Clarifying the complaint and explaining the process

Complaint Standards
UK Central Government

Parliamentary and Health Service Ombudsman

Contents

Welcome to this guide

This guide is one of the Good Complaint Handling series. These are designed to help you meet and deliver the expectations in the UK Central Government (UKCG) Complaint Standards.

The guide explains how to clarify and understand a complaint when you receive it and how to explain the complaints procedure to the person who has made the complaint. It explains how to:

- acknowledge the complaint
- clarify the issues to be investigated
- understand the impact and the outcome sought
- explain the process and timescales for investigation.

Read this guide alongside the Model Complaint Handling Procedure. You can find guides on related topics on our website.

What guidance and standards are relevant to this guide?

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

Other requirements and guidance set out what you must do.

What the Complaint Standards say

Welcoming complaints in a positive way

- Colleagues make sure they respond to complaints at the earliest opportunity. They consistently meet expected timescales for acknowledging a complaint. They give clear timeframes for how long it will take to look into the issues, taking into account the complexity of the matter.

Being thorough and fair

- Colleagues actively listen and demonstrate a clear understanding of what the main issues are for the service user who has made the complaint, and the outcomes they seek.
- Colleagues discuss timescales with key parties involved in the complaint and agree how they will be kept informed and involved. They provide regular updates, as agreed with the parties, throughout.
- Colleagues make sure key parties (including those being specifically complained about) know how they will look into the issues. This includes what information complaints colleagues will need, who they will speak to, who will be responsible for providing the final response and how they will communicate their findings.

What other requirements and guidance say

The Civil Service code standards of behaviour state:

'Integrity ... You must ... deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively, ...'

Managing Public Money

- 'Annex 4.14 ... Prompt and efficient complaint handling is an important way of ensuring customers receive the service to which they are entitled and may save public sector organisations time and money by preventing a complaint escalating unnecessarily. Dealing with complaints ... Public sector organisations should operate clear accessible complaints procedures. They are a valuable source of feedback which can help shed light on the quality of service provided, and in particular how well it matches up to policy intentions. So all complaints should be investigated.'
- 'The Parliamentary and Health Service Ombudsman (PHSO) has published Principles of good complaint handling [and the UKCG Complaint Standards] to help public bodies when dealing with complaints. Systems for dealing with complaints should operate promptly and consistently. Those making complaints should be told how quickly their complaints can be processed. ...'

The National Audit Office guide [**'Improving operational delivery in government: a good practice guide for senior leaders'**] includes:

- 'Practical actions that senior leaders can take - Make it clear that everyone is responsible for solving problems. Organisations need to make clear to people what types of change they can make and who has authority for changes outside their span of control. Clarify how to solve problems in different contexts and provide training in structured problem-solving. Put in place a way for people to escalate and make visible those issues that need more senior support.'

What you need to do

This section takes you through the steps you need to go through when you first receive a complaint. Much of this is about good communication, to make sure you understand:

- the issues being complained about
- the impact of the events
- the outcome that the person wants
- the importance of building trust and confidence.

Acknowledge the complaint

When you receive a complaint, the first thing you must do is acknowledge it.

→ The Complaint Standards Model Complaint Handling Procedure says that your organisation must acknowledge the complaint no later than three working days after the day you receive it. You can do this verbally, electronically or in writing.

→ If you receive a verbal complaint (by phone or face to face), you should write it down and share a copy of it with the person who has made the complaint. This will enable them to check that you have captured the matters to be investigated correctly.

→ Ask the person making the complaint (or the service user they represent) for appropriate consent to handle the complaint. This is especially important if the complaint will need input or investigation from parties or organisations outside your own.

→ Give the person who has made the complaint your name or the name and contact details of a colleague who will be their point of contact throughout the complaints process.

→ For each case, think about whether you will need to make reasonable adjustments to procedures to meet the individual needs of the service user who has made the complaint.

If you make any adjustments, make sure you keep a record of them. If the service user requests an adjustment and you refuse it, keep a record of the reasons for this too.

Tip: Ask everyone who makes a complaint 'Is there anything we can do to make your communication with us easier?'

Find out more

See the guidance on Who can make a complaint and what consent do you need

Talking to the person who has made the complaint

You (or an appropriate colleague) should always offer to talk to the person who has complained at the start. Where possible, do this face to face or by phone. Make sure you take into account the person's preferred methods of communication and any reasonable adjustments that you have agreed.

The initial discussion has a number of purposes:

- to make sure, before you carry out your investigation, that both of you fully understand and agree on:
    - the main issues that need to be considered
    - the impact the issue has had
    - what outcomes the person wants.
- to signpost to any available help, advice or support services
- to agree the preferred method of communication and any reasonable adjustments that you might need to make
- to discuss a realistic timeframe (depending on the complexity of the complaint and the work that is likely to be needed to carry out the investigation) for:
    - how long it is likely to take
    - how you will keep them regularly informed and engaged throughout
    - when they can expect to receive a response.

- explain that if you cannot meet these timescales, you will let them – and anyone else involved – know as soon as possible.
- to explain how you intend to carry out the investigation, including:
  - how and when you will get their evidence
  - what other evidence you will search for and consider
  - who you will speak to
  - how you will determine whether something has gone wrong or not (by comparing what happened to what should have happened)
  - who will be responsible for the final response and how they will communicate that response.

Tip: If the service user does not accept the offer of a discussion, write to them instead. Cover all the points set out above, including a suitable and realistic estimate of how long it will take to finish the investigation and provide your response.

To help you prepare for the initial conversation, use this step-by-step guide as a quick reference summary:

Holding the initial conversation: step-by-step guide

1

Step 1

Introduce yourself and explain your role.

2

Step 2

Check whether it is a convenient time to talk about the complaint. If not, agree an alternative date and time.

3

Step 3

Explain that the purpose of your call is to check your understanding of the complaint, understand how they have been affected and what they would like to happen to put things right and to tell them what happens next.

4

Step 4

Agree and record how they would prefer to be contacted. If they ask for a reasonable adjustment and you cannot agree to this straight away, explain how you will consider this.

5

Step 5

Ask for any other information you need to understand the circumstances of the complaint (for example, if there was a delay in making the complaint, find the reasons for this).

6

Step 6

Check if the person is happy to talk about their complaint there and then, or if they would like you to arrange another call.

7

Step 7

If the person is happy to talk now, discuss the complaint in more detail to make sure you fully understand their concerns. If anything is unclear, ask questions.

8

Step 8

Make sure you ask about, and record, how the events have impacted them (or the person they represent). Ask what the main issues are that they want you to look at, and how they feel about what happened.

9

Step 9

Ask what they want to happen as a result of their complaint and what would put things right for them. If they have not thought about this, give them time to think it through. You can offer to call back the next day, to give them time to reflect.

10

Step 10

If the service user is still uncertain, give them some examples of what could happen as a result of their complaint. For example, they might want your organisation to:

- explain what happened and acknowledge that something went wrong
- apologise for, and recognise, the impact of any failings
- revisit a decision that has already been made
- provide training for colleagues
- change policies or procedures
- take action to improve services, so this situation does not happen to anyone else
- provide a financial remedy.

11

Step 11

Based on what they are looking for, consider whether their complaint can be resolved quickly (early resolution) – for example, by making an apology or taking further action.

12

Step 12

If you need to, manage the person's expectations. If the outcome they are looking for is unlikely to happen – such as someone being dismissed, or unrealistic financial compensation – be open about this. Instead, explain what outcomes might be possible and try to reach agreement on what could be a good outcome.

13

Step 13

Once you are clear about exactly what you are going to investigate, explain how you will approach this. For example, tell them about:

- the evidence you will look at
- who you will speak to
- how you will decide whether something has gone wrong, or not (by comparing what happened to what should have happened).
- who will be responsible for the final response and how they will communicate that response.

14

Step 14

Tell the person that you will keep them involved and share what you have found before you send a final response.

15

Step 15

If you need to, agree a time to talk to the service user again, to make sure you have all the details of what they say happened and any additional evidence.

16

Step 16

Explain how long you expect you will take to complete your investigation. Make it clear that this is an estimate and that you will let them know if anything changes.

17

Step 17

If you need to, confirm anything you have said you will do, such as passing on a message to a colleague.

18

Step 18

Agree how, and when, you will next be in contact with an update. Share your details so the person can contact you with any questions.

19

Step 19

Make sure the person knows they can access help, advice and support, if they need it, from your organisation or from any relevant advocacy provider, charity or advice organisation, and how to contact them.

20

Step 20

If the service user already has a representative, agree how you will communicate with them, and how often, throughout the investigation.

How to approach the conversation

All your verbal and written communication should be polite, sensitive and empathetic. Your first conversation is a chance to build or restore trust and confidence in your organisation and to build rapport with the person who has made the complaint.

- During your conversation, listen carefully to the service user making the complaint.
- Avoid giving immediate answers until you have had a chance to look into the matter properly. Instead, focus on making sure you understand what the problem is, how they have been affected and what outcome they are seeking. If you are not clear, ask questions.
- Try not to make assumptions. Everyone reacts differently to different situations, so you need to ask.

Acknowledging impact

One approach to demonstrate that you care and that you are listening and want to help, is to reflect the language the person uses, focusing on any emotive words. For example, they may say that delays in having their application processed have been 'a nightmare'. You can reflect this language back saying something like 'I've heard you say this has been a nightmare for you – could you tell me a little more about what you mean by that and how it is making you feel?'

Acknowledging impact and how someone feels does not mean you accept that you have failed or made a mistake. All you are doing is showing them you are listening and you understand how this situation has made them feel – regardless of whether your organisation is at fault or not.

Checklist: Effective communication

Tips for building trust and confidence

- Refer to the person formally, unless they tell you otherwise.
- Write or speak in a tone that is natural and friendly but respectful and professional.
- Give the person the time they need to share their thoughts.
- Practise active listening by focusing on what they say, imagining events from their perspective, and asking questions to clarify.
- Check your understanding of what they tell you, giving them the chance to correct what you have said so that you have a shared understanding.
- Manage difficult conversations through good call-handling techniques, in line with your organisational policies.

How to show empathy

- Acknowledge how the person says they have been affected, how they feel and any injustice they say they have experienced.
- Repeat words and phrases the person uses in their communication to show you have listened carefully and have understood what they have told you.
- Thank them for taking the time to share their concerns and for sharing what might have been upsetting events.
- Acknowledge that talking about the event may have been difficult for them.

Stay organised

- Plan communication in advance, where possible – for example, by arranging dates and times of phone calls with the person who has complained.
- Record and follow the person's communication preferences and any reasonable adjustments that you have agreed to.
- If you have any planned leave, share these dates in advance.
- Keep a record of conversations on your case management system or complaint file.
- Give regular updates, using a method of communication and timetable that suits the person and anyone else involved. This helps everyone understand what is happening.
- Agree on a reasonable timeframe within which you will return calls or emails (usually 48 hours).

Agree on the desired outcome

Often, when someone first makes a complaint, they have not thought about the outcome they are looking for. It is very important to make sure they think about it at the start. It will help them focus on what a good end to the process might look like for them.

If they are not sure what they are looking for, give them time to think about it. You can arrange another call if they need more time or an opportunity to talk to friends and family. If they ask, you could explain the sort of outcomes that usually come from investigations, such as:

- an acknowledgement that something went wrong
- an explanation to help them understand what happened
- a meaningful apology
- revisiting a decision that has already been made
- training and support for colleagues
- changes to policies and procedures
- improvements to a service so that what happened to them (or the person they are complaining on behalf of) does not happen to somebody else
- a financial remedy.

Tip: Ask the person how they would feel if you provided what they are asking for. For example, someone might say initially that they only want an apology. But if they think more about it, they may decide that they really want your organisation to learn from what has happened as well.

Manage expectations

People make complaints with a range of expectations. They may want a colleague dismissed or disciplined, a large financial compensation payment or a complete change to a process at your organisation.

You need to explain that these outcomes are unlikely to happen through the complaints process. However, if you find that the correct process was not followed and something went wrong, you may recommend:

- an apology
- training for colleagues
- improvements to policy, procedures or processes to make sure this does not happen to other service users.

This gives the service user a chance to reflect. Then, together, you can agree on a more realistic outcome for them.

Explain the process

Once you are clear about the matters you are going to investigate, explain the steps you will take. These could include:

- how and when you will get their evidence
- what other evidence you will search for and consider
- which colleagues you will speak to
- how you will look into the matter to see whether something has gone wrong (by comparing what happened to what should have happened)
- who will be responsible for the final response
- how you will communicate that final response.

Share as much information as you can at this stage. This reassures the service user that you will carry out your investigation fairly and transparently. It also gives them some idea of what your final response may look like and what it will include.

For more information

See the guidance on [A closer look - carrying out the investigation.]

Set out likely timescales

In your initial discussion, you should provide a realistic idea of how long the investigation is likely to take, in line with Managing Public Money guidance, and when the person is likely to receive a written response.

- For each investigation, decide your estimate on a case-by-case basis. Consider:
    - how complex the case is
    - how much work is involved
    - how much other work you have on.
- Agree how, and when, the person will hear from you next and how you will keep them updated throughout the process.
- Explain how you will involve them fully in the complaints process, so that they always know what is happening and feel in control of their complaint. People can get frustrated and angry if they do not know what is going on and what is going to happen next.
- Always be open and honest, and always deliver on your promises.

If a service user has given consent for a representative or advocate to act on their behalf, make sure all parties understand the communication arrangements. For example, whether you will communicate with the representative, or whether you will send communications to both the service user and their representative.

Ensure confidentiality

Maintaining confidentiality is essential when you are handling complaints. This includes respecting the confidentiality of the person making the complaint and anyone they represent.

- In your initial conversation, explain clearly how you will respect the service user's confidentiality.
- Always keep complaint records separate from other records so no one unconnected with the complaint can access them.
- Confidentiality does not mean secrecy. Always tell a colleague when you have received a complaint that relates to them, unless there is an overriding reason not to.
- When you are handling a complaint, always bear in mind [data protection rights.]

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