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Resolving complaints through conciliation

Purpose

This helpsheet provides information to Members and complainers about the process which ICAS may follow where it may be possible and appropriate to seek to resolve a complaint through conciliation.

Application

All references in this helpsheet to 'Members' apply equally to CA Student Members, Firms and Affiliates.

What is conciliation?

Conciliation is a flexible process which aims to assist the Member and complainer to reach an agreeable outcome to a complaint without the need for a formal investigation.

Where ICAS believes that an acceptable outcome can be achieved for both parties it will try to resolve a complaint through conciliation.

What are the benefits of conciliation?

There are a number of advantages to conciliation, including:

- **Flexibility** – a conciliated outcome is more likely to achieve a practical solution to a complaint that is acceptable to both parties.
- **Openness** – conciliation can help the Member and complainer to communicate via a neutral party.
- **Voluntary** – the parties ultimately decide whether to accept the proposed solution.
- **Efficiency** – conciliation is generally quicker than a formal investigation and can help the parties maintain or repair a working relationship.

When can conciliation be used?

Conciliation will be attempted where a practical solution to a complaint might be found. Examples of complaints where conciliation may be appropriate include:

- Breakdowns in communication.
- Failure to release books, records or information.
- Client care issues (e.g. delays in submission of accounting returns).
- Fee issues (e.g. where the client does not understand how a fee has been calculated or why it exceeds a quote).

When is conciliation not appropriate?

Conciliation is unlikely to be appropriate where:

- The complaint is of a serious character (e.g. allegations of a serious departure from Rules, Regulations or professional standards, serious conduct-related issues or ethical failings).
- The nature of the complaint means that a conciliated outcome would not be achievable or practical.
- The matters are outwith ICAS' jurisdiction (e.g. legal disputes that should be considered in court).

How does conciliation work?

A Case Officer in the Investigations Department will oversee the process. The Case Officer is impartial, and their role is to establish and explain the position of each party, explore the possibility for agreement, and suggest possible solutions. To encourage progress, the Case Officer may communicate with the parties by letter, email or phone, as appropriate.

The Case Officer will not act as an arbiter in determining the matters in question and does not have the power to impose a solution. Ultimately the parties have control over the outcome of the conciliation process by either accepting or rejecting any solutions which are presented.

What is expected of the parties when attempting conciliation?

Conciliation works best where a resolution can be achieved quickly. This is possible where the parties communicate openly and are willing to compromise.

Parties to the complaint can assist in the process by providing all relevant information at the outset, and promptly co-operating with the Case Officer's enquiries.

What happens when a conciliated outcome is reached?

If the matter is successfully resolved by conciliation, the Case Officer will confirm the conclusion in writing to both parties and will then withdraw from further discussions.

Following review by the Director of Investigations, the complaint will then be closed and the involvement of ICAS will be at an end.

What if conciliation doesn't work?

Not all attempts at conciliation will be successful.

If conciliation doesn't work within a reasonable timeframe, the Case Officer will advise the parties that the attempt at conciliation has come to an end. Where necessary the Case Officer will carry out further enquiries before assessing the complaint to determine whether there are grounds for further investigation.

Further information on the ICAS complaints process can be found on [icas.com](https://www.icas.com).

Further questions?

Please contact the Case Officer if you have any questions about conciliation which are not covered in this helpsheet.



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