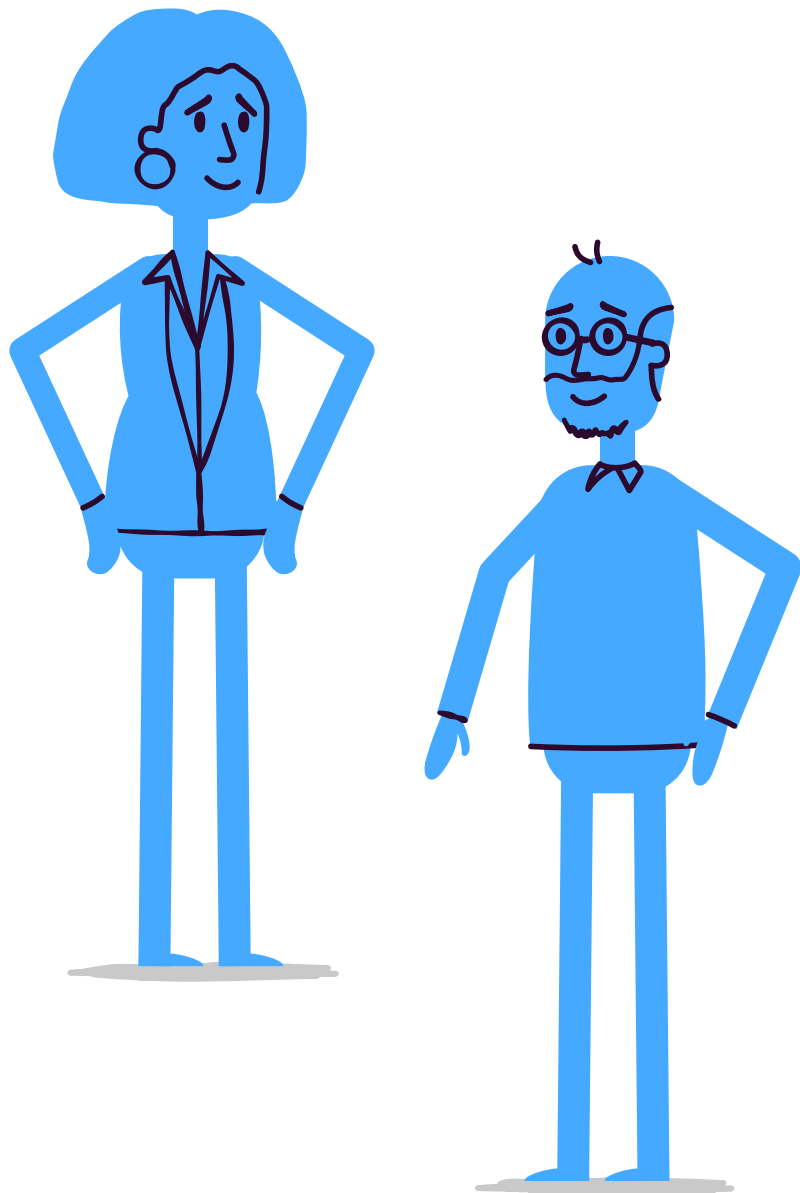


# Early resolution

# Contents

Welcome to this guide	3
What standards and regulations are relevant to this guide?	4
What the Complaint Standards say	4
What you need to do	6
Reminder: Important steps to consider when resolving a complaint early.	9



# Welcome to this guide

This guide is one of the Good Complaint Handling series. These are designed to help you implement and deliver the expectations in the [NHS Complaint Standards](#).

The guide explains:

- how to decide whether a complaint could be resolved quickly (early resolution)
- how to resolve a complaint early within the regulations
- how to capture any learning, to help improve services for everyone
- what to do if the person who complained is still unhappy.

Read this module alongside the [Model Complaint Handling Procedure](#). You can find guides on related topics on our [website](#).

# What standards and regulations are relevant to this guide?

**The Complaints Standards** set out expectations to help you deliver good complaint handling in your organisation.

The [Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#) set out what the law says you must do.

## What the Complaint Standards say

### Promoting a just and learning culture

- Senior staff make sure staff are supported and trained in all aspects of dealing with complaints, from identifying a complaint to issuing a response, so that they meet the expectations set out in the Complaint Standards. This should include how to manage challenging conversations and behaviour.

### Welcoming complaints in a positive way

- All staff openly welcome complaints so they can identify and resolve issues quickly. Staff receive training to do this well and make sure people are listened to and treated with empathy, courtesy and respect.
- Organisations regularly promote their wish to hear from their service users and show how they use learning from all feedback (including complaints) to improve services.

### Being thorough and fair

- Staff look for ways they can resolve complaints at the earliest opportunity.
- Staff actively listen and demonstrate a clear understanding of what the main issues are for the person who has made the complaint, and the outcomes they seek.

## What the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 say

The Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 (the 2009 Regulations) apply to all complaints handled under your complaint handling procedure. For the purposes of this guidance, the relevant aspects are:

- Regulations 4(2) and 4(3) allow the responsible body to authorise any person to perform the functions of its responsible person and complaints manager on its behalf.
- Regulation 8(1)(c) states that a complaint that is made orally and is resolved to the satisfaction of the person making it 'not later than the next working day after the day on which the complaint was made' do not need to be handled in accordance with the 2009 Regulations.
  - a. Regulation 13 states that the responsible body must:
    - b. (for any complaint made orally) make a written record of the complaint and provide a copy to the person making the complaint (Reg.13(2))
    - c. acknowledge the complaint within three working days of receiving it (Reg 13(3)). This can be done orally or in writing (Reg 13(6)).
    - d. offer to discuss with the person making the complaint how their complaint will be handled and the relevant timescales (Reg 13(7)).
- Regulation 14 states the responsible body must:
  - a. investigate the complaint in a manner appropriate to resolving it speedily and efficiently and keep the person making the complaint informed of progress (Reg 14(1))
  - b. provide a written response on how the complaint has been considered, conclusions reached and appropriate outcomes and proposed actions (Reg 14(2)(a) and (b)). Regulation 17 states the responsible body must maintain a record of each complaint received that includes the subject matter and outcome (Reg 17(a) and (b)).

# What you need to do

This section explains how to address informal feedback received face to face. It then goes through the process of what you should do when you receive a formal complaint. It explains how to know if the complaint may be suitable for addressing quickly ('early resolution') or whether it requires a more detailed investigation (a 'closer look').

Everyday conversations with patients and service users [DUPLICATED FROM GUIDE 5]

Every day, frontline staff interact with people who use (or are affected by) your care and service. The people they encounter often raise issues that they can help with and resolve there and then, without the need for a complaint. This can include things like:

- a request for advice or an action
- a need for an explanation to resolve confusion
- concern about an error that may have been made.

Addressing matters through everyday conversations is the best, most cost-effective and time-efficient way to address the issue, before the person becomes dissatisfied and raises a complaint.

However, if the staff member does not follow up within the timescale promised, the issue can quite quickly become a complaint. For this reason, they should always deliver on what they say.

Use the decision tool to decide if something is a complaint.

## Decision tool: Is something is a complaint or not?

<b>Everyday conversation</b>	<ul style="list-style-type: none"><li>• The service user is asking for something.</li><li>• The service user needs an explanation.</li></ul>
<b>Complaint</b>	<ul style="list-style-type: none"><li>• The service user is clearly dissatisfied with something that has, or has not, happened.</li><li>• The matter needs looking into.</li><li>• The person wants a response.</li></ul>

## Verbal complaints that can be answered by the next working day

Under the 2009 regulations, when someone makes a complaint in person (by phone or face to face) and it is resolved to their satisfaction by the next working day, this does not need to go through the organisation's complaints process. Resolving a complaint in this way is considered good practice.

If it is not resolved by the end of the next working day, it will need to go through your complaints process.

The rest of this guide/page/section [ADAPT COPY FOR ONLINE] refers to complaints that do need to go through your organisation's complaints process because they do not fall into the categories described above. It explains what the regulations say and how to resolve complaints quickly.

### Deciding whether the complaint can be resolved quickly [INTERACTIVE TOOL?]

When you first receive a complaint, ask yourself:



Can I resolve it quickly?



Do I need to give it closer, more detailed consideration and investigation?

You may be able to resolve it quickly if there is something your organisation can do in a short space of time that will resolve the issues fully – for example, where:

- a service has not been provided that should have been
- a service has not been provided to an appropriate standard
- a request for a service has not been answered or actioned
- a service being provided is having an immediate negative impact
- an error has been made that can be corrected quickly
- a member of staff was seen as rude or unhelpful
- a staff member or contractor did not attend a scheduled appointment.

The decision tool below is designed to help decide if a complaint may be suitable for early resolution or not. You can amend the details to reflect the types of complaint your organisation might receive. [Will need reworking after design]

### Decision tool: categories of complaints [INTERACTIVE?]

**NB: REWORD QUESTIONS EG Has a service not been provided that should have been?]**

Early resolution may be suitable if:

- a service has not been provided that should have been
- a service has not been provided to an appropriate standard
- a request for a service has not been answered or actioned
- a service being provided is having an immediate negative impact
- an error has been made that can be corrected quickly
- a member of staff was perceived as rude or unhelpful
- a staff member or contractor did not attend a scheduled appointment.

A closer look may be suitable if:

- the issues raised are complex and will require detailed investigation
- the complaint is about more than one area of care or service, or multiple organisations
- the complaint is about both health and social care
- the complaint raises issues that might affect other service users
- the complaint relates to issues that have been identified as serious, high risk or high profile.



**Tip:** A complaint may be serious or high risk or high profile if it:

- involves a death or terminal illness
  - involves patient safety issues
  - involves safeguarding issues
  - involves a vulnerable person
  - involves child protection issues
  - involves major delays in service provision or repeated failure to provide a service
  - has attracted media interest
  - may present a risk to the organisation.
- 

## Reminder: Important steps to consider when resolving a complaint early.

### How to resolve a complaint early

If you are trying to resolve a complaint early:



listen to make sure you understand the problem or issues



ask about the impact this is having and how it feelsask what they would like to happen to put things rightacknowledge the complaint and discuss how you will look into the matter and how long you think this will take

Once you have looked into the matter:



explain what happened and why, if you can



if nothing has gone wrong, provide reassurance and an explanation



if something has gone wrong, give a meaningful apology



carry out actions to put things right if you can (or with the support of others)



if you can't put things right, explain why and what you can do instead



if something has gone wrong, capture any learning to share with colleagues and improve services for others.

### What does 'quickly' mean?

The 2009 regulations, Complaint Standards and Model Complaint Handling Procedure do not give specific timeframes for how long 'early resolution' of complaints should take.



As a rule of thumb, if you can resolve the complaint within days, it is probably suitable for early resolution.

### What issues are unsuitable for early resolution?

Some complaints are complex, complicated or serious, or need significant work and time to investigate. These cases are not suitable for early resolution and will require a detailed 'closer look'.

Even if the issues look straightforward, a complaint still may require a closer look – particularly where the issues:

- raise concerns about patient safety
- flag concerns about potential issues in the system that may be affecting other service users
- involve safeguarding issues or a vulnerable person
- may attract media interest or present a risk to your organisation.



**Tip:** If in doubt, ask your colleagues their opinion of which approach to take.








### Find out more



If you decide against early resolution and need to take a closer look, with a more detailed investigation, see the relevant guidance modules.

## How to resolve a complaint through early resolution

If you can't resolve a verbal complaint by the end of the next working day, the regulations say you must do the following:

-  Record the complaint in writing.
-  Share the details with the person who made the complaint.
-  Do this by email, letter or using a simple form. Choose whichever option is easiest and meets the needs of the person making the complaint as well as your organisation.
-  Acknowledge complaints within three working days. (You can do this in writing, as part of your contact above, or verbally.)
-  Offer to discuss the complaint with the person at a convenient time - to explain how you plan to respond and timescales. If they do not want to discuss it, write to them instead, setting out these same details.

## Managing early discussions

-  When somebody makes a complaint, the most important thing to do is to talk to them – either face to face, or by phone or video call.
-  If you think their complaint could be resolved quickly, use this initial discussion to acknowledge the complaint, discuss the issues, explore how you can resolve them and set out how long this may take.

Follow these steps to gather information and build rapport:

### Step-by-step guide: holding an initial meeting

1

#### Step 1:

Take time to understand Listen carefully, to make sure you understand what the problem is. If it is not clear, ask questions.

2

#### Step 2:

Clarify the impact Ask what impact the issue is having on the person (or whoever they are representing) and acknowledge this. People react differently to situations, so ask rather than assume.

Reflect the language they use, focusing on any emotive words. For example, if they describe their experience as 'a nightmare', reflect this back, saying 'You said this has been a nightmare for you – could you tell me more about how that made you feel?'

Acknowledging impact and how someone is feeling does not mean you accept that you, or your organization, have failed or made a mistake. It shows that you are listening, and you understand how the situation has made them feel – regardless of whether anyone is at fault.

3

#### Step 3:

Gather evidence Ask the person for any evidence that supports the alleged impact so that if mistakes have been made, you can put them right as soon as possible.

4

#### Step 4:

Acknowledge the complaint Thank the person for telling you about their dissatisfaction.

5

### Step 5:

Ask what would put things right When things do not go to plan – particularly at the very early stages – people often want a simple acknowledgement, explanation, action and apology.

Ask the person how they would feel if you provided what they are asking for. For example, someone who says initially that all they are looking for is an apology may say that what they really want is your organisation to learn from what has happened.

6

### Step 6:

Set out the process Tell the person what action you will take to look into the matter, and how long you think it will take.



**Tip:** Many complaints that go on to become long and complicated could have been resolved much earlier with

- acknowledgement
- explanation
- action
- apology
- effective communication.






## After the meeting

### If you find nothing has gone wrong

Once you have looked into the matter, if you find that nothing has gone wrong, you need to reassure the person and an explanation to help them understand. If things were not explained to them clearly earlier, apologise.

### If you find something has gone wrong

If you find something has gone wrong, try and put things right straight away.

-  Always be open and honest about what has gone wrong. Explain what has happened and why, if you can, and give a meaningful apology.
-  Take action to put things right if you can (or with the support of others).
-  If you can, provide what the person raising the complaint has asked for, where that is appropriate. If you cannot put things right, explain why and tell the person what you can do instead.
-  If you need support, talk to your colleagues, agree what action is needed and then make sure it is carried out.
-  If you cannot provide what the person is asking for, explain what you can provide instead so they can make an informed choice.

Gather any learning to share with colleagues and improve services for others.



**Tip:** A simple acknowledgment of what went wrong and a meaningful apology is often all that people want. This goes a long way towards restoring faith and trust in your organisation.

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## What to do if you can resolve the complaint



If you can answer or address the issues raised, talk to the person who has made the complaint and make sure they are satisfied that this resolves the matter.



The regulations say you must send them a written response (by email, a simple form or a letter – whichever they prefer) that sets out:

- how their complaint has been considered
- the conclusions reached
- the outcome and proposed actions.

You must have delegated authority to issue this response on the responsible person's behalf under the 2009 regulations.

## Recording the complaint and capturing the learning

Organisations see far too many complaints about things that happen time and time again. This is often because they pay too little attention to what their staff and service users are telling them. That's why it is important to make sure complaints are recorded and used for learning.



Make a simple record of the complaint, the outcome, and any action taken to resolve the issue and improve services.

Combined with other sources of feedback, this will help your organisation:




- identify emerging themes or issues
- build a better picture of the impact of your services on service users
- improve those services for everyone.

If you do not already have a system for capturing this information, use sample form in the toolkit as a template.

## Sample **form xx**: Capturing complaints at early resolution





## What to do if the person is still dissatisfied

If the person making the complaint is unhappy with your resolution, consider whether your organisation can, and should, do more to try and resolve the matter. This might include taking a closer look into the complaint.

-  Discuss what has happened with your manager or complaints lead to help you decide if you should do further work.
-  If you are satisfied that you have done all you can to resolve the matter, signpost the person to the Parliamentary and Health Service Ombudsman.
-  You should also explain [how they can get help and support to refer their complaint to the Ombudsman](#). [provide a link here?]

## If the matter is complicated, serious, complex or cannot be dealt with quickly

If you decide that you cannot deal with the complaint quickly, you (or another colleague) will need to take a closer look and carry out a more detailed investigation.

-  Discuss with your manager and a relevant colleague responsible for complaints\* whether taking a closer look is the right thing to do.
-  If you decide the complaint needs a closer look, explain this to the person who has raised the complaint.
-  Then, tell them what will happen next.
-  Finally, explain how they can access help and support with their complaint if they need it.

**Case study:** Alan's story - Watch [Alan's story - Saying sorry - NHS Resolution](#)

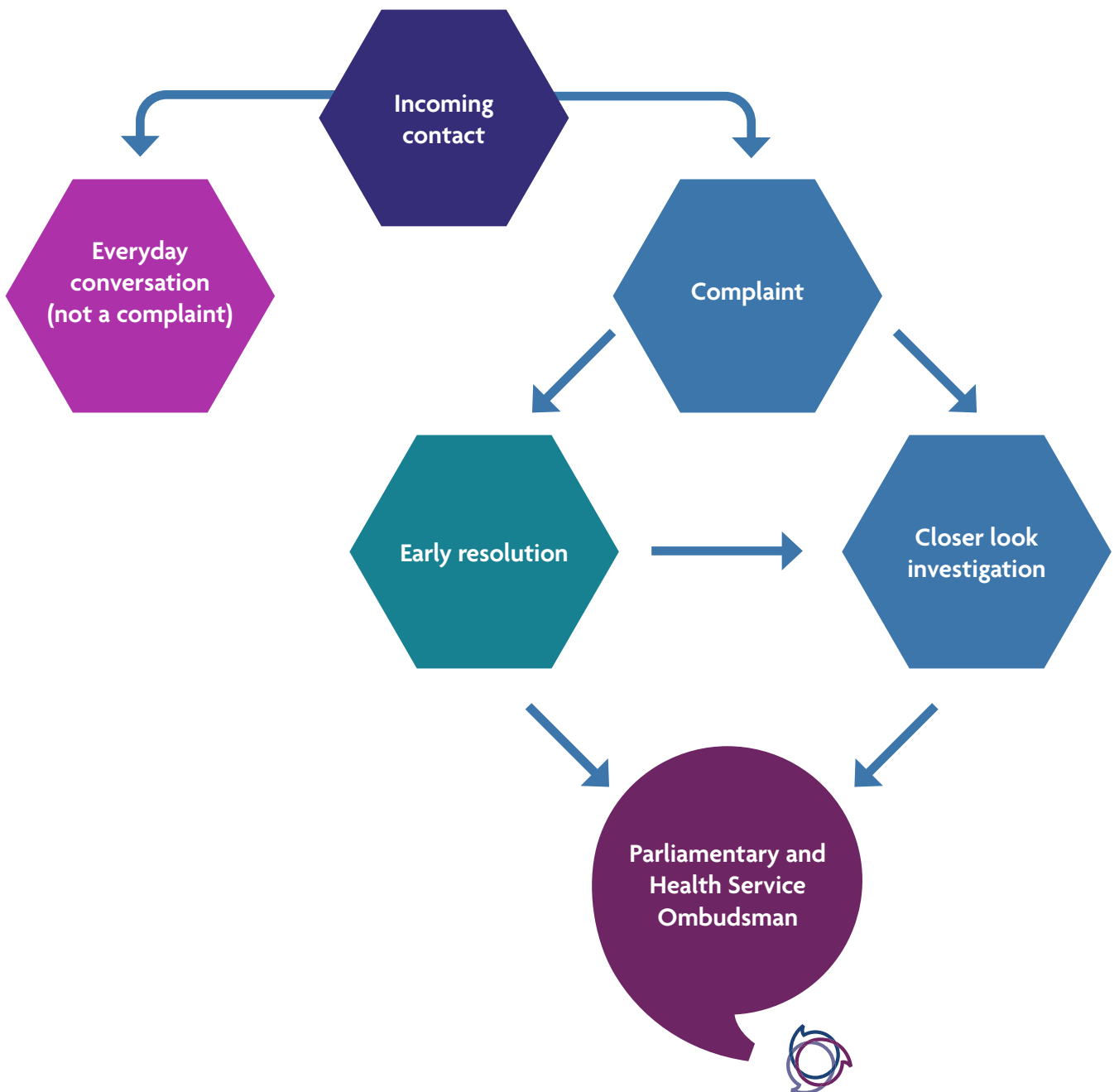


### Find out more

How to make a good apology – Scottish Public Services Ombudsman [How to make a good apology - SPSO www.spsso.org.uk › files › 2018 SPSO Apology Guidance](https://www.spsso.org.uk/files/2018_SPSO_Apology_Guidance)

Saying Sorry – NHS Resolution, [guidance from NHS Resolution on how to make a meaningful apology](#)

This flowchart shows the NHS Complaint Standards Model Complaint Handling Procedure. It can be tailored and amended to reflect your organisation's process.



If you would like this document in a different format, such as Daisy or large print, please contact us.

**Let's make  
complaints  
count!**

