

# Client Complaints Policy Procedure & Guidance

Signed

Chair of the Board of Trustees

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# Key considerations at all stages of a client complaint

Everyone in your office should be familiar with the client complaint procedure. They should understand their role in relation to complaints, the procedure and the principles behind it.

They must also understand the following with regard to complaints from clients:

Aim of complaint handler	The aim of the person handling the complaint, at each stage, is to try and resolve it effectively so that it doesn't need to be taken further.
Format of complaint	<p>Complaints can be raised in the form of a letter, email, phone call or verbally face-to-face. Some complainants also make their complaint directly to Citizens Advice. For information about how Citizens Advice handles complaints, see the separate BMIS item: <u>Handling complaints made via Citizens Advice</u>.</p> <p>You should deal with all complaints according to the procedure, whether or not they were received in writing.</p>
Handling delays	If you experience or expect any delays to the standard time frame under the procedure at any point, you must tell the complainant in writing about this and when they should expect a response. This comes under our complaint handling principles. Delays can happen, for example, if you are dealing with an exceptionally complex complaint or key people are on holiday.
Unreasonable client behaviour	The complaints procedure is written assuming that complainants behave reasonably. For more information about dealing with unreasonable complainant conduct see the <u>essential information</u> guidance.
Complainants with special needs and disabilities	At all stages of the procedure, you must take reasonable steps to find out whether the complainant needs reasonable adjustments to be made. This is so they can still access and use the process effectively if they have a special need or disability. See the <u>essential information</u> guidance.
Insurance claims	If financial loss has been incurred or implied by the client at any stage, the complaints procedure should be suspended. This is because the complaints procedure and an assessment of an insurance claim may conflict with each other. In such cases you must get advice from ADS (see separate BMIS item: <u>Dealing with a potential claim</u> ). Do not mention a potential insurance claim. If asked, tell the complainant that the complaint is the subject of third-party advice.

Information assurance	Information assurance principles should be observed when collecting, storing, using and disclosing personal information obtained in complaint handling. This usually means that complaint information should be stored on a system that is separate from other record keeping systems you use. Access to complaints information should be restricted to authorised people. Except to the extent necessary, a complainant's identity or personal details should not be disclosed to others. See the <a href="#">essential information</a> guidance.
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## Telling clients about the procedure: what you need to do

When you are delivering an advice service, you must use the following ways to tell clients how they can complain.

**Face-to-face advice:** prominently display the complaints leaflet and your current complaints poster in every location where you give advice. Clients may request a copy of the leaflet and you must ensure that every client who requests a copy receives one. You can produce a complaints leaflet and poster using the [Princk web-to-print system](#).

- **Email advice:** in the footer of the email include the following phrase: '[insert your office name] has a complaints handling procedure. Please email [insert email address] to request a copy of the complaints leaflet to be either posted or emailed to you.'

Welsh version: 'Mae gan ganolfan [rhowch enw'r ganolfan] drefn ar gyfer delio â chwynion. Mae manylion llawn y drefn gwyno ar gael ar gais. A wnewch chi anfon e-bost at [rhowch gyfeiriad e-bost y ganolfan] i ofyn i gopi o'r daflen gwyno gael ei hanfon atoch naill ai drwy'r post neu dros yr e-bost.'

- **Webchat:** at the first point of contact, all webchat responses should include the phrase: '[insert your local office name] has a complaints handling procedure. You can request a copy of the complaints leaflet to be emailed or posted to you.'

Welsh version: 'Mae gan [rhowch enw'r ganolfan] drefn ar gyfer delio â chwynion. Mae manylion llawn y drefn gwyno ar gael ar gais. Cewch ofyn i gopi o'r daflen gwyno gael ei hanfon atoch naill ai drwy'r post neu dros yr e-bost.'

- **Text:** clients do not need to be given information about how to complain if a you are responding to a first text from a client. Although this may be the first point of contact, clients can be given this information at their next point of contact with the office, such as a gateway interview or generalist appointment.
- **Adviceline and Consumer service calls:** an automated statement regarding complaints is being added to the front end of all calls, explaining to clients how they can request a complaint leaflet.

- **Non-Adviceline calls:** local Citizens Advice providing telephone advice independent of Adviceline must add the following phrase to call handling scripts at the first point of contact in every call: '[insert your office name] has a complaints handling procedure. You can request a copy of the complaints leaflet to be emailed or posted to you.'

## The Financial Ombudsman Service: identifying eligible complaints

All complaints begin in the Citizens Advice service complaints procedure but there are points at which complaints about certain subjects can be taken by the client to the Financial Ombudsman Service (FOS). It is your responsibility to identify when this is an option and to tell the client of their eligibility and rights. The FOS has clear guidelines on how you must do this.

FOS will direct the complainant back to the local Citizens Advice if you have not had the opportunity to deal with the complaint.

ADS must be notified when a client complaint is referred to FOS. You must tell ADS as soon as FOS get in contact about a complaint.

This section explains how to identify complaints which are eligible for the FOS procedure.

Only complaints about activity that is regulated under the Consumer Credit Act are eligible to be referred to FOS (these complaints are known as 'eligible complaints'). This means complaints from clients about:

- regulated debt advice
- obtaining information about someone's credit record
- helping them change their credit record.

FOS will review complaints from customers and potential customers, so the local Citizens Advice may not need to have given any advice for an unresolved complaint to be eligible for referral to FOS.

**These are examples of complaints where the complainant must be notified about their right to ask FOS to review it.**

In all of these cases, the complaint remains unresolved and is about regulated debt advice.

Client tries to make an appointment about debt, receptionist says that they can't	You would need to notify the complainant that they could refer their complaint to FOS because the complainant is a potential
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	<p>customer, even though no advice has been given</p> <p>This complaint may be able to be resolved before close of business the following day, in which case the complainant doesn't need to be told about FOS</p>
Client accesses Citizens Advice via a gateway interview. No advice is given but 'next steps' are identified (e.g. a specialist appointment is made)	You would need to notify the complainant that they could refer their complaint to FOS because the complainant is a potential customer, even though no advice has been given
Client accesses Citizens Advice via a gateway interview and a single, discrete piece of advice is given (e.g. a specialist appointment is made for someone with multiple debts but discrete advice is given on how to deal with emergencies, such as bailiffs visiting their home)	You would need to notify the complainant that they could refer their complaint to FOS because the complainant is a customer. If a complainant has multiple debts, as long as there is one regulated consumer credit debt amongst them, the complaint can be directed to FOS and FOS will look at how all debts were handled.

**These are examples of complaints where there is no right to have the complaint referred to FOS.**

Complainant is a creditor with the complaint deriving from advice or action by the Citizens Advice in support of a client	No right to complain to FOS as the creditor is not a customer or potential customer of the Citizens Advice
A partner or ex-partner of a client, with the complaint deriving from Citizens Advice action in support of the client	No automatic right to complain to FOS, unless they were previously joint clients and the complainant is complaining about advice given during that period
A partner organisation which also has an interest in advising the client	No right to complaint to FOS unless they are complaining on behalf of the client

The Financial Ombudsman Service is happy to be contacted by local Citizens Advice or by Citizens Advice to determine whether a complainant could refer their complaint to FOS. In some cases, there may need to be several contacts in order to decide.

You can contact FOS about technical queries on:

- 020 7964 1400 (9am to 5pm Mon to Fri)
- [technical.advice@financial-ombudsman.org.uk](mailto:technical.advice@financial-ombudsman.org.uk)

# Citizens Advice client complaint procedure

This is the process for all client complaints. Some differences apply to complaints that could be handled by the Financial Ombudsman Service, advice provided by solicitors employed by a local Citizens Advice, and where clients are charged for advice and any complaint about immigration casework.

- ▶ **Financial Ombudsman Service**
- ▶ **Immigration casework complaints**
- ▶ **Solicitors employed by local Citizens Advice**
- ▶ **Local Citizens Advice charging clients for advice (approved under income generation policy)**

Informal resolution

Local Citizens Advice stage

Citizens Advice stage

Independent adjudicator review stage

Financial Ombudsman Service (FOS) stage

## Informal resolution

Before the formal stages begin, your aim should be to return the client to the advice process or otherwise resolve their complaint as smoothly as possible. It is not always possible to consider informal resolution, depending on the nature of the complaint.

Informal resolution may include:

- an apology
- an explanation by a senior manager
- referral to another agency
- making an appointment.

If you respond in writing at this point, make sure that you state in the letter that the complaint was resolved before reaching the formal stages. It can become difficult to keep track of where a complaint has got to, particularly when it generates a high volume of correspondence. You must also provide a leaflet summarising the complaints procedure. You can create a leaflet containing your local office details via the Princk tool (CABlink).

## Local Citizens Advice stage

The first aim of this stage is to acknowledge the complaint and explain how it will be dealt with. All complaints must be acknowledged within 5 working days of receipt. An acknowledgement would include:

- Confirmation that the complaint has been received.
- Brief description of how the complaint will be handled including role / name of the person responsible and the timescale for a full response.
- Information about the full complaints' procedure, including that if it is a complaint about immigration casework, the client can take the complaint to OISC at any stage (and contact details for OISC).
- Confirmation that if the complaint is not resolved, the complainant will be entitled to escalate it to be reviewed under the direction of the Chief Executive of Citizens Advice.

The second aim of this stage is to investigate what went wrong and provide a full response to the complainant within 8 weeks.

The investigation will:

- Be impartial. Each complaint should be approached with an open mind, and the facts and contentions in support of a complaint should be weighed objectively.
- Be confidential. A complaint should be investigated in private and care should be taken when disclosing to others any identifying details of a complaint.
- Be transparent. A complainant should be told about the steps in the complaint process and be given an opportunity to comment on any information that may be evidence against their complaint.

The investigation into the complaint can be delegated, but not to anyone implicated or involved in the issue.

See BMIS guidance on [conducting investigations](#).

After the investigation you must send a response to the complainant. For information on what the response must contain and how to write it see [Responding to a formal complaint](#).

## Citizens Advice stage

A complainant may escalate their complaint to be reviewed under the direction of the Chief Executive of Citizens Advice.

The aims of the review are to check:

- the local Citizens Advice has followed the complaints process

- the local Citizens Advice has adequately addressed all issues raised by the complainant
- was the investigation carried out in a fair and transparent fashion?
- is there a need for continued or additional advice?
- were the conclusions reached fair and reasonable and is there sufficient evidence to support them?

When Citizens Advice receives a request for a review, we will acknowledge it within 5 working days and ask the local Citizens Advice to send a copy of the client's file, which must include letters, emails and notes of the investigations carried out at earlier stages. You should also send notes from our case management system. You must encrypt this file. (See guidance on [encryption](#)). You must aim to send the file within 5 working days. We may have questions for you and may also contact the client to understand outstanding issues.

The Citizens Advice review will not usually comment on the advice that was given, although it may comment on the advice process followed. It may direct you to offer further advice to the client if there are concerns that incomplete advice was given. This is always done in consultation with ADS so as not to compromise the local Citizens Advice.

If the review shows that the advice that you gave to the client was insufficient or negligent and can't be dealt with by inviting the client back to the Citizens Advice we will raise this separately with your chair. We will advise on what steps to take. We will also raise with the chair, in writing, any other issues which we have assessed as needing action, but that aren't suitable to include in the main body of our report such as concerns over supervision or case recording standards. This type of correspondence will come from our Performance and Quality department and may ask for formal confirmation that your office has taken a specific action as a result of an observation made in the Citizens Advice review.

A copy of the Citizens Advice review is sent to the client and the chair and copied to the relevant relationship manager. The review will include information about OISC where relevant.

We will also provide details of the final stage of the procedure, an independent adjudicator review, to the complainant. Complaints can only progress to an independent adjudicator review if there are areas of the original complaint that were not upheld in the Citizens Advice review.

## **Independent adjudicator review stage**

The final stage in the Citizens Advice complaints process is a review conducted by an adjudicator who has no connection with the Citizens Advice service other than this particular role. The local Citizens Advice will be advised that an independent adjudicator review has begun. The independent adjudicator, once informed, will conduct a review of the investigation.

The request for an independent adjudicator review should be made by the client within 4 weeks of receiving the Citizens Advice review. Requests submitted outside of this period will be considered as a reasonable adjustment or if there are extenuating circumstances.

The adjudicator may contact the client and / or the local Citizens Advice during this review, for further information. This review will only address whether the investigation so far has been conducted in line with stated procedures and whether it has been handled fairly. The adjudicator will not comment on the substance of the complaint.

If the adjudicator finds that the stated procedure was not followed or that the matter has not been handled fairly, they will specify why and may give directions for a re-investigation.

Citizens Advice will send the full report of the independent adjudicator to the complainant and the chair of the trustee board. The decision of the independent adjudicator is final in most cases, although discussion may continue between the local Citizens Advice, Citizens Advice and the client as to how exactly any recommendations might be implemented.

Citizens Advice advises complainants who wish to escalate their complaint to the adjudicator that the independent adjudicator review stage does not have a fixed deadline, unlike the earlier stages.

Complaints about debt advice, or about obtaining information about someone's credit record or helping them change their credit record are eligible to be sent to the Financial Ombudsman Service within 6 months of the local Citizens Advice final response being sent to the complainant. If eligible complainants request an independent adjudicator review, they will be advised of this time limit again by Citizens Advice.

## **Financial Ombudsman Service (FOS) stage**

The Financial Ombudsman Service (FOS) usually settles complaints based on the paperwork that the complainant and the local Citizens Advice send them. For information on sending documents securely see [information assurance guidance](#). If telephone call recordings are available, then FOS will want to access these. If you record telephone calls, you must obtain a copy of calls which are relevant to an eligible client complaint and store the recording on the complaint file. There is no data protection problem with this.

Generally, FOS will first try to settle a dispute informally through mediation or conciliation. They may contact you or the complainant to clarify the facts and issues involved or to suggest a way forward.

If it is not possible to resolve the matter over the phone, FOS will confirm their position in writing. This will give the FOS adjudicator's opinion of the case and set out how, in the adjudicator's view, the case should be resolved.

The adjudicator may issue a formal 'adjudication' report, which is sent to both parties at the same time. You and the complainant would both be given the opportunity to respond.

If matters remain unresolved, either party may ask for a review and final decision made by an ombudsman.

Where an ombudsman becomes directly involved in a case, they will review the complaint before making a final decision. If the complainant accepts an ombudsman's decision within the specified time limit, both the local Citizens Advice and the complainant are bound by the decision. Otherwise, the local Citizens Advice office is not bound, but the complainant remains free to take proceedings against you if they wish.

A final decision by an ombudsman is the end of the complaints handling process. Neither you nor the complainant can appeal against the decision.

ADS must be notified when a client complaint is referred to FOS. You must tell ADS as soon as FOS get in contact about a complaint.

## **What can FOS direct a local Citizens Advice to do?**

The Financial Ombudsman Service can tell you to pay a complainant an amount for financial loss and / or pain and suffering, damage to reputation, and distress and inconvenience.

The maximum 'award' the ombudsman can instruct you to pay is £150,000. However, it is important to remember that FOS also deals with fee-charging and large institutions and this maximum award should be seen in that context. FOS has told Citizens Advice that it is extremely unlikely to instruct a local Citizens Advice service to pay large amounts to complainants. Where the degree of distress, inconvenience or other non-financial loss is enough to mean compensation should be paid, the amount is likely to be modest. Most compensation is for less than £300 and in only a small number of exceptional cases does the compensation exceed £1,000.

For more information about compensation for non-financial loss, see the FOS website: [Compensation for distress, inconvenience or other non-financial loss](#).

It is much more likely that the ombudsman would direct a local Citizens Advice service to take other appropriate action, such as to apologise or to correct records.

The Financial Ombudsman Service can also award costs, but this happens very rarely.

## **Reporting complaints**

The local Citizens Advice should internally report and analyse complaints, in order to learn from them and monitor trends. A template for this purpose is available in [Complaint handling: essential information about our approach](#).

In addition, from 1 April 2014, there is a duty to annually report complaints to the Financial Conduct Authority (FCA) because Citizens Advice activity is regulated under the Consumer Credit Act.

Due to the way that the FCA is authorising new regulated organisations, the full reporting requirements are not yet available. However, you should record complaints as they occur, so you can report them at the end of financial year 2014 -2015.

## Claims against Local Citizens Advice

Where you or Citizens Advice believe that negligent advice may have been given to a client or they have incurred financial loss, the case must be referred immediately to ADS, our insurers. We must also refer cases where the client alleges, they have suffered financial loss or makes a clear threat of legal action or a claim for compensation.

Where there is potential or actual legal action, you may not be able to continue with the standard complaints' procedure. This is because the assessment of a potential claim and the complaints procedure may come into conflict. In some cases, some aspects of the complaint should be handled following the claims handling process.

Communication concerning a claim will be made by the insurance brokers via the local Citizens Advice to the claimant, you must not contact the client unless this is agreed by the insurance brokers. You should not make any direct reference to 'ADS' or 'our insurers' when telling the complainant, the complaints process is 'paused' so we can respond to the claim.

More information can be found the [professional indemnity insurance page](#).

## Policy review and ownership details

Governance forum responsible for approval	Membership and Client Services Senior Management team
Date policy was last approved	September 2021
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