

# THE MASS CODE OF CONDUCT

## ***MASS Mission Statement:***

**“MASS promotes the highest standards of legal services through education and representation in the pursuit of justice for the victims of road traffic accidents”.**

### **1.0 THE OBJECTIVES OF MASS ARE:**

- 1.1 To enhance the expertise, knowledge and efficiency of its Members in the handling of road accident compensation claims;
- 1.2 To keep under review substantive law, court procedure and all other matters affecting the awards of compensation in road traffic claims;
- 1.3 To support test cases for the benefit of the motorist;
- 1.4 To promote an efficient and expert service to persons pursuing claims arising from motor accidents.

### **2.0 SERVICE STANDARDS**

- 2.1 MASS believes in setting the highest standards of service, the generality of which are set out in this Code of Conduct and include:
  - i. Speed
  - ii. Expertise
  - iii. Communication
  - iv. Understanding
  - v. Commitment
  - vi. Care
  - vii. Professionalism
  - viii. Efficiency

### **3.0 MASS MEMBERS AGREE TO:**

- 3.1 Adhere to the Code of Conduct;
- 3.2 Nominate a representative to oversee the implementation and observance of the Code of Conduct;
- 3.3 Publicise the Code of Conduct;

- 3.4 Display within the practice the MASS Membership Certificate and to make to clients and others available copies of the Code of Conduct;
- 3.5 Ensure the continued education and training of all staff involved in the handling of road traffic accident claims.

#### **4.0 COLLECTIVE MARK**

- 4.1 Members of the Society shall be entitled to use the collective mark of the Society as set out on page 2 of this Code of Conduct (“the Collective Mark”) or such other logo adopted by the Society from time to time. Use of the Collective Mark or such other logo other than on stationery must have the prior written consent of the Management Committee who has absolute discretion.
- 4.2 It is a condition of the use of the Collective Mark that the Collective Mark shall not be used in any printed advertisements or printed publicity matter directed primarily to the market in the United Kingdom and in the Isle of Man or in retail point of sale display cards distributed by the registered proprietor for use within the United Kingdom and in the Isle of Man, without indicating that it is a collective mark.

#### **5.0 SERVICE STANDARDS FOR MASS MEMBERS TO ADHERE TO WHEN DEALING WITH CLIENTS**

- 5.1 If so requested to provide a free initial consultation where it appears that a potential claimant may have a viable claim;
- 5.2 To deal with correspondence and reply as soon as practicable or at least within **five** working days save in exceptional circumstances;
- 5.3 To return telephone calls if unavailable as soon as practicable, or within **one** working day save in exceptional circumstances;
- 5.4 To update the client on the progress of his or her claim at least **once a month** unless otherwise agreed;
- 5.5 To answer all matters raised and to advise in detail where required or, if appropriate, request that the client attends an appointment;
- 5.6 To refer any dispute between the client and the Member to the nominated representative or other appropriate person;
- 5.7 To be polite, courteous and punctual;
- 5.8 To report in writing on all offers made and to explain and advise in detail on such offers;
- 5.9 To advise clients when any expert is instructed;
- 5.10 If the client is unable for medical reasons to attend at the office, to offer to see the

client at home or arrange an agent to do so;

- 5.11 To provide clients with copies of all medical reports, draft Particulars of Claim, Schedule of Losses and experts' reports where appropriate and to seek the client's prior approval before using any of the documents/reports.

## **6.0 SERVICE STANDARDS FOR MASS MEMBERS TO ADHERE TO WHEN DEALING WITH OTHER PARTIES**

- 6.1 To answer correspondence as soon as practicable, or within **five** working days save in exceptional circumstances;
- 6.2 To return telephone calls, if unavailable, as soon as practicable, or within **one** working day save in exceptional circumstances;
- 6.3 To be polite and courteous;
- 6.4 To refer any dispute concerning the Code of Conduct to the nominated representative;
- 6.5 To conduct all negotiations on a without prejudice basis and not to reach any binding agreement without the client's consent.

## **7.0 INSURANCE BROKERS**

- 7.1 The Code of Conduct with clients should also apply in relation to brokers in dealing with correspondence and communications.

## **8.0 PUBLICATION OF THE CODE OF CONDUCT**

- 8.1 It is envisaged that MASS Members will publicise the Code of Conduct by one or more of the following:
- (a) Placing a notice in waiting rooms indicating the existence of the Code of Conduct;
  - (b) Sending a copy thereof to all new clients on inception of instructions and identifying the person who is nominated within that Member firm to deal with the Code of Conduct;
  - (c) Supplying a copy of the Code of Conduct to all other persons with whom the Member has dealings.

## **9.0 COMPLAINTS PROCEDURE**

- 9.1 The procedure below will form the basis of the MASS Complaints Procedure and details the manner and system by which a complaint against a Member of the Society will be dealt (and for the avoidance of doubt a complaint against a partner or member

of staff shall be considered to be a complaint against the firm). The Complaints Procedure may deal with the complaints arising from a Member firm's alleged infringement or failure to comply with the MASS Code of Conduct or Constitution. The Management Committee shall in their absolute discretion have the power to vary this procedure in circumstances where they deem such variation to be necessary in the interests of Justice or of the Society.

9.2 (i) Upon receipt of a complaint by anyone other than a Member firm the MASS Central Office will detail the date of receipt, the Member firm against which the complaint is made and the matter of complaint.

a) Within five working days of receipt of the complaint, the MASS Central Office will advise the complainant that the MASS Complaints Procedure may only be invoked if the matter has been pursued via the Member firm's own internal complaints procedures and has failed to be resolved. The complainant will be advised of the contact name at the Member firm concerned and a copy of the MASS Code of Conduct will be forwarded.

b) If the matter is not resolved by the Member firm's internal complaints procedure, the complainant will be invited to submit a formal complaint against the Member firm, detailing the manner of complaint and the respective infringement of the MASS Code of Conduct.

9.2 (ii) Where a complaint is made by a Member firm against another Member firm the complaint shall be dealt with as set out in clause 9.3 to 9.6.

9.3 A copy of the correspondence detailing the complaint will be forwarded directly to the Member firm against whom the complaint has been made. The Member firm is required to provide a written response regarding the alleged breach of the Code of Conduct and this to be forwarded to the MASS Central Office within seven working days of notification of the complaint by the Central Office. A copy of the response will be forwarded directly to the complainant and he/she will be invited to confirm either of the following:

i) that he/she is satisfied with the response and wishes to take no further action, or;

ii) that he/she remains dissatisfied with the response and wishes the matter to be submitted to the Complaints Tribunal.

9.4 The Member firm's submission together with details of the complaint will be forwarded to a member of the Complaints Tribunal. Complaints will be distributed to members of the Committee on a rotation basis. The Complaints Tribunal shall consist of the Chairman and Vice-Chairman and one member of the Management Committee who shall be appointed from time to time. No member of the Complaints Tribunal shall be eligible to sit as members of the Tribunal in respect of complaints against their firms or when the complaint has arisen against a firm within their respective region. In such circumstances, an additional member of the Management Committee shall be appointed. The member dealing with the complaint will submit his/her recommendation to the Tribunal within seven working days. The Tribunal will forward their final decision to the complainant within a further seven working days.

- 9.5 If the complaint is upheld, the Complaints Tribunal will advise the complainant of such and issue a fine against the offending Member firm. A first offence by the Member firm will incur a fine not exceeding £500; the second offence a sum not exceeding £1000 and the third will result in expulsion from the Society. The fine will be paid to the Society's nominated Annual Charity. If the Complaints Tribunal considers the offence to be of such gross misconduct, a recommendation to expel the Member forthwith will be submitted to the Management Committee. The Management Committee will have all the powers of the Complaints Tribunal in addition to the power to expel a Member firm.
- 9.6 If the complaint is dismissed, the Complaints Tribunal will advise the complainant of such providing the grounds for dismissal and that if the complainant wishes to pursue the complaint, independent legal advice should be sought.

## **10.0 OTHER COMPLAINTS**

- 10.1 Where allegations of negligence against a Member or Member firm are being made then the complainant will be advised to seek advice from other solicitors. Where the complaint is about professional conduct or service or similar, then details of the Consumer Complaints Service operated by the Law Society will be given to the complainant.
- 10.2 MASS will accordingly be involved in considering any complaints arising from breach of the Code of Conduct but not otherwise.

## **11.0 PREMISES**

- 11.1 The reception area should be open, comfortable, clean, with seating available, appropriate signs and notices and up to date reading material. Receptionists should be friendly and smartly dressed. Clients who arrive on time for appointments should, wherever possible, be seen promptly. A list of appointments should be given to the receptionist at the beginning of each day. All clients should be made to feel welcome on arrival;
- 11.2 Toilets should be available and there should be facilities for the disabled, including ramps to gain access to the premises, wherever possible;
- 11.3 Members should give advice as to convenient parking, wherever possible;
- 11.4 A map and location of premises should be provided, if requested;
- 11.5 It is desirable that all personal attendances should take place in a designated interview room without interruption.