Debt Relief Order Complaints Procedure

Introduction

AdviceUK has been designated by the Secretary of State as a Competent Authority under Regulation 3 of The Debt Relief Orders (Regulation of Competent Authorities) Regulations 2009.

This means that advisers working for organisations that are members of the AdviceUK network are able to apply to AdviceUK to become an Approved Intermediary under the scheme.

It is a requirement of the Regulations that the applicant body: -

> … will adopt an accessible, effective, fair and transparent procedure for dealing with complaints about its functions as a designated competent authority, including complaints about … any intermediary approved by it, or … the activities of any such intermediary.

The Regulations also require that the application must contain: -

> … details of the [complaints] procedures … and how and to what extent they are or will be published, and confirmation that such procedures will include the provision of notice to any person complaining to the applicant … that provided that a complaint is first made to it, the complainant may, if dissatisfied with the applicant's response, refer that complaint and the response to the Secretary of State.

This procedure has been designed to satisfy the requirements contained in the regulations. It sets out how complaints are made, who is authorised to deal with complaints, the timescale for responding to the complainant, whether the results will be published, and the appeals process (including referral to the Secretary of State).

This procedure supplements the AdviceUK Complaints Procedure and covers complaints about AdviceUK in its capacity as a Competent Authority and complaints about any Approved Intermediary authorised by AdviceUK.

COMPLAINTS ABOUT ADVICEUK AS A COMPETENT AUTHORITY

The AdviceUK Complaints Procedure applies to complaints about AdviceUK received from member centres or other users of AdviceUK services or from members of the public.

If, however, a complaint is made about AdviceUK in its capacity as a Competent Authority then the final decision of the Complaints Panel described in Stage Four of the procedure will inform the complainant that if s/he is not satisfied with the decision that

s/he has the right to refer the complaint and the decision to the Secretary of State. The final decision will explain how to do this.

COMPLAINTS ABOUT AN APPROVED INTERMEDIARY AUTHORISED BY ADVICEUK

Complaints regarding the actions or behaviour of an Approved Intermediary authorised by AdviceUK in its capacity as a Competent Authority under the Debt Relief Order scheme may be made by clients or by third parties.

AdviceUK is a network of diverse, independent organisations, each of which has its own complaints procedure. AdviceUK does not dictate what the form or content of members' complaints procedures should be. However, the application form for Approved Intermediaries will require that a copy of the organisation's complaints procedure is sent with the application form to AdviceUK.

When the application to become an Approved Intermediary is processed by staff from AdviceUK's Membership and Marketing Team, the organisation's complaints procedure will be checked to ensure that it includes: -

- An explanation of how complaints are to be made, e.g. in writing
- Details of who is authorised to deal with complaints
- Timescales for responding to complaints
- If the results of complaints are published, information about this
- An appeals procedure, which includes referral to the Secretary of State

An application to become an Approved Intermediary will not be authorised until the member organisation has a complaints procedure in place that incorporates the details specified above.

AdviceUK member organisation complaints procedure

If a complaint is made about the action of an Approved Intermediary, then the complaints procedure of the member organisation for which the Intermediary works must be used.

All stages of the complaints procedure must be used if the complainant is not satisfied with the outcome of her/his complaint at an earlier stage of the procedure.

The final decision under the complaints procedure must inform the complainant of his/her right to have the complaint and the decision about the complaint referred initially to AdviceUK in its capacity as a Competent Authority and ultimately to the Secretary of State. The final decision will explain how to do this.

AdviceUK involvement

Member organisations must record all complaints made about Approved Intermediaries and keep these on file. If any complaints are made about an Approved Intermediary,

then these must be reported on a quarterly basis to AdviceUK's National Money Advice Co-ordinator and Head of Membership and Marketing, and a summary of the nature of any complaints provided together with information about how the complaints were resolved.

The final decision of the member organisation's complaints procedure must inform the complainant of his/her right to have his/her complaint and the final decision referred to AdviceUK in its capacity as a Competent Authority. The decision must include details of AdviceUK's name and address together with a copy of this complaints procedure.

If the complainant decides to refer his/her complaint to AdviceUK, s/he must do so in writing. The referral will be dealt with by either AdviceUK's National Money Advice Co-ordinator or its Head of Membership and Marketing.

A letter acknowledging the complaint will be sent out within seven working days and will give details of the procedure to be followed.

The National Money Advice Co-ordinator or Head of Membership and Marketing will make a decision regarding the extent to which, if any, the complaint can be dealt with by AdviceUK. The complainant will be notified within one month of those aspects of the complaint that AdviceUK will investigate and those aspects that cannot be dealt with by AdviceUK.

AdviceUK will deal with the following type of complaints: -

- If the Intermediary approved by AdviceUK fails to comply with any statutory duty in relation to the making of a Debt Relief Order application
- Where the client alleges that the Intermediary is responsible for a potentially material error on the completion of the Debt Relief Order application which has resulted in, or is likely to result in, detriment to the complainant

AdviceUK will not deal with complaints about the service or advice that the complainant has received from the Intermediary. The complaints procedure of the organisation for which the Intermediary works should be used for dealing with complaints of this type.

AdviceUK can: -

- Consider whether the complaint is one which it can deal with
- Review the Debt Relief Order application in question
- Share the results of this review with the complainant and the Intermediary
- Use the review to assist in ongoing assessments of the Intermediary's competence
- Suspend or withdraw its approval of the Intermediary if it considers this to be appropriate

AdviceUK cannot: -

- Overrule or change the content of a Debt Relief Order application
- Overrule or change the outcome of a Debt Relief Order

- Interfere with the complaints procedure of any other agency

AdviceUK will aim to deal with any complaint within 90 days of receipt of the complaint. However, this will depend upon the complexity of the complaint and the resources available.

The complainant will be notified in writing of the outcome of the review of his/her complaint. The letter will inform the complainant of his/her right to refer the complaint and the decision to the Secretary of State and explain how to do this.

MONITORING AND REVIEW

AdviceUK will monitor the effectiveness of this complaints procedure and review it in the light of this monitoring on at least an annual basis.