




Dispute resolution at PHSO

Our dispute resolution team independently facilitates meetings between complainants and organisations to help them jointly agree on a complaint resolution.

During dispute resolution we do not give our view on the issues in the complaint. This is different from our usual investigation process where we reach a view of the complaint based on available evidence.



Dispute resolution is a highly successful way of resolving issues between two parties based on mediation techniques.

Benefits of dispute resolution

The dispute resolution process:

- gives both parties more say over how to resolve their problem. It can be more satisfying for each party when they, rather than we, decide on the outcome.
- can go beyond bringing closure to complaints. It can help repair damaged relationships and allow the parties involved to work well together again. This is particularly important when parties need to continue to communicate, for example in a doctor/patient relationship.
- is informal so we do not need files, documentation and evidence from the parties to move forward. This means less administrative work for both parties compared to our usual process.
- allows both parties to have ownership of the route to resolution, to express their views and be understood. It is an informal, efficient and effective way to find

solutions – even to longstanding issues.

- can be completed quickly once we can agree dates for the meetings.

The large majority of complaints that have been resolved this way have reached resolution with positive feedback from the parties involved.

During the dispute resolution process we:

- listen to both parties involved to hear their point of view and understand the impact of the complaint
- encourage parties to look at the complaint differently
- help the parties involved to understand what they can do for each other
- help each party think about creative and constructive solutions.

Our specialist dispute resolution caseworkers have been trained in mediation. This means they can:

- identify when dispute resolution is the right option for resolving a case
- make sure that the process is fair, effective and safe
- help each party feel understood and have equal ownership of the complaint
- help each party agree practical resolutions without needing an investigation.

Our dispute resolution process has three stages:

- suitability check
- facilitated meetings
- closure and next steps.

Suitability check

The first thing our caseworkers do is check whether dispute resolution is the right option.

We will then discuss with each party and encourage them to agree to this approach.

Opting to go down the dispute resolution route is voluntary. Each party can choose if they want to give it a try. If either party does not consent, we will instead consider if we should carry out a detailed investigation.

Each party can usually have two people attend meetings. The complainant could be accompanied by a family member, friend or advocate.

For the organisation, it is important someone attends who can speak on its behalf, understands the complaint and can agree resolution options. This could be the named person at the organisation such as a clinician or case officer, along with someone from the complaints team.

Facilitated meetings

If the caseworker thinks the case is right for dispute resolution and both parties agree to take part, we will begin to facilitate meetings.

The caseworker does not make any judgements about either side. We simply help the parties talk with a focus on resolution.

We start by talking to each party individually. We want to hear what happened, hear their views on the complaint and find out what they would like to achieve from the process. These sessions usually take up to an hour.

After this, we will hold a meeting with all parties. This is called the joint meeting and typically lasts between an hour and half and three and a half hours.

During the joint meeting the caseworker helps both parties talk to each other constructively about the complaint and look at options for resolution. There is no pressure on either party to make or accept any offers. It is an opportunity for each party to have equal control over the outcome.

Closure and next steps

If the parties can agree a resolution, we will close the case. We will send a letter to both parties to record what they agreed to and confirm that the process has ended.

If the parties cannot agree, we will make our own decision about whether or not to do a detailed investigation instead. We may use information given to us during the dispute resolution process to help us decide.

Further information

If we think dispute resolution is suitable for a complaint, your caseworker will talk you through how it will work. We encourage organisations and complainants to take part in the process. We also welcome feedback about how the experience was for you.

If you would like to know more about dispute resolution, please speak to your caseworker or visit our dispute resolution page on our website at www.ombudsman.org.uk/dispute-resolution. To learn more about our investigation process, please visit our how we deal with complaints page on our website www.ombudsman.org.uk