



Negligence claims against surveyors often centre on delays in dealing with information or contractual obligations. In turn this can cause delay extension of time claims in construction projects or mean crucial deadlines are missed in other professional work, for example rent reviews, IACS appeals and tax rebates.

In addition to work being delivered late, delays can result in work being done in a rush when you do eventually start it. Examples include:

- Mental block files. These are files which sit unactioned on your desk, often for weeks or even months, during which time many other less urgent matters are dealt with instead. No progress is made even though they are not necessarily difficult or complex. This is often because of an actual or perceived breakdown in a key relationship (you don't want to take that person's calls, or reply to their emails and letters) or because of a perception that the matter will be difficult or overly time consuming
- Recording in an action plan that you need to prepare a schedule of dilapidations but then failing to do so within three months of the lease expiry
- Offering to 'help out' a client by agreeing to prepare a report on a property for which you do not have the relevant experience (for example industrial or historical properties). Prevarication ensues while you try to decide what advice to put in your report

Some of the strategies for combating delay are detailed below:

Overlooked files

- Ensure that regular file audits are undertaken on all files including those handled by partners
- Use your practice management system to identify dormant files. For example, your system should help you to identify files on which no bills have been rendered (either at all or within the last three months), which may be because no work has been done
- Ensure old matters are closed promptly and archived
- The use of checklists can make it easier to get a matter back on track after a period of delay
- Train fee-earners to review the contents of their filing cabinets regularly and then monitor how regularly reviews are carried out

Ineffective time management

- Prioritise work by making realistic task lists
- Keep your desk or work station tidy
- Set aside specific times of the day for dealing with phone calls and queries from colleagues to keep unscheduled interruptions to a minimum

Unacceptably heavy workload

- Implement a system for the appropriate allocation of new clients or matters
- Supervise and support junior or inexperienced fee-earners to avoid overload
- Ensure that delegation is appropriate, and not resulting in unequal distribution of work (see our factsheet on Delegation)
- Look at your complaints and claims record as this may reveal problems

Management of clients

- Ensure that you are aware of any deadlines for reports, notices or hearings
- Provide documentation in good time
- Ensure all action plans are properly diarised with countdown periods to give you advance warning
- Advise clients in writing of all key action dates, and remind them regularly
- Warn clients clearly of the implications of failing to respond to your requests for information or to put you in funds, perhaps for payment of a premium
- Keep clients regularly informed of developments



Mental block file

- Encourage staff to identify such files at an early stage. Often until they are identified as such, surveyors will find any excuse (often subconsciously) to deal with other matters first
- Encourage staff to discuss these files with their manager
- Consider appointing a trouble-shooting partner to assist with problem cases. Whether this role is departmental or firm wide will depend on the size of your firm. However the partner will often be the person in the firm who deals with professional negligence claims or complaints
- Have regular team meetings to discuss difficult files or issues
- Consider a file swap with another fee-earner
- Draft a timetable for review of the file
- Make an appointment with the client to break the deadlock
- If there is a breakdown in a business relationship, is there someone else in your firm who can take the matter over? If not, consider terminating your relationship and advising them to instruct another firm. This may be preferable to continuing and risking a negligence claim