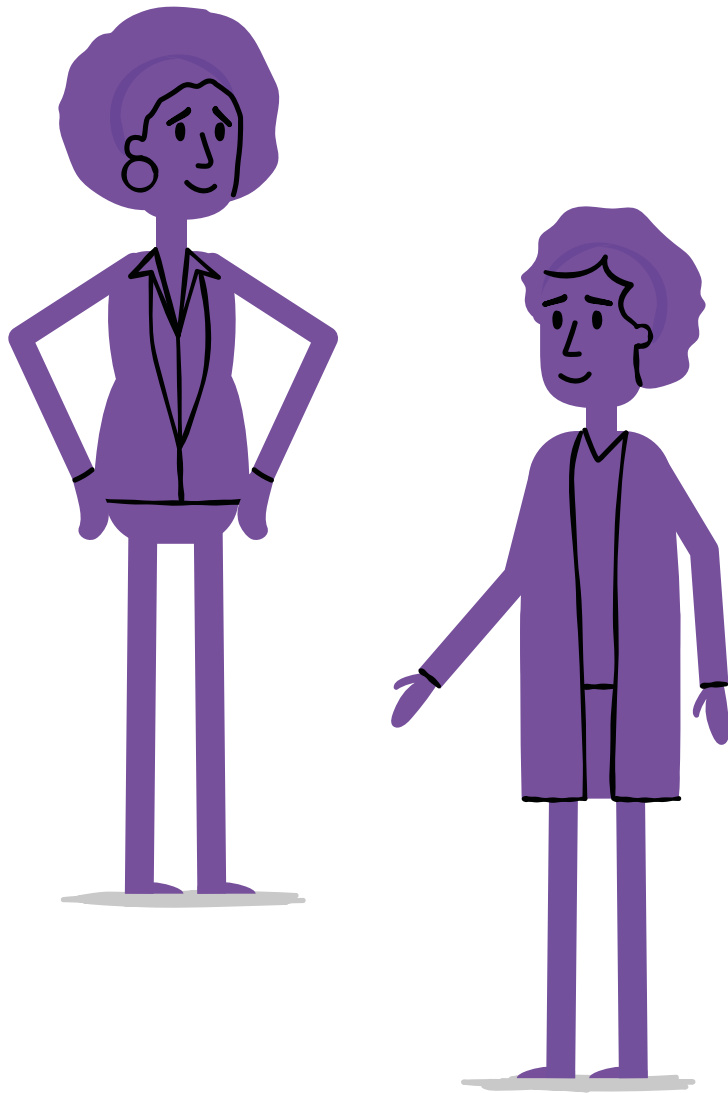
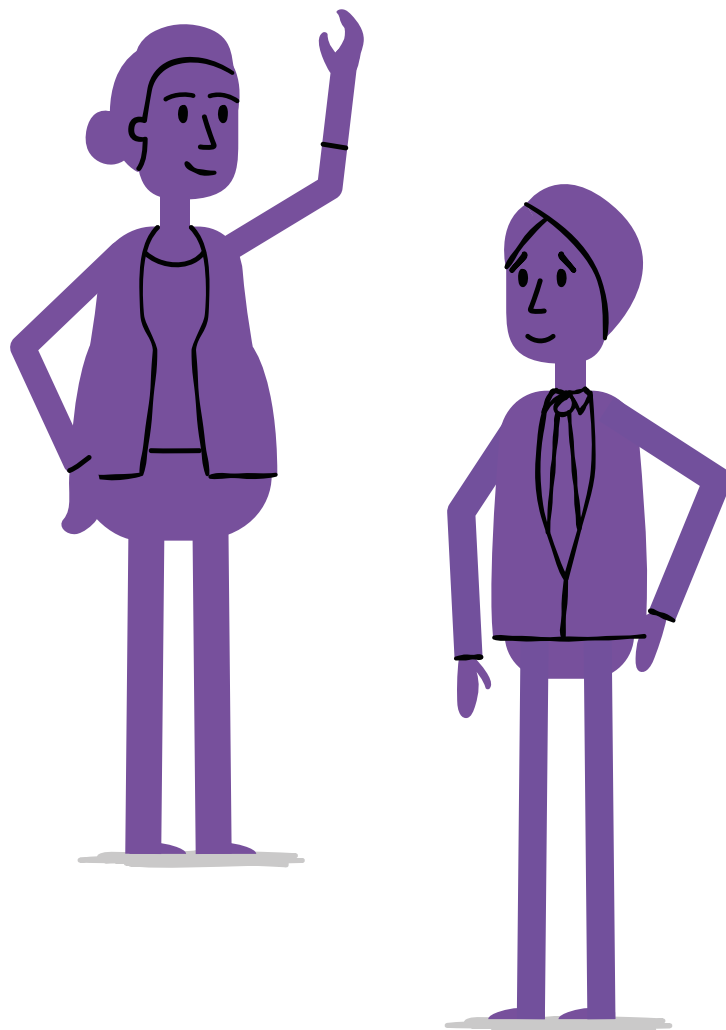


# A closer look – carrying out the investigation



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# Welcome to this guide

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

The guide explains what you need to do when you carry out an investigation, including:

- clarifying the complaint
- planning your investigation
- calculating timescales for responding to complaints
- identifying and gathering evidence
- reaching a conclusion
- sharing initial views
- issuing a final response letter.

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

# What standards and regulations are relevant to this guide?

- **The Complaint Standards** set out expectations to help you deliver good complaint handling in your organisation.
- Relevant statutory and national guidance sets out other important requirements and guidance.

## What the Complaint Standards say

### Being thorough and fair

- Organisations make sure all colleagues who look at complaints have the appropriate resources, support and time so they consistently meet these expectations.
- 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 look for ways they can resolve complaints at the earliest opportunity.
- 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.
- Colleagues give key parties the opportunity to share their views and respond to emerging information where appropriate. They take everyone's comments into account and act openly, transparently and with empathy when discussing this information.
- When a complaint does not suit early resolution and needs more detailed consideration and investigation, this is done fairly. Where possible, a colleague who has not been involved in the issues complained about should look into the complaint. If this is not possible, the person looking into the complaint should openly demonstrate they are acting fairly when they consider all the issues.

### Giving fair and accountable responses

- Colleagues give a clear and balanced account of what happened, based on established facts. Each account compares what happened with what should have happened. It gives clear references to any relevant legislation, standards, policies, procedures or guidance, based on objective criteria.
- In more complex cases, colleagues make sure they share their initial views on a complaint with the key parties involved and give them the opportunity to respond. Colleagues take any comments into account in their final response to the complaint.
- Organisations support and encourage colleagues to be open and honest when things have gone wrong or where improvements can be made. Colleagues 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 this will be used to improve services and support colleagues.

- Wherever possible, colleagues explain why things went wrong and identify suitable ways to put things right for service users. Colleagues give meaningful and sincere apologies and explanations that openly reflect the impact on the service users concerned.

### **What other requirements and guidance say**

The Committee on Standards in Public Life published The Seven Principles of Public Life (the Nolan Principles), which state:

'1.3 Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.'

### **The Civil Service code states:**

- 'Values - ... "honesty" is being truthful and open ... "objectivity" is basing your advice and decisions on rigorous analysis of the evidence ... "impartiality" is acting solely according to the merits of the case and serving equally well governments of different political persuasions'
- 'Standards of behaviour – "Integrity" ... always act in a way that is professional ... deal with the public and their affairs fairly, efficiently, promptly, effectively, and sensitively, to the best of your ability ... keep accurate official records and handle information as openly as possible within the legal framework. ... "Honesty" - set out the facts and relevant issues truthfully, and correct any errors as soon as possible. ... "Objectivity" ... provide information and advice ... on the basis of the evidence and accurately present the options and facts ... take decisions on the merits of the case ... take due account of expert and professional advice ... you must not ignore inconvenient facts or relevant considerations when providing advice or making decisions. ... "Impartiality" ... must carry out responsibilities in a way that is fair, just and equitable and reflects Civil Service commitment to equality and diversity.'

### **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. If their services have been found deficient, public sector organisations should consider whether to provide remedies to people or firms who complain. ... Remedies may take several different forms and should be proportionate and appropriate. ... 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. ... Public sector organisations should seek to learn from their complaints.'

# What you need to do

The important principle is 'investigate once, investigate well'. Your aim is to carry out one investigation that deals with the concerns raised thoroughly and fairly. If you do not, you risk having to reopen cases and deal with protracted correspondence that takes up much time and resources.

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**Tip:** Make sure you always record:

- each complaint received
  - the subject of the complaint
  - the outcome
  - whether your final written response was sent to the person who made the complaint within the timescale agreed at the start of the investigation. (See Manage timescales for your response.)
- 

## Clarify the complaint

The first step is to take the time to fully understand:

- the complaint
- what you are investigating
- the outcome the person making the complaint wants.

If you do not take time to do this at the beginning, problems can arise right from the start. If you invest time early in the process, you can avoid problems later on.

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### Find out more

See our guide to this very important step: [A closer look – clarifying the complaint.](#)

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## Plan your investigation

Having an investigation plan will help you stay focused and make sure you do not miss anything crucial. It will help you keep track of progress and stay on top of timescales so you can adjust schedules and update everyone involved if anything changes.

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**Tip:** Tips for making a good investigation plan:

- Focus on the matters you are investigating.
  - Use resources effectively and proportionately.
  - Work cost effectively, while still meeting customer service and any legal requirements.
  - Discuss your plan with colleagues and seek the views of others involved in investigating the complaint, to make sure your plan is robust.
  - For straightforward, single-issue investigations, you can make your plan quickly.
  - For more complex or serious complaints, carry out more detailed planning, in discussion with colleagues who will help with your investigation.
  - Share the outline of your investigation plan with:
    - the person making the complaint
    - their representative (if they have one)
    - any colleagues complained about.
    - any colleagues who will be assisting in the investigation
  - Ask them if they think you have missed anything and consider their comments and suggestions before you finalise your plan.
-

## Develop a good investigation plan: a step-by-step guide

1

### Step 1

Make sure the plan includes your agreed communication plan (and any reasonable adjustments that are needed) and sets out how and when you will update all the parties involved.

2

### Step 2

Set out the issues to be investigated that you have agreed with the person making the complaint.

3

### Step 3

Set out the outcomes requested.

4

### Step 4

Include an assessment of risk and consideration of any broader public interest concerns (taking account of other individuals who may be affected by the same issues, and any systemic concerns).

5

### Step 5

Set out the evidence you will need to obtain and consider in order to address each issue. This will always include:

- evidence to establish what happened
- evidence to establish what should have happened.



6

### Step 6

If you are delegating any parts of the investigation to someone else, include:

- details of who that is
- what exactly you are asking them to investigate, and how
- the agreed timescale for them to complete and send you their response.

7

### Step 7

If the complaint involves a specialist area or technical matters, include:

- details of who will give you a view, on behalf of your organisation, on whether the service provided was appropriate (they should be suitably qualified but not involved directly in the issues complained about).

8

### Step 8

Include estimated timescales for:

- completing your investigation
- securing quality assurance and agreement for any remedies you are proposing
- sharing what you have found (your initial views) with the parties involved and asking for their comments
  - considering final comments and completing your investigation
  - drafting your final response to the complaint
  - securing final quality assurance and sign off.

## Manage timescales for your response



Once you have worked out what will be involved in investigating the complaint, and how long each stage is likely to take, you can set a realistic timeframe for completion that you must share with the person making the complaint (in keeping with Managing Public Money guidance) and other interested parties.

Each complaint should have its own timescale, depending on the requirements and complexity of the case. An investigation that involves several heads of complaints, divisions, directorates, business units or organisations will take much longer than a complaint about one single issue. You should explain this to everyone involved at the start.

If something happens (or you discover something) that means you need to revise your target completion date, you should:

- tell the person making the complaint, their representative if they have one, and any colleagues they have complained about, immediately
- explain the reasons for the delay
- give a new target timescale for completion.

If the investigation cannot be concluded and the final response issued within six months (or longer, if that is agreed with the person making the complaint at the start), the UK Central Government Complaint Standards Model Complaint Handling Procedure says a senior manager should write to the person making the complaint to:

- explain why there has been a delay
- set out how long it is likely to take to complete the process.









**Tip:** Make sure this letter is sent by the senior manager. Keep them informed about the progress of the complaint until you have written and sent the final written response.





Always focus on providing a response as quickly as possible. The longer it takes to deal with a complaint, the more stressful it can be for everyone involved.

## Keep track of the complaint

It is important to track the complaint against your plan, so you know about progress and timings.

-  When you first receive the complaint, record it (and the date) on your complaint handling system.
-  Record the initial estimated date for replying to the complaint.
-  Keep track of (and record) progress against the plan.
-  Take responsibility for monitoring the smooth running of the investigation.
-  Provide and record regular updates as agreed.
-  Record the reasons for any delay and any amendments to your target completion date.

## Identify and gather evidence

-  Once you've established the specific points of the complaint that you will be investigating and the outcomes the service user is hoping for, use these to focus the scope of your investigation.
-  You can delegate the investigation, or any part of it, to any complaints leads in your organisation who have specific knowledge of the service area you are investigating. But you are responsible for overseeing the overall investigation.



**Tip:** Asking the right questions

A good investigation starts with gathering the evidence that will help you reach a conclusion on whether something went wrong or not. Your aim is to answer these questions:

- What happened?
  - What should have happened?
  - If there is a difference between these, what is it and why did it happen?
  - If there is a difference, what impact (if any) have the failings had on the service user?
  - How can that impact be put right for them and any others who might be similarly affected?
- 

### Find out what happened



Base your conclusion on an objective analysis of the evidence and explain this analysis clearly.

To find out what happened, the evidence you gather will include:

- evidence from the person making the complaint to support what they say (for example diaries, phone records, copies of letters, emails and messages, photographs, recordings)
- evidence from any witnesses to the events (and any evidence they have to support what they say)
- evidence from colleagues involved or complained about (and evidence to support what they say)
- information from relevant written or digital records
- information from other sources if necessary (for example, CCTV, phone records, site visit).



Using the ideas in this list as a starting point, think through what evidence might exist that could help you to determine what actually happened. Make sure you capture the evidence and if you need to, update your plan.



**Tip:** The best way to ensure that you have considered all the relevant evidence to determine what happened is to tell everyone involved, including anyone complained about, about the evidence you are looking at and ask if they think you have missed anything.

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### **Find out what should have happened**

Your investigation should be based on evidence, not opinions. To find out what should have happened, you will need to gather evidence such as:

- legislation, regulations, duties
- professional standards
- national policies, standards, procedures and guidance
- local policies, standards, procedures and guidance.

### **Act fairly during the investigation**

Make sure the service user who made the complaint or their representative, and anyone they have complained about, has the opportunity to:

- say what they believe happened in relation to the complaint
- provide evidence to support what they say
- say whether they agree with any initial findings before you reach a final conclusion.



Try not to prejudge the outcome or favour the person making the complaint or anyone they have complained about.



As the person investigating the complaint, you should not have been involved previously in the issues being complained about, as far as possible. If this is not possible, you need to be open about this from the start.

Explain to the person making the complaint, and anyone else involved in the complaint, that you will:

- investigate fairly (and how you will do that)
- make sure you provide a balanced account of what happened
- share the evidence to show what should have happened
- reach conclusions based only on the evidence.

Consider using an independent investigator, in other words, someone from outside your organisation, in the following circumstances:

- where a complaint amounts to an allegation of a serious untoward incident
- where a complaint raises substantive issues around professional misconduct or the performance of senior managers
- where a complaint raises issues about the nature and extent of the services commissioned
- If the complaint is very complex
- If the complaint involves more than one organisation.



**Tip:** Finding an independent investigator can take time to arrange. That's why it is a good idea to put in place agreements with other organisations so you can provide support and independent investigations for each other if the need arises.

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### **Checklist: keeping people updated**

- Make sure the person making the complaint knows how to get help and support during the process, if they need, it from your organisation or any external sources of help and advice
- Make sure anyone complained about is supported through the process and has access to a named contact who can help them, if they need this. This may be their line manager but should not be the person who is responsible for investigating or making decisions about the complaint outcome.
- Give anyone who has made a complaint, and anyone who has been complained about, the chance to submit relevant information and evidence.
- Keep them informed and updated throughout the process.
- Before you issue a final response, give them the opportunity to comment on any initial findings. Consider their comments before you reach a conclusion.

## How to reach your conclusion

Your conclusion needs to set out the following information:

### What happened (and did something go wrong)?

You can usually determine what happened using the evidence you gather during your investigation.

- If there is conflicting evidence or uncertainty about what happened, consider whether something is more likely than not to have happened (the balance of probability). To do this, consider how much weight (or importance) you should give to each piece of evidence. If there is not enough evidence, or the evidence is so equally balanced that you cannot reach a view on the balance of probability, explain clearly why this is the case, setting out all the evidence you have considered.

### What should have happened?

- It is not enough just to explain what happened. You also need to determine and set out what should have happened in the situation.
- Then compare the two, to see whether there is a difference and whether anything went wrong. You need to base this on evidence, not opinion.

To determine what should have happened, you will probably need to look at things like:

- legislation, statutory powers, regulations and duties
- nationally recognised policies, procedure, guidance or standards
- local policies, procedures and guidance
- relevant professional standards
- any other recognised standards that were in place at the time of the events being complained about.

- Identify whether there was a gap between what happened and what should have happened. This is done by comparing what happened against the standards that relate to the case.

If you identify that what happened was what should have happened, but you can see that the implementation of a policy or procedure has had an unintended and unfair impact on the service user, then you should take steps to put that right for the service user and anyone else who has been similarly impacted.

You should also discuss with senior leaders what practical steps can be taken to amend the policy or procedure or put in place a solution for service users who would otherwise be unfairly impacted in future.

### Assess the impact

If your investigation has found that there is a difference between what happened and what should have happened, so something went wrong, you next need to consider how this failing or shortfall affected the service user who has brought the complaint.



Assess the impact the failing had on the service user making the complaint. This will help clarify what you need to do to put things right.



Think about whether the failings you have found could affect other service users, or services that your organisation provides, in the future.

At the beginning of your investigation, you will have discussed the impact with the service user who made the complaint, and they will have told you how they feel they have been affected.



Now consider if their view is accurate or whether there are wider issues that they are not aware of that you need to discuss with them.

The impact of something going wrong could include:

- **inconvenience and distress** – possibly caused by:
  - - cancellations
  - - failures, errors or delays in service provision or decision making
  - - failures in communication
  - - unreasonably prolonged complaint handling.
- **being denied an opportunity** for example, being denied the opportunity to make an informed choice, application or a claim because the service user was not given all the facts
- **physiological injustice** for example, failings having an impact on physical or mental health
- **Physical harm or bereavement** such as where a poor standard of service caused someone physical harm or death
- **loss or hardship through actual costs incurred** for example, loss of benefits
- **other financial loss** for example, loss of a financial or physical asset, reduction in an asset's value, or loss of financial opportunity.





**Tip:** Treat this list as a starting point. If you need to, talk further with the person making the complaint (or the person representing them) to make sure you have understood the impact fully.

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### **Potential legal claims**

If you identify what may be a serious failing or impact, you will need to consider whether the person has a potential legal claim. The complaints process is not designed to determine legal responsibility, negligence or breach of statutory duty, or to provide compensation that a court might award.

Where you have identified that someone may have a potential legal claim, you should discuss this with relevant colleagues. You should inform the person making the complaint and tell them about the availability of independent advice from solicitors who specialise in the relevant field.

### **Consider whether to share your initial views**

By this point, you should have identified whether something has gone wrong or not. If it has, you will have a good idea of the impact it has had. You will now be thinking about what you need to do to put that right.



Before you reach a conclusion, consider giving the person making the complaint, and any colleagues who have been complained about, a chance to comment on your initial view or findings. This helps ensure you have acted fairly and that you have not missed or misunderstood any key evidence before coming to a final conclusion.

If you decide to share your initial views, do this by phone, email or meeting, in line with the person's communication preferences and what is best for the case. You may also want to do it by sharing a draft of your final response letter.

In deciding whether to share your initial findings, it is important to be proportionate.

Always consider the best approach for each case, in the interests of fairness and transparency. Remember, the reason for doing this is to make sure:

- you have not missed anything
- you have not misunderstood something
- you consider any final thoughts and comments before you issue a final response.



### **Tip:** When to share initial findings

In more complex cases (such as cases with multiple issues or covering complex issues) or where the claimed (or identified) impact is significant, you should always share your initial views.

For more straightforward cases (for example, complaints covering single issues, or where the evidence is clear-cut or the impact is minor) it may not be necessary.

- Tell the person making the complaint (and any colleague(s) complained about) that you are nearing the end of your investigation.
- Explain that before you make a final decision, you would like to share what you have found so far, in case you have misunderstood anything or have missed something.
- Share what you have found or tell them how you will share this and that you would welcome their comments.
- Show empathy and offer apologies for any failings.
- In the most serious cases, it is best to arrange to meet face to face with the service user who has made the complaint, their family, any representative, and relevant colleagues, to explain what you have found so far. This is a good opportunity to discuss the issues and identify any unanswered questions before you give your final written response.
- If you are going to share by letter or email and the person asks what you have found, say either:
  - you have found that what happened was what should have happened and you hope that your letter/email will clearly explain this and reassure them, but you want to make sure you have not missed anything so their comments on what you have found would be welcome.

OR:

- you have found that something went wrong, explain what it was, and apologise. Say that your letter will explain what you propose to do to put things right, and you would welcome their comments on that.

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### **Manage the final stages**

Once you have shared your initial views, you can move on to these final steps:

- consider any comments that you receive
- carry out any further investigation needed
- conclude your investigation
- issue a final response letter.

## Managing complaints that may lead to disciplinary or professional procedures

The complaints procedure itself is not a disciplinary procedure. But when you are considering or investigating a complaint, you may come across issues that might require remedial or disciplinary procedures for a colleague. If this happens:

-  discuss it with relevant colleagues, such as your manager or someone in HR
-  advise the person who has made the complaint, in broad terms, that your organisation is taking this action
-  seek legal advice about how much information you are allowed to disclose without breaching the General Data Protection Regulation (GDPR).

## Good investigation record keeping

It is important to keep a record of the complaint and all relevant evidence. This will provide a full audit trail of what you have done and how you have reached a conclusion.

You will need this if the complaint is referred to the Ombudsman or if there is a legal claim. Store this record centrally, in a complaint or investigation file (either electronic or hard copy).

### **Key documents you will need to include:**

- a copy of the original complaint or complaint statement
- the investigation plan
- all telephone, meeting and interview notes or recordings, with the date and time and names of everyone present
- any statements from colleagues
- any statements from witnesses
- copies of any relevant extracts from digital or written records
- notes of any updates provided or discussions about the case
- copies of all evidence reviewed to determine what happened and what should have happened in the course of the investigation
- a copy of any advice received, including reference to any relevant standards, policy and guidance
- a statement about any action taken, or to be taken, in response to the complaint or any specific resolution reached on the matter, including clear reasons for decisions made
- details of any comments received from the parties about your initial findings and how these have been addressed
- the final written response
- evidence of any remedies provided
- if relevant, any action plans for delivering agreed recommendations
- if relevant, details of how the service user making the complaint will be involved and updated until all necessary

## **Practical tools**

Template investigation planning form

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

**Let's make  
complaints  
count!**

