



# Can I say Sorry?

Guild Insurance has over 60 years' experience managing complaints, and therefore claims, made by clients or customers of the professionals we insure. This has taught us a lot about how and why complaints usually occur and the best ways to manage them.

Appropriate and professional management of complaints can go a long way towards a quick and fair resolution of the dispute, which is in everyone's best interests. Unfortunately, our experience shows that when complaints are poorly handled, they're more likely to escalate to a serious complaint which may involve a regulatory body and formal demand for compensation. However many professionals are unsure how to best manage a complaint.

## What to do when a complaint is received?

Receiving a complaint can be an incredibly stressful event. Like many difficult situations, if you haven't thought beforehand how you'll handle the situation, it can be challenging to work that out when in the moment.

Therefore it's recommended all businesses have thought about and have an agreed complaints management process.

Below are some tips for this process:

- > **Listen to the person** – even if you don't fully agree with them, truly hear what they're saying and try to understand it from their perspective. Being heard is sometimes all a client wants.
- > **Don't act defensively** – this often happens when the complaint is taken personally, and it will usually just inflame the situation.
- > **Don't offer compensation** – this can complicate the matter and lead to unreasonable demands from the client.
- > **Don't try to fix things too quickly** – sometimes in our haste to make situations better, people may say or offer something before the facts of the situation are fully understood.
- > **Make a written record** – if the complaint isn't in writing, make a written record of it and any related conversations with the person making the complaint.
- > **Contact your insurer and or professional association** – don't mention your insurer to the client, instead let them know you'll investigate the matter and get back to them. A key part of this investigation process is to let your insurer know as soon as possible that a complaint has occurred'.

## Can I say sorry?

Guild expects that those professionals insured by them won't admit any guilt or liability when faced with a complaint. So does this mean you can't say sorry?

The word sorry is an incredibly powerful word yet also one which makes a lot of people nervous to use. Many professionals aren't sure if they can say sorry when a client is unhappy with a professional outcome for fear that they'll be admitting guilt.

There are various civil liability legislations around Australia (e.g. Victorian Wrongs Act 1958 and NSW Civil Liability Act 2003) which specifically note that an apology is not an admission of liability. So yes, you can, and in many cases should, apologise.

When apologising, it's important to not say "I'm sorry to have done this to you" as this could be seen as an admission of liability. Remember that liability, and who's responsible, can be a complex matter and an investigation is usually needed to determine this. It's best to word the apology in a way which acknowledges how the person is feeling and for the suffering they're experiencing. Apologise for the outcome, not for that cause. Some examples could be "I'm sorry this has happened", "I'm sorry that you are unhappy" or "I'm sorry you have been inconvenienced".

Hearing the word sorry can mean a lot to a person who's unhappy. Guild sees cases where a client has complained to a regulator and stated

that had the professional listened to them, acknowledged how they were feeling and apologised, they wouldn't have taken their complaint further. In addition to this, when matters are being investigated by a regulatory body, having apologised and shown remorse are looked upon favourably.

*\* It's a condition of your Guild Insurance Liabilities Insurance Policy that you notify us of any claim as soon as possible and provide every letter, demand, writ, summons or other legal process. This is to be done without admitting fault or responsibility, no matter your own views are concerning the incident.*



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