

WBL Logbook Sheet Template

Name:	[REDACTED]	
Learning Outcome and example number e.g. 1.1(1), 1.2(2), 1.2(1) 1.2(2) etc.	Page numbers from portfolio	
3.6(2)	163 - 164	
Evidence provided and date of evidence e.g. Letter to client dated 01.01.2020 Telephone attendance note dated 01.01.2020		
Email to client dated 8 October 2021		
Explain how the example meets the learning Outcome and how the evidence shows this		
<p>Identify the needs, objectives and priorities of your client: My client wanted to defend a claim that had been pursued against it by a customer who claimed that they had been assured in a telephone call that a replacement boiler would be reimbursed by my client via a winter contingency plan. My client wished to defend the claim on the basis that they believed the Claimant would not have been assured that a replacement would be covered because a replacement was not covered under the Claimant's policy held with my client.</p> <p>Identify situations in which the objectives of your client / service user may be unrealistic: I reviewed the matter and noted that the Claimant only needs to persuade a Court, on the balance of probabilities, that his recollection of the telephone call is correct and that he had been assured that a replacement would be covered under the winter contingency plan.</p> <p>The Claimant had made multiple requests to my client for disclosure of the telephone call recording which was deleted by my client before it could be disclosed. I noted that whilst it is for the Claimant to prove his claim, without any evidence from my client confirming whether or not the Claimant was told that a replacement would be covered it would be up to a Judge on the day to decide. I considered that the deletion of the call recordings would not be looked on favourably by the Court.</p> <p>It was therefore my conclusion that my client's desire to defend the claim was unrealistic, as my client had poor prospects of successfully defending the claim to trial.</p> <p>Take all reasonable steps to manage your client's expectations: From previous communications from my client, I was aware that this was a claim that my client wanted to defend and my client was going to be disappointed that my advice was that the claim should be settled.</p> <p>I therefore set out the evidential weaknesses as clearly as I could, explained that I appreciated that the deletion of the telephone call recording had not been done</p>		

deliberately or with malice and I also noted that it was unfortunate that the evidential position was weak such that the claim ought to be settled.

Reflection and evaluation

Describe what you learnt from the activity you undertook to meet the Learning Outcome. You may want to complete this section at a later date once you have had time to reflect on your practice and experience.

I understand that sometimes clients have unrealistic expectations and that it is important to advise on the evidential weaknesses so that my client is fully aware of the risks of proceeding to Trial. I acknowledge when my advice is not something that my client will want to hear and I deliver such advice as tactfully as possible.

Supervisor's Name

Please print the full name of the supervisor that supervised the work referred to above within this logbook sheet and the supporting evidence.

[REDACTED]

[REDACTED]

Hi [REDACTED]

Action

Please provide your instructions on the attached draft defence and WP recommendation by **COB Wednesday 13 October 2021**.

Defence

I have now prepared the attached draft defence to the claim.

Please can you review the draft and confirm your instructions.

WP recommendation

In the meantime, it is our recommendation that we be instructed to seek to settle this claim.

Whilst I do appreciate that in accordance with all of [REDACTED]'s internal training notes an agent should not have told the Claimant a replacement would be covered under the Policy, the Claimant is alleging that this is what he was told and in order to be successful at Trial he only needs to persuade a Court, on the balance of probabilities, that his recollection is correct.

Although it is for the Claimant to prove his claim, if there is no evidence forthcoming from [REDACTED] as to whether or not the Claimant was told that a replacement would be covered, it will be up to the Judge on the day to decide the veracity of the Claimant's evidence and it is likely that a Judge would decide that on the balance of probabilities the Claimant was told that a replacement would be covered.

It is going to be difficult for [REDACTED] to prove otherwise for the following reasons:

- The call recordings have been deleted.
- The fact that the recordings were deleted after the Claimant had requested disclosure multiple times well before the deletion date will not paint [REDACTED] in a good light. (I do entirely appreciate that this was not done deliberately or with any malice but nevertheless a Court will not look favourably on this).
- Whilst I note that the recordings were listened to by another agent before they were deleted, that agent's notes on the contents of the recordings do not amount to a transcript of those recordings and would be given little to no weight at a hearing.
- [REDACTED] do not appear to have confirmed to the Claimant at any point in writing that a replacement would not be covered until after he sought a refund.

It is unfortunate but the evidential position on this claim is weak.

If [REDACTED] had kept the call recordings the position could well be different, but based on our assessment of the claim on the current evidence we feel [REDACTED] have poor prospects of successfully defending the claim to trial.

We therefore recommend that the claim is settled.

In the first instance, we recommend issuing a WP offer for 50% of the cost of the replacement plus the court issue fee. This would be issued to the Claimant alongside our defence which we hope would put pressure on the Claimant to settle.

I note that the replacement was £2,700 so 50% of this is £1,350. Less £400 GOGW already paid and £60 excess I calculate an initial offer of £890 plus the issue fee of £115.00 could be appropriate.

You may wish to round this up to £1,000.00.

However, in the event that this offer is rejected we would suggest that serious consideration is given to settling the claim up to the full amount claimed (Less the £400 and excess). This is something we could consider ahead of any mediation appointment.

Please can you confirm your instructions.

Kind regards

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

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