

# Complaints involving multiple organisations and combined health and social care complaints



## 1. Introduction

- 1.1 This is part of a series of guidance modules that will help you implement and deliver the expectations set out in the NHS Complaint Standards.
- 1.2 It sets out what to do when you receive a complaint that involves:
  - another organisation(s) that delivers NHS care and services
  - different areas of care, such as combined NHS care and social care.
- 1.3 It also includes how you should manage complaints under Sustainability and Transformation Partnerships and Integrated Care Systems.
- 1.4 If you work in a very large organisation, this guide will help you manage complex complaints that involve several different areas of care or service. It will also help with those complaints that are covered by more than one resolution route (for example, combined serious incident investigations and complaints).
- 1.5 This guidance applies only to care and services financed by the NHS in England. It does not cover complaints about privately funded healthcare, although the approach taken is considered to be good practice in any complaint setting.
- 1.6 You should read this module alongside the [Model complaint handling procedure](#) and the following modules:
  - Identifying a complaint
  - Who can make a complaint, consent and confidentiality
  - Independent NHS complaints advocacy, and other specialist services
  - Early resolution
  - A closer look - carrying out the investigation
  - A closer look - writing and communicating your final response
  - Referring people to the Ombudsman

The guidance modules are available on the Ombudsman's [website](#).

- 1.7 For joint health and social care complaints, remember that local authorities have different procedures for dealing with complaints about the services they commission. You will need to factor this in when discussing and planning the investigation of the complaint. For any complaint involving social care, you should also read the Local Government and Social Care Ombudsman's guidance to complaint handling and good administrative practice. In addition, you should read the [‘Quality Matters’ adult social care guides](#), which help providers deal with complaints.
- 1.8 This is good practice guidance and should not predetermine the outcome of individual complaints.

## **2. Standards and relevant legislation**

2.1 The relevant expectations in the Complaint Standards for dealing with complaints that involve multiple organisations and combined health and social care complaints are:

- Giving fair and accountable decisions
  - ‘For complaints that involve multiple organisations, the lead organisation provides a single response to the complaint. This includes what the other organisations have done to look into the issues and the conclusions they reached. Where necessary, the response clearly explains how each organisation will remedy any mistakes it made.’

2.2 The relevant Regulations that apply to dealing with multi-organisational and combined health and social care complaints are:

- [Section 75 of the National Health Service Act 2006](#) says councils and health bodies may pool money to integrate resources where health-related social services are involved. Section 75 written agreements between councils and health bodies are expected to set out how complaints are to be handled.
- [The Local Authority Social Services and National Health Service Complaints \(England\) Regulations 2009](#) make clear at section 9 that there is a ‘Duty to co-operate’. There is a legal requirement for organisations to co-operate in terms of ‘co-ordinating the handling of the complaint’ and ‘ensuring that the complainant receives a co-ordinated response to the complaint.’ Each body is required to agree which of the bodies should take the lead in co-ordinating the handling of the complaint and communicating with the complainant. They must provide relevant information to each other when reasonably requested and attend or be represented at any meetings reasonably required.

## **3. What you should do**

3.1 You must investigate a complaint that involves another organisation(s) (including complaints that cover health and social care issues) in collaboration with those organisations. The organisations involved should agree who will be the ‘lead organisation’. They will be responsible for overseeing and co-ordinating the consideration of the complaint. The lead organisation will also be responsible for making sure the person who raised the complaint receives a single, joint response.

3.2 Where a complaint involves more than one organisation(s) (NHS or social care), there is a regulatory duty on the organisations involved to co-operate

and provide a co-ordinated response. It may be helpful to familiarise yourself with any Section 75 written agreements your organisation has with local authorities. It may also be worthwhile establishing a local agreement or memorandum of understanding between local NHS organisations and the relevant local authorities. This should set out how complaints will be handled and define roles and responsibilities. See example template below.

### **The organisation that receives the complaint**

- 3.3 Where more than one organisation is involved in someone's care, the person (or their representative) can complain to any of them and does not have to contact each organisation separately.
- 3.4 If you receive the complaint, you must contact the other organisations involved, carry out a joint investigation and provide a single joint response.
- 3.5 If someone complains to you but your organisation is not responsible for the care or service they are complaining about, rather than turning the person away, you should share the complaint with the right organisation(s). You will need the individual's permission to do this. If the person prefers that their complaint is not shared with the other organisation(s), signpost them to the right organisation(s) and give them the relevant contact details.
- 3.6 You will need to obtain someone's consent before you share information and discuss their complaint with the other organisation(s) involved. There is a sample consent form in the practical tools section of this guidance. Once you are satisfied that the person who has made the complaint is able to give their consent, explain to them that you want to make sure that:
  - their complaint is considered in a co-ordinated way
  - they have a single point of contact
  - they receive a single, joint response.

### **Agreeing the lead organisation and named contact**

- 3.7 Once you have obtained consent, you should discuss the complaint with the other organisations involved and agree who will lead. This will usually be the organisation with the greatest responsibility for the service or care being complained about. In some cases, it could be the organisation that has established a good relationship with the person raising the complaint, or that has more complaint handling resources. Ideally, you should discuss which organisation will lead with the person who made the complaint. If several NHS organisations are involved, the main commissioning organisation or NHS England may be best placed to take the lead.
- 3.8 You will need to identify a single named contact in the lead organisation, usually the lead Complaint Handler, who will be the key point of contact for the person who made the complaint. Confirm these details with the person, explain how they will be involved and kept informed, and explain that there is independent support available from their local advocacy provider.

### **Responsibilities of the lead organisation and key contact**

- 3.9 At the outset, you should establish the practicalities of handling the complaint, both within and between organisations. The key contact should consider using a joint consent form that covers all organisations involved in the complaint for the sharing of personal information and of any learning so the person raising the complaint only needs to give consent once. (Note: see the example consent form in the practical tools section).
- 3.10 As the lead organisation you should make sure that:
- the roles and responsibilities of each organisation are clear and understood
  - there is a clear understanding of the complaint and desired outcomes, which is shared with all parties
  - there is a clear investigation plan and realistic timetable, including for the submission of all responses, which is agreed by each organisation and discussed with the person who made the complaint
  - the person who raised the complaint is involved and updated on progress throughout the investigation.
- 3.11 If a complaint involves social care, your plan will need to take into account the different complaint handling process operated by the local authority. As the lead organisation, it remains your duty to co-ordinate the handling of the complaint to make sure the person making the complaint receives a single co-ordinated response.
- 3.12 The key contact will co-ordinate any meetings, and, in line with the Regulations, each organisation must provide relevant information and attend or be represented at a meeting.
- 3.13 When the lead organisation receives the initial responses from all contributing organisations, it will:
- draft a single response or report, seeking further information where needed, to make sure the response meets the requirements of the Regulations and follows the relevant NHS Complaint Standards and social care guidance
  - make sure contributing organisations have an opportunity to comment on the content before it is shared with the person who raised the complaint
  - share all comments and reflect them in the final written response
  - make sure that any actions set out in the final response are completed, and tell the person who made the complaint when this has happened
  - make sure any learning is shared with wider networks in line with the Complaint Standards and good practice guidance.

### **Responsibilities of contributing organisations**

- 3.14 If you are not the lead organisation, you still have several responsibilities as a contributor. You must have a clear understanding of the role and responsibilities you have agreed with the lead organisation. You must also agree the matters you will investigate, together with key milestones and target dates and, as far as possible, meet these targets.
- 3.15 NHS organisations must carry out their investigation in line with the Complaint Standards. Social care organisations must carry out their investigation in line with the Local Government and Social Care Ombudsman's [complaints handling guide](#). All contributing organisations should keep the lead organisation updated regularly (at agreed times) so it can update the person who made the complaint. Contributing organisations must also co-operate with any requests for meetings.
- 3.16 As a contributing organisation, you must also:
- submit your response to the lead organisation so it can produce a single joint response
  - respond promptly to any questions or requests for more information
  - respond promptly with any comments on the co-ordinated response
  - make sure any actions set out in the final response are completed to agreed timescales and give the key contact evidence of this to share with the person who has complained.

### **What to do if the organisations involved cannot agree or are not co-operating**

- 3.17 The role of the lead organisation is to co-ordinate the investigation. The aim is to provide the person who made the complaint with a single, joint response on behalf of all the organisations involved.
- 3.18 Some complaints will involve separate issues and elements that will lend themselves to separate investigation strands. In these cases, the lead organisation will just need to set out the details and outcome of each investigation strand, then add a conclusion.
- 3.19 Other complaints, however, will require each organisation to agree the resolution and remedy, which could lead to tension and disagreement. There may also be times when an organisation simply fails in its duty to co-operate with the complaint handling process. Where these problems lead to an impasse, you should refer the situation to senior management in each organisation to try to resolve it.
- 3.20 Where it still cannot be resolved, the Responsible Person for the lead NHS organisation must write to the person who made the complaint. They should respond to the complaint as far as possible, explaining where and why they have been unable to provide a full response and why agreement cannot be reached. They should then signpost the person who made the complaint to

the Parliamentary and Health Service Ombudsman, or the Local Government and Social Care Ombudsman if they wish to take the matter further.

#### **4. Practical tools**

- 4.1 NHS England, in partnership with PHSO, LGSCO and Healthwatch, has already developed an information pack to support the new STPs and ICSs when they deal with complaints that span more than one member organisation and health and social care. See presentation/tool kit below:



Principles of  
establishing a compla

- 4.2 See below for template for consent for multi-organisational complaints

#### **5. Version control**

- 5.1 Final - March 2023

## Statement of consent for sharing my information with another organisation(s)

I [Insert name]

Hereby give my permission for [insert name of organisation that has received complaint] to share any relevant personal information it holds about me with the other organisations and service providers that are involved in the care/service I have complained about (see details below).

I also give my permission for the organisations listed below to share any relevant personal information they hold about me for the purpose of investigating and responding to my complaint.

I understand that this may include relevant extracts from my medical/clinical records.

I understand that my rights under the Data Protection Act will not be affected.

### Statement of consent:

- I understand that personal information is held about me.
- I have had the opportunity to discuss the implications of sharing or not sharing information about me.
- I agree that relevant personal information about me may be shared and gathered from the following organisation(s) and agencies to help them investigate and respond to my complaint:
  - [List organisations involved in investigating and responding to the complaint]

Are there any organisations or agencies you do not want us to share or gather information from? Please list them here:

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Your consent to share personal information is entirely voluntary and you may withdraw your consent at any time. If you have any questions about this process, or wish to withdraw your consent, please contact: [insert name and contact details of key contact]

Name .....



**Address** .....

**Signature** .....