



1. Background

1.1. Since at least 2008 the Citizens Advice Membership Agreement has required that Bureaux adopt certain policies exactly as they appear on BMIS and cannot amend them. These are:

- ICT and Petra acceptable use model policy
- Client confidentiality policy
- Disclosure and barring policy
- Ex-offenders: guidance and policy on recruitment
- Client complaints policy, procedure and guidance
- Managing internal competition (including how a member should operate if it wishes to operate outside its immediate geographic area)

1.2. The new membership package which comes into force in April 2017 is less prescriptive:

Schedule 6: Compliance

The member will act within the relevant laws and regulations. This includes:

- protecting data
- safeguarding clients from harm and abuse
- meeting subject-specific regulatory requirements for advice, such as
- Financial Conduct Authority requirements for debt advice
- never breaching client confidentiality except where this is likely to avoid
- serious harm or disclosure is required by law

The member will also:

- ensure dignity at work
- deal appropriately with complaints
- use the secure electronic case management tool provided by the national
- charity and share data appropriately across the service
- follow the brand guidelines

The national charity will provide optional tools, template policies, help and guidance to help members comply in these areas.

Where a member is in breach of the law or regulations they must work with national Citizens Advice and relevant authorities to resolve the issue.

1.3. Nevertheless, the most straightforward way to ensure that we deal appropriately with complaints is to follow the national policy, procedure and guidance and therefore I do not recommend that we plan on moving away from the policies set out in this document in April 2017. The purpose of this report is to ensure that these are understood and that the various related policies are up to date.

2. Recommendations

The Board is recommended to:

- 2.1. note the required policy and procedure in relation to client complaints as set out in sections 3-5 below and Appendices A and B.
- 2.2. approve the Employee Grievances Policy (Appendix C)
- 2.3. approve the Volunteer Complaints Policy (Appendix D)
- 2.4. approve the Whistle Blowing Policy (Appendix E)
- 2.5. approve the Dignity at Work policies for staff (Appendix F) and volunteers (Appendix G).

3. Informal resolution

- 3.1. 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.
- 3.2. Informal resolution may include:
 - an apology
 - an explanation by a senior manager
 - referral to another agency
 - making an appointment.
- 3.3. 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. **The leaflet which has been created for this purpose is attached as Appendix A (English) and Appendix B (Cymraeg).**

4. Bureau stage

- 4.1. 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.
- 4.2. The second aim of this stage is to investigate what went wrong, and provide a full response to the complainant within 8 weeks.

4.3. 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.

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

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

4.6. 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](#).

5. Claims against bureaux

5.1. 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.

5.2. Where there is potential or actual legal action, you must not 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.

5.3. Communication will be made by the insurance brokers via the bureau; you must not contact the client unless this is agreed by ADS. You should not make any direct reference to 'ADS' or 'our insurers' if a client wants to know what is happening with their case: you must say only that it is the subject of third party advice.

6. Related Policies

6.1. The policy set out above is for **client** complaints. There are separate procedures for Employee Grievances (see Appendix C) and Volunteer Complaints (see Appendix D). These procedures need to be considered in the context of the CAB Gwynedd [Equality Policy](#) (approved by the Trustee Board December 2015), Whistle Blowing Policy (see Appendix E) and Dignity at Work policies for staff (Appendix F) and volunteers (Appendix G).

6.2. CAB Gwynedd has entered into a [Recognition Agreement](#) with Unite the Union, which includes a process for the avoidance of disputes and the process to be followed if either party declares in writing that a dispute exists between them. There are three stages:

- Stage 1 – meeting between representative and Chief Executive within five working days. If this does not resolve the matter it goes to Stage 2.
- Stage 2 – further meeting involving the Unite Regional Officer and the local elected Unite representative, and representatives of the Trustees with the CE, within 10 working days. If this does not resolve the matter it goes to Stage 3.

- Stage 3 - • Referral to ACAS for conciliation. This meeting should be arranged within seven working days unless otherwise mutually agreed.
- 6.3. In addition the Articles of Association provide for representatives of volunteers and staff to attend Board meetings as observers and there is [guidance on paid staff and volunteer involvement with the Board](#). The “model role” described therein specifically recommends that the volunteer role includes
- “To raise directly with trustees any particular issue of concern the volunteers might have, providing the issue has been discussed at a meeting of the volunteers and there is a majority decision that the issue should be taken to the trustee board.”*
- 6.4. The document goes on to confirm that this process is not to be followed for complaints which should instead follow the agreed complaints procedure.
- 6.5. Locally we have agreed that where either the staff or the volunteer representative believes that it is appropriate to raise concerns, this should in the first instance be done via management. Where the issue is not satisfactorily resolved with management, the issue shall be raised with the Chair of the Trustee Board and a meeting will be arranged with representatives of the Trustees and the Chief Executive to discuss the issue.

Tal Michael, 20 October 2016