

## Aim and purpose

This Note explains what the OISC considers good practice for in-house resolution of complaints. This Note should be read in conjunction with the Codes 48-51 of the *Code of Standards* and the Guidance Notes listed below:

- [Guidance note on OISC Complaints Re-direction Scheme](#) PDF 722KB
- [Guidance note on how to deal with Clients concerns and complaints](#) PDF 905KB
- [Guidance note on how to prevent a clients dissatisfaction escalating into a complaint](#) PDF 630KB

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## The Resolution of Complaints

### Introduction

This Note explains what the OISC considers to be good practice for the in-house resolution of complaints. This Note should be read in conjunction with the **Codes 48-51** of the *Code of Standards* and the Guidance Notes listed below:

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Even good advisers get complaints. Advisers and their organisations need to understand what they must do when things go wrong. Having and using an effective complaints procedure as approved by the OISC will help advisers and their organisations deal with any complaints they may receive.

Clients can, if they so choose, complain directly to the Commissioner, and must not be prevented from doing so (**Code 51**). Once a complaint is received by the OISC the Commissioner will decide if it is suitable for re-direction back to the organisation to investigate.

### Handling Complaints In-House

1. Resolving complaints in-house may result in a quick and amicable resolution of the complaint and may also identify learning points for the adviser and their organisation (**Code 49**). In contrast it often takes the OISC some six months to issue a determination in respect of a complaint it has received.
2. OISC regulated organisations are required to have an OISC approved internal complaints procedure that states who within the organisation complaints is responsible for receiving complaints, who has overall responsibility for the complaints process and how complaints made to the organisation will be dealt with (**Code 48**).

3. Complaints can be made either in writing (e.g. by letter, fax or email) or orally (e.g. in person or by phone), and can be about a variety of issues to do with the work done and/or the service received.
4. Whatever way the complaint is made, it is important to acknowledge it and understand the substance of the complaint. If the complainant is explaining the complaint orally they should only be interrupted if constructive questions need to be asked. The Commissioner appreciates that such conversations can get heated especially if the adviser takes the complaint as a personal criticism. It is important that any discussion about the complaint does not become defensive and hostile (**Code 50 (b)**).
5. Ignoring a complaint will not make it go away and may make the situation worse. It is very important for clients to know that their complaint is being taken seriously and that investigating their complaint will be a priority.
6. Complaints, in whatever form they are made, should be acknowledged immediately in writing. The acknowledgment should explain how the complaint will be handled, by whom and over what timescale. The timescale given needs to be realistic. While it may be possible to deal with some complaints quickly, others may take longer. Giving unrealistic promises about when the matter will be concluded can make the situation worse by raising false expectations (**Code 50 (a)**).
7. The client must also be made aware of the OISC and told that they can complain to the Commissioner at any time. A copy of the OISC's complaints scheme and complaint leaflet should be made available if the client asks for it.
8. A written explanation detailing the outcome of the investigation and how it is proposed that the complaint be resolved must immediately be given to the client on completion of the investigation. This should include a statement explaining that if he/she remains unhappy they can complain to the OISC (**Code 50(c)**).
9. It is important to be honest and objective when resolving complaints. If errors have been made and/or bad advice or service given, then suitable remedies should be offered including offering to pay back some or all of the money to the client or to do further work for them at no charge. There will, however, be occasions even where the complaint is upheld that the only thing that can be done is to offer an apology.

10. If the situation can be resolved, it should be possible for the relationship between client and adviser to continue. If that is not possible, the adviser should take steps to close the client's matter as quickly as possible and refer the client to another adviser (see Guidance Note on signposting and referrals [Guidance note on Signposting and Effective Referrals](#)).
11. Taking responsibility for errors made will help to ensure they are not repeated. Following the conclusion of the matter the adviser and their organisation should evaluate what issues the complaint has identified and consider how those might be avoided in future. It is often sensible as part of this process to examine the organisation's internal policies and procedures to see where improvements can be made.
12. All complaints must be recorded. **Code 48** requires that records are kept of complaints received and how they were resolved. Advisers must not consider any complaint as too trivial to be recorded. The recording of complaints is evidence that the organisation treats complaints seriously and that the organisation has a robust complaints system in place. Periodic reviews of the organisation's complaints file can assist advisers and their organisation in identifying areas of weakness or where more training might be useful.
13. The complaint file may either be a hard copy file or an electronic file. In any case OISC staff must be able to access it. It is good practice to ensure that copies of all correspondence relating to complaints are retained on file as OISC staff may wish to review this material as part of an organisation's audit.

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