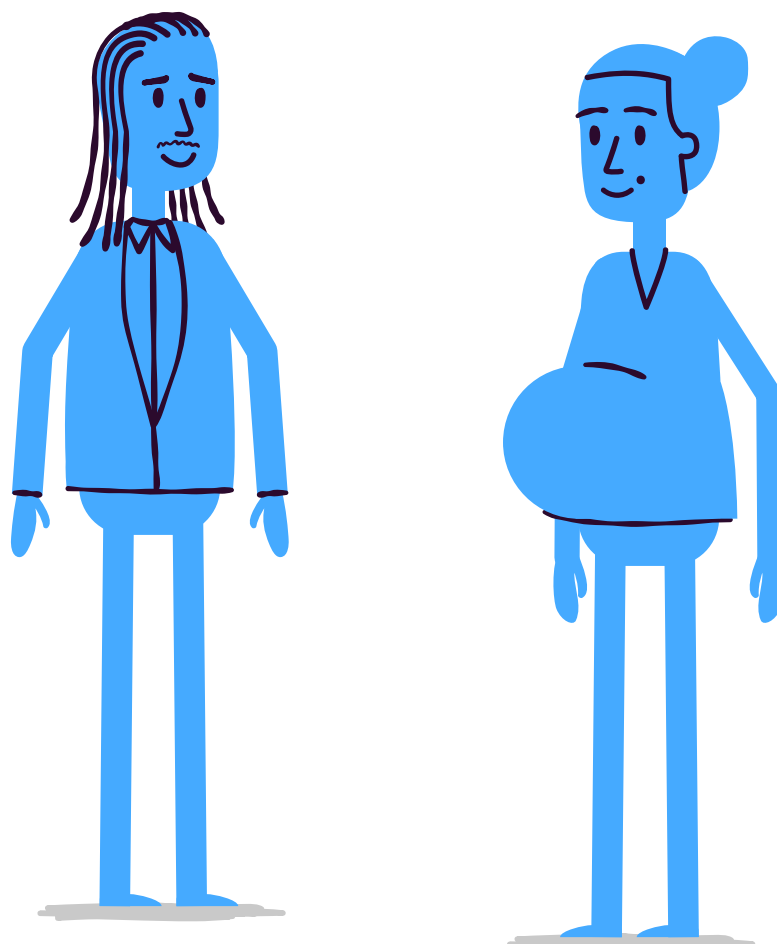


Writing and communicating your final response



Contents

Welcome to this guide	3
What standards and regulations are relevant to this guide?	4
What to do	5



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 clarify and understand a complaint and how to explain the complaints procedure. This module explains how to make clear:

- that you have understood the complaint and what the person wanted to achieve
- what you have investigated
- how you have investigated it
- how you have decided whether something has gone wrong
- that you have understood the impact of any failing
- what will happen as a result of the complaint
- if the person is not happy and wants to take the matter further, what the person can do next.

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

- Organisations support and encourage staff to be open and honest when things have gone wrong or where improvements can be made. Staff recognise the need to be accountable for their actions and to identify what learning can be taken from a complaint. They are clear about how the learning will be used to improve services and support staff.
- Wherever possible, staff explain why things went wrong and identify suitable ways to put things right for people. Staff give meaningful and sincere apologies and explanations that openly reflect the impact on the people concerned.
- Staff make sure they tell people about their right to complain to the Ombudsman if they are not satisfied with the final written response at the end of the organisation's complaint process.

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

- [Regulation 14](#) states that the final response letter must be in writing and signed by your organisation's responsible person (or their delegate). The final response must explain how you considered the complaint and the conclusions you reached, including actions you will take as a result of the complaint. It must also explain how the person who has made the complaint can approach the Ombudsman if they remain unhappy.
- [Regulation 15](#) says that if the person complaining has agreed, you can send the final response electronically.

What you need to do

Your final written response is important because it sets out your organisation's position on the complaint. It should help the person making the complaint understand what has happened before reassuring them either:

- that having looked into the matter carefully, you have found that nothing went wrong, or
- that where you find that something has gone wrong, you acknowledge and accept this.

It is also your chance to:

- show that you understand what impact any failings have had
- explain how you will put things right for them and potentially for other users of the service.

This will help the person see that making the complaint has been worthwhile and that your organisation listens and learns from what service users have to say.

Use plain English

There is a wider awareness of the importance to use plain English – especially when writing to the public. (For example, the [NHS content style guide](#) aims for a reading age of 9-11 wherever possible.) This is crucial, to ensure that the person you are writing to is able to understand the letter you send. As a rule of thumb, use shorter words, shorter sentences, and shorter paragraphs where possible.






Find out more

The Plain English Campaign [letter](#) and [report](#) writing guidance.





[The NHS content style guide - How we write](#)

Adapt your tone of voice to the reader

Your letter must meet the communication needs of the person who has complained:

-  If the person needs the letter translated into another language, or in an alternative format, such as braille, easy-read or an audio recording, provide this.
-  Where you can, use the language and words they have used in their original complaint and in conversations with you. For example, if they say 'my mother' rather than 'Mrs Smith', reflect this in your letter.
-  Make sure your language shows empathy. As you write, keep in mind the person you are writing to. Ask yourself 'Would I be happy if a member of my family received a letter like this?'

The final response needs to describe the investigation into the complaint and set out what, if anything, will happen next:

-  Make it clear that the investigation is complete.
-  Tell the person that they can approach the Ombudsman if they are still unhappy.
-  Remind them that if they decide to take things further, they can get support from an independent NHS complaints advocacy service.
-  Remember to send a copy of your response to anyone who is supporting the person making the complaint, such as their independent NHS complaints advocate, if the person has asked for this and consented to you doing so.

What a good final response letter includes

Writing the final response letter: a step-by-step guide

1

Step 1:

Set out the issues. This includes the things the person has complained about and what they wanted to happen as a result of complaining. This shows the person that you have listened to, and understood, their complaint. It also reminds them of what they said they wanted to happen, and what they had agreed would be a good outcome. Ideally, use the language that they used because this shows you have listened carefully.

2

Step 2:

Explain how you looked into the complaint. Set out how you investigated it, who you spoke to, and what steps you took to make sure you (and anyone else involved) were impartial. As you explain your actions, refer to the complaint, so the person knows you looked at all aspects of the matter. For example, say 'You said your mother was given the wrong medication, so we spoke to the pharmacy department and checked their records.'

3

Step 3

Present the evidence you considered. This should always include the account and evidence given by the person who has made the complaint. It may also include things like extracts from clinical records, details of interviews with staff, phone records and witness accounts. Explain why you looked into this evidence and be clear about everything you found, regardless of whether it supports their complaint.

4

Step 4

Explain the outcome and whether something went wrong. This involves:

- explaining what happened, based on the evidence you have seen and the accounts you have heard
- setting out what should have happened, explaining the relevant law, policy, procedure, guidance, or local arrangements that should have been followed in the circumstances
- comparing the two.

If the care or service provided was in line with what should have happened, reassure the person. If this could have, or should have, been explained to them earlier, then apologise.

If the care or service provided was not in line with what should have happened, say so and explain why, if you can. Your aim is to set out clearly whether something went wrong or not.

5

Step 5

If something did go wrong, set out the details of that failing and any impact it had. This should include the impacts that the person making the complaint told you about, along with any other impacts the person may be unaware of.

Reflect the language and information that the person used in their complaint. If they told you they had felt 'hurt and upset', say that you understand this and sympathise. If you present this with empathy, the person is more likely to accept that you understand how they feel.



Find out more

For help with explaining impact, see the [guidance on providing a remedy](#).

6

Step 6

If something has gone wrong, provide a meaningful apology. An apology does not mean your organisation is admitting legal liability, but it acknowledges that something could have gone better. For your organisation, it may also be the first step towards learning from what happened, stopping it happening again, or restoring trust.

Your apology needs to:

- express regret
- accept responsibility for the failings
- explain why the apology is needed.



Find out more

For more help with making a meaningful apology, see [Providing a remedy](#).

7

Step 7

Explain how your organisation will remedy the failing for the people affected, and how you will put things right. First, describe any action that your organisation has already taken to remedy the failing. Then, set out any further remedy or action needed. This may include:

- reviewing or remaking a decision
- revising published material
- revising policies and procedures to prevent the same thing happening again
- training or supervising staff
- a combination of these.

It may also include:

- financial compensation for direct or indirect financial loss
- loss of opportunity
- inconvenience
- distress
- any combination of these.



Find out more

For more information, see [Providing a remedy](#).

8

Step 8

If something has gone wrong, explain how your organisation will use learning from the complaint to improve services for other users. Most people who complain want to know that what has happened to them, or a loved one, will not happen to anyone else.

Explain how their determination and effort in speaking up will help improve services for others. This can go a long way towards resolving a complaint, restoring a broken relationship and trust, and providing some meaning and comfort, even in the most serious of cases.

9

Step 9

Describe what the organisation has done, or will do, to improve services such as training staff, changing policies or procedures, or introducing new ones.

Explain how your organisation will show that it has learnt from the complaint.

Offer to keep involving and updating the person who raised the complaint until all the actions to improve services are complete. Ideally, offer to involve them in any action you take to improve services as a result of their complaint. This could involve:

- inviting them in to see any changes you have made
- sharing drafts of any changes to policies and procedures
- sharing the outline and objectives of any training sessions
- even involving the person in that training, if appropriate.



Tip: Once the actions have been taken, it can be useful for the person making the complaint to tell their story as part of any wider learning for staff and board members.

10**Step 10**

Set out the person's right to refer their complaint to the Ombudsman Make it clear that you have finished investigating the complaint. Explain that if the person is still unhappy, they can approach the Ombudsman.

Use the suggested signposting paragraph below. Also provide a reminder of where they can get support to do that, if they need it, from local complaints advocacy or national advice organisations.

Sample copy: Signposting to the Ombudsman

If you are not happy with how we have dealt with your complaint and would like to take the matter further, you can contact the Parliamentary and Health Service Ombudsman.

The Ombudsman is an independent organisation that makes final decisions on complaints that have not been resolved by the NHS, government departments and some other public organisations. Our service is free for everyone.

There is a time limit for making your complaint to the Ombudsman, so make sure you do this as soon as possible.

To take a complaint to the Ombudsman, or to find out more about the service, go to www.ombudsman.org.uk or call 0345 015 4033.

Top 10 tips for writing a good complaint response

1. Set out the issues and what the person wanted to achieve.
2. Set out how you have investigated.
3. Explain if something has gone wrong or not and compare 'what happened' with 'what should have happened'.
4. Set out your conclusion about the service provided.
5. Explain any failings and the impact they have had.
6. If there are failings, give a meaningful apology.
7. Explain how you will put things right for them.
8. If something did go wrong, explain how you will put things right for other service users.
9. Explain how you will keep the person involved and updated.
10. Make it clear this is your final response and signpost the person to review, independent tier or the Ombudsman

The dos and don'ts of making a meaningful apology

Don't say

'I'm sorry you feel like that.'

'We're sorry if you're offended.'

'I'm sorry you took it that way.'

'We're sorry, but...'

Do say

'I'm sorry X happened.'

'We're truly sorry for the distress caused.'

'We apologise.'



Find out more

To find out more about making an apology, see these resources:

[Apology leaflet from Scottish Public Services Ombudsman](#)

[Apology leaflet from NHS Resolution](#)

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

**Let's make
complaints
count!**

