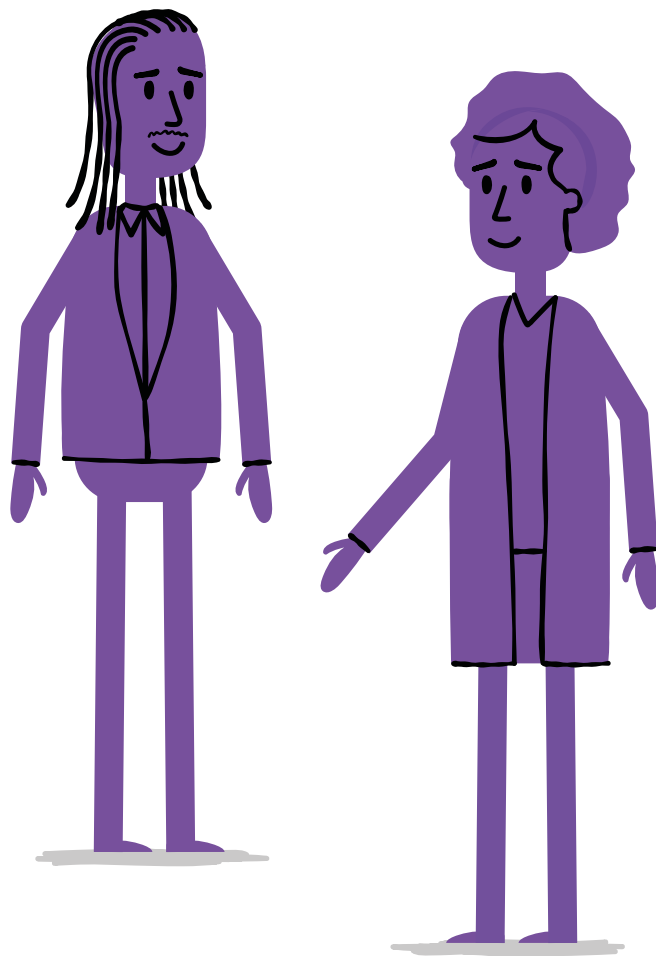
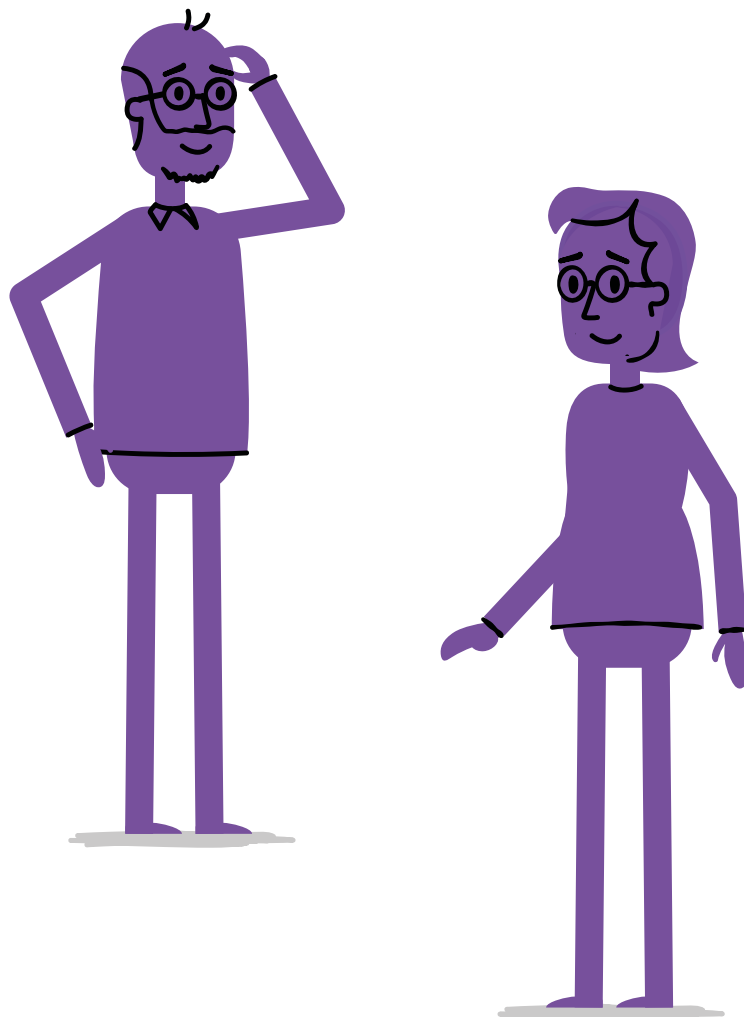


# Complaints and other procedures



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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 are considering a complaint and you find that:

- it includes dissatisfaction with a decision that should be reviewed by a court or tribunal
- there is a potential legal claim
- it raises professional conduct or disciplinary issues.

Read this guide alongside the [UKCG Model Complaint Handling Procedure](#). You can find guides to 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

### Welcoming complaints in a positive way

- Organisations make sure colleagues can identify when issues raised in a complaint should be (or are being) addressed via another route at the earliest opportunity, so a co-ordinated approach can be taken. Other possible routes include appeals, reference or statutory review by a tribunal or action in a court of law or disciplinary process. Colleagues know when and how to seek guidance on such matters so they can give service users information on the relevant process and explain where they can get advice and support.

## Other requirements and guidance





Other guidance you can look at includes:

- A Modern Civil Service
- the Civil Service code
- the Seven Principles of Public Life (the Nolan Principles)
- Managing Public Money
- the Public Value Framework
- Delivering better outcomes for citizens
- Corporate governance code for central government departments: code of good practice.

# What you need to do

Service users have a right to make a complaint that is investigated and responded to in a full and timely manner, regardless of what other appeals, reviews, legal action or investigations are taking place.

A service user who has complained should not be treated differently or made to feel uncomfortable because they are taking, or could take, other action. If you think another process might apply:

-  Work with relevant colleagues to provide a comprehensive response that meets the needs of all processes.
-  If you discover that another process should be launched, or you find that the matters you are considering overlap with issues already being investigated or reviewed elsewhere, talk to your colleagues to agree how best to work together to progress the various elements.
-  Talk to the person about their complaint and identify any questions they might have. Make sure they fully understand how each of these will be considered and responded to, and by whom.
-  Give the service user who has complained a single point of contact who can update them about both processes. If that is not possible, be clear about who they can speak to and who will be responsible for keeping them informed about the processes.
-  Tell the service user about any help, support or advice that is available to them when they pursue their complaint.
-  Only put a complaint on hold in exceptional circumstances. Reasons for putting a complaint on hold can include a request by the service user making the complaint, formal requests to do so by the police or a judge, or if your legal team asks you to do this.
-  If you have to put a complaint on hold against the service user's wishes, tell them as soon as possible and give them a full explanation (in writing, unless requested not to) of the reasons for this.
-  When you talk to the service user about putting their complaint on hold, tell them about your concerns about continuing to investigate the complaint or how it might be handled, so that you can hear their views. Tell them they can ask their MP to refer the matter to the Parliamentary and Health Service Ombudsman if they are unhappy with your decision to put their complaint on hold.

# If you find that there is a potential legal claim

If you identify a potentially serious failing or impact when you investigate a complaint, you will need to consider if the person making the complaint has a legal claim. The complaints process cannot determine legal liability or a breach of statutory duty or provide compensation that might be awarded by a court of law.



If you identify such a failing, talk to your colleagues and your legal adviser.



You should tell the person who has complained so they can seek independent advice, should they wish to, and make an informed choice about how they would like to progress their complaint.



**Tip:** Remember, when you resolve a complaint, you can make a payment that acknowledges distress and inconvenience as part of the complaints procedure. See [guidance on providing a remedy](#).

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## Complaints where local disciplinary procedures might be relevant

The complaints procedure is not a disciplinary procedure. However, when you investigate a complaint, you might identify that a colleague should be subject to remedial or disciplinary procedures. If you do:



Tell the service user about what remedies can be offered and share as much information with them as possible, including an explanation of any disciplinary action. Remember, though, that you must comply with relevant UK data protection legislation and do not share any personal information without appropriate consent. If in doubt, take legal advice about how much information you can disclose.

# Complaints involving referral or potential referral to professional bodies

A professional body usually sits within a single profession or industry. Professional bodies are made up of individual members who aim to promote best practice and set standards and expectations of behaviour for members and the wider profession. Some can look into serious concerns about individuals who are registered with them.



If you have colleagues who are members of a professional body, you should familiarise yourself with any processes it has for considering complaints about professional misconduct, should this arise at any time during your consideration of a complaint.



If you identify such a concern, you should follow any relevant organisational guidance and talk to your manager as soon as possible to agree what action should be taken.

## Practical tools

Legal guidance on misconduct in public office: <https://www.cps.gov.uk/legal-guidance/misconduct-public-office>.

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

**Let's make  
complaints  
count!**

