling the complaint.
- 3.2. If a client approaches the firm in any way with a complaint, the attorney at law concerned and the complaints officer will be notified immediately.
- 3.3. The attorney at law concerned will try to reach a solution with the client in the short term, after consulting the complaints officer. If, in the opinion of the complaints officer, this is necessary, the complaints officer himself shall (also) establish a direct contact with the client.
- 3.4. The attorney at law in question or the complaints officer will ensure that the complaint is dealt with properly in accordance with the complaints rules. The Complaints Officer will, within one month after receiving the complaint, inform the complainant and the person against whom the complaint has been made in writing, stating the ground and the merits of the complaint and, if necessary, make recommendations.
- 3.5. In the event of a deviation from the period referred to in 3.4, the complainant and the person complained about will be informed of the reasons therefor. The time limit within which an opinion on the merits of the complaint will be given shall be indicated.
- 3.6. The complaints officer gives the complainant and the person being complained about the opportunity to give an explanation of the complaint.
- 3.7. With regard to the content of the complaint, confidentiality will be maintained.
- 3.8. The decision regarding the complaint will be communicated to the complainant in writing.
- 3.9. If the handling of the complaint does not lead to a solution, the dispute may be submitted to the competent court in Amsterdam, unless the parties designate a different forum.

4. Registration and categorization of the complaint

- 4.1. All complaints are registered in according with the complaints registration form. The complaints officer registers and classifies the complaint.

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4.2. The complaint shall be categorized by submission as verbal or in writing and by nature of the complaint according to the following categories:

- a)** Complaints about the lawyer's way of working/treatment
- b)** Complaints about legal-substantive aspects of service provision
- c)** Complaints about financial aspects of the services provided
- d)** Complaints about practice in general

A complaint can be classified into several categories.

4.3. The complaints officer is responsible for the full completion of the complaints registration form and keeps the complaints file up to date.

4.4. If the complaint has been dealt with to the satisfaction of the client, the lawyer involved and the complaints officer will sign the complaint registration form.

4.5. If the complaint cannot be resolved to the client's satisfaction, it may be agreed between the parties that the complaint will be submitted to the Disputes Committee for the Legal Profession (*Geschillencommissie Advocatuur*).

5. Analysis of the complaints

5.1. The complaints registration forms will be collected annually by the complaints officer, who will then report on the handling of complaints, process the data and make an annual analysis of the complaints.

5.2. The complaints officer will also make recommendations to prevent new complaints, as well as to improve procedures.

5.3. Once a year the data of complaints will be discussed on the basis of the analysis in the office. If necessary, measures for improvement are prepared and planned.

5.4. For information regarding the complaints rules, please contact the board of Wintertaling Construction Law & Real Estate Law.

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