Purpose
This helpsheet provides information to Members and complainers where a complaint has been made against a Member and ICAS considers that it might be possible to resolve the matter by conciliation.

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

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

What are the benefits of conciliation?
There 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).

When is conciliation not appropriate?
Conciliation is unlikely to be appropriate where:
- The facts or matters raised are 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).

While ICAS cannot consider complaints relating to the level of fees, parties who are in dispute over a fee might wish to consider using the ICAS Fee Arbitration Scheme. Further information on the Fee Arbitration Scheme is available onicas.com

How does conciliation work?
A Case Officer in the Investigations Department will oversee the process. The Case Officer is impartial and is there to establish and explain the position of each party, explore the possibility for agreement, and suggest possible solutions. To encourage progress, the Case Officer might communicate with the parties by letter, email or phone.

The Case Officer will not act as an arbiter in determining the matters in question, and does not have power to impose an agreement. Ultimately the parties have control over the outcome of the conciliation process by either accepting or rejecting any solutions which may be 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, where appropriate.

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.

The complaint will 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 or not there are sufficient grounds for further investigation.

Further information on the ICAS complaints process is available in helpsheets which are available on icas.com

Further information
Please telephone the Investigations Department on +44 (0)131 347 0271 if you have any queries about the conciliation process.