**CLIENT COMPLAINTS PROCEDURE**

**Citizens Advice Telford & the Wrekin (CAT&W) - 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.

******Financial Ombudsman Service**

Some complaints can be referred to the Financial Ombudsman Service (FOS) after the bureau has tried to resolve them. FOS will always make sure that the bureau has the opportunity to deal with the complaint before they get involved.

It is very important to stick to the procedure below. This is because the Financial Conduct Authority (FCA) does not allow organisations to have complaint procedures with more than one formal stage. The procedure below has been confirmed as compliant by the FCA.

If a client is unhappy about the service provided by the solicitor they must be able to complain to the chief officer (or another person of appropriate seniority). If a client is still unhappy once you have investigated their complaint, they now have a right to complain to the Legal Ombudsman and this needs to be included in your client care letter. Example wording that you might want to use is:

"If you are unhappy about the way we have dealt with your complaint you can complain to the Legal Ombudsman by writing to him at PO Box 6806 Wolverhampton WV1 9WJ. Complaints to the Ombudsman must usually be made within six years of the end of our work for you or within three years from when you should have realised there was a problem. The Ombudsman will have expected you to give us an opportunity to deal with your complaint before you complain to him. For further information, you should contact the Ombudsman's office on 0300 555 0333 or [www.legalombudsman.org.uk](http://www.legalombudsman.org.uk/)."

Since October 2015 local Citizens Advice employing solicitors are also required to comply with [Alternative Dispute Resolution regulations](https://www.gov.uk/government/publications/alternative-dispute-resolution-for-consumers/alternative-dispute-resolution-for-consumers) (ADR). These regulations mean that as a minimum local Citizens Advice will be required to provide details of a suitable ADR scheme which consumers could use as an alternative to complaining to the Legal Ombudsman and / or asking for a Citizens Advice review after receiving the response at the end of the Local Citizens Advice stage

The regulations do not require local Citizens Advice to take part in ADR. Citizens Advice does however believe that ADR is a positive process which benefits both the consumer and the provider of services and therefore encourages participation. From a policy perspective, Citizens Advice has welcomed the increased provision of ADR options and is promoting their use.

There is some useful guidance on what should be included in ‘client care' letters on the Law Society's website including additional information about complying with ADR regulations.

You can find the [income generation policy](https://www.citizensadvice.org.uk/cablink/funding/Fundraising/Fundraising-for-bureaux/trading-and-commercial-activities/trading-activities-introduction/) on CABlink. Local Citizens Advice who charge clients for advice are required to comply with [Alternative Dispute Resolution regulations](https://www.gov.uk/government/publications/alternative-dispute-resolution-for-consumers/alternative-dispute-resolution-for-consumers) (ADR). These regulations mean that as a minimum local Citizens Advice will be required to provide details of a suitable ADR scheme which consumers could use at the end of the local Citizens Advice stage of the complaints process.

The regulations do not require local Citizens Advice to take part in ADR. Citizens Advice does however believe that ADR is a positive process which benefits both the consumer and the provider of services and therefore encourages participation. From a policy perspective, Citizens Advice has welcomed the increased provision of ADR options and is promoting their use.

As the majority of paid for services will consist of legal services often delivered by solicitors, to create consistency we advise that you follow [Law Society guidance](http://www.lawsociety.org.uk/support-services/advice/articles/changes-to-client-care-information-and-leo-time-limit/).

**Informal resolution**

Before the formal stages begin, our aim is to return clients to the advice process or otherwise resolve the 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 the response is in writing at this point, it will make sure that we state in the letter that the complaint was resolved before reaching the formal stages.

**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 are 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 complaint’s 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 Telford & the Wrekin Citizens Advice

The second aim of this stage is to investigate what went wrong and provide a full response 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

**Citizens Advice stage**

You may escalate a complaint to be reviewed under the direction of the Chief Executive of Telford & the Wrekin Citizens Advice.

The aims of the review are to check:

* That Telford & the Wrekin Citizens Advice has followed the complaints process
* That Telford & the Wrekin 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, it is acknowledged within 5 working days.

If the review shows that the advice that Telford & the Wrekin Citizens Advice gave to the client was insufficient or negligent and can't be dealt with by inviting you back to Citizens Advice, it is raised separately with the chair.

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

We will also provide you with details of the final stage of the procedure, an independent adjudicator review. 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. Telford & the Wrekin 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 within 4 weeks of receiving the Citizens Advice review. Requests submitted outside of this period will be considered as a reasonable adjustment if there are extenuating circumstances.

The adjudicator may contact you and/or Telford & the Wrekin 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 you and the chair of the trustee board. The decision of the independent adjudicator is final in most cases, although discussion may continue between Telford & the Wrekin Citizens Advice, Citizens Advice and yourself 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 Telford & Wrekin Citizens Advice send them.

Generally, FOS will first try to settle a dispute informally through mediation or conciliation. They may contact you or Telford and the Wrekin Citizens Advice 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 Telford and the Wrekin Citizens Advice 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 parties are bound by the decision. Otherwise, the local Citizens Advice office is not bound, but you remain free to take proceedings if you wish.

A final decision by an ombudsman is the end of the complaints handling process. Neither party can appeal against the decision.