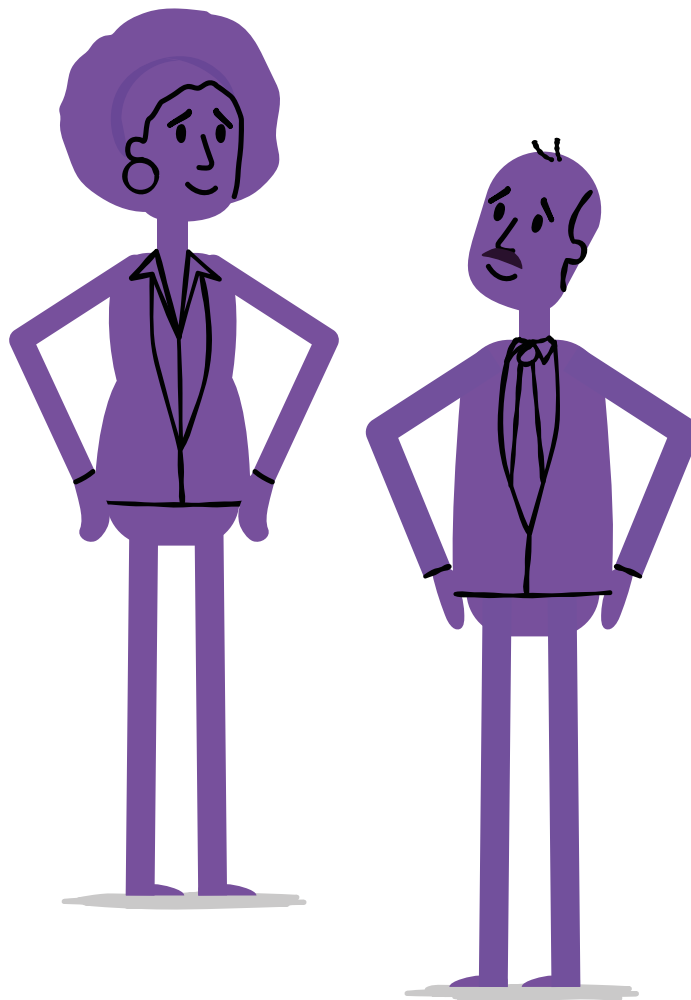
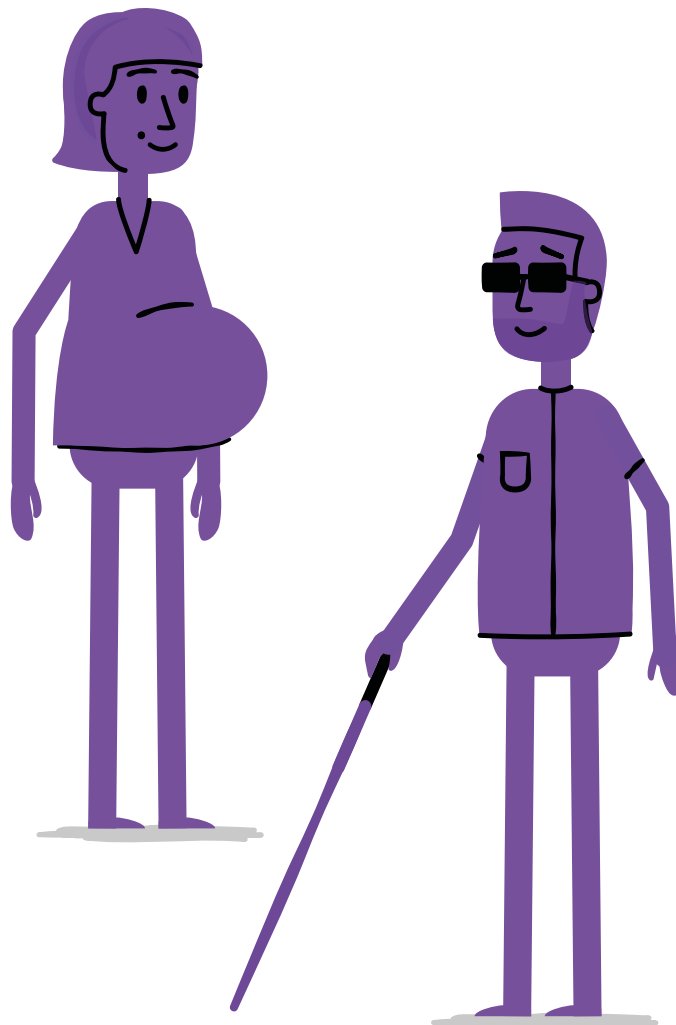


Identifying a complaint



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Introduction

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

This module will help you identify what a complaint is. It explains the difference between an 'everyday conversation' and a complaint.

It also explains how to handle other complaints, including:

- where the service user is unhappy with a decision that has
 - a right of appeal
 - referral to, or review by, a tribunal or court of law
- complaints where the person plans to take, or is taking, legal action
- complaints about events that happened more than 12 months ago
- complaints that are anonymous or general.

Read this guide alongside the [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.
- Statutory and national guidance shows expectations for government complaint handling.

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.

What statutory guidance says

Managing public money

- 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. ... [When] 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 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

This section sets out the difference between a complaint and a conversation and looks at how to manage different types of complaints that do not fall into the usual categories.

Everyday conversations with service users

Every day, colleagues interact with people who use (or are affected by) their service. The people they encounter often raise issues that they can help with and resolve there and then, without the need for a complaint. These can include:

- a request for advice or an action
- a need for an explanation to resolve confusion
- concern about an error that may have been made.

Addressing matters through everyday conversations is the best, most cost-effective and time-efficient way to deal with an issue, before the person becomes dissatisfied and raises a complaint.

However, if the colleague does not deal with the matter within the timescale promised, the issue can quite quickly become a complaint. For this reason, colleagues should always do what they say they will.

The rest of this guidance refers to those situations where it is not possible to resolve an issue as it arises, and it becomes a complaint or where you identify a complaint right at the start and understand that it needs to be handled under your complaints procedure and the [UKCG Complaint Standards](#).

What is a complaint?

The UK Central Government Complaint Standards define a complaint as:

‘an expression of dissatisfaction, either spoken or written, that requires a response. It can be about: an act, omission or decision you have made, and/or the standard of service you have provided.’

Note that this does not include dissatisfaction with a decision that has a right of appeal, or referral to, or review by, a tribunal or court of law.

The person complaining does not have to use the word ‘complaint’ for something to count as a complaint. They may talk about ‘feedback’, ‘an issue’, or ‘a concern’, or they may say they want to ‘tell you about’ something. In this guide, the term ‘complaint’ covers all the variations people might use.



Use and reflect the language that the person chooses to use.

To identify whether something is a complaint, ask yourself: Is the person asking for something or do

they just need an explanation? If the answer is 'yes', this is not a complaint.

- Is the person clearly dissatisfied with something that has or has not happened to them?
- Does the matter need to be looked into?
- Do they require a response?

If the answer is 'yes' to these questions, this is a complaint.

If you're not sure whether something is a complaint or not, you could:



Talk to your colleagues to seek their advice.



Ask the person if they are unhappy and if they would like you to look into the matter and provide a response.

If someone complains verbally or in writing, the [Model Complaint Handling Procedure](#) suggests you do the following:



Make a written record of the complaint.



Share it with the person who raised it.



Acknowledge all complaints within three working days.





Offer to discuss how a complaint will be handled and how long it is likely to take.






Find out more

There is more information on how to do this in the Early resolution and A closer look – clarifying the complaint guidance modules.

Managing complaints that do not have to be dealt with under your complaints procedure

-  If you decide that a complaint (or any part of it) does not need to be dealt with under your complaints procedure, write to the person who raised it and explain why.
-  If there are other procedures, or other organisations that could help them, signpost the person to them.

Managing complaints involving other procedures, such as legal issues

-  If you establish that it may not be possible to achieve an appropriate outcome using your complaints process, tell the person who has complained.
-  Give them information about any other process that may give the outcomes they are seeking.
-  If the service user is complaining about a decision that has a right of appeal, referral to or review by a tribunal or court of law, you should tell them about the process they should follow that might give them the outcomes they seek.

Talk to relevant colleagues and give the service user clear information about the options available and what they need to do. If available and appropriate, you should advise them to seek independent advice to help them decide what to do and help them with the relevant processes. For further details [see guidance](#) on ‘complaints and other procedures’ and ‘help, advice and support for service users raising complaints’.

If the person making the complaint plans to take, or is already taking, legal action but wishes to continue with their complaint, this should not affect your investigation and response to the complaint. The only exceptions to this are if:

- the individual requests or agrees to a delay
- there is a formal request for a pause in the complaint process from the police, a coroner or a judge.

In these cases, the complaint investigation will be put on hold until those processes conclude.

If the events complained about took place more than 12 months ago

Under the [UKCG Complaint Standards Model Procedure](#), complaints must be made within 12 months of:

- the date of the matter complained about, or
- the date the person raising the complaint found out about it.



If someone raises a complaint outside this time limit, consider the reasons for the delay in making the complaint. If these are not clear from the complaint, ask the person who complained the reasons for the delay.



If you decide the reasons given are reasonable, consider whether it is still possible to properly consider the complaint effectively and fairly, given the delay. For example, if someone has been ill or has had caring responsibilities that have led to the delay, and the relevant records and colleagues are still available, you may decide to continue with your consideration of the complaint.



You may decide that there is not a good reason for the delay or that it is not possible to properly consider the complaint (or any part of it). If so:

- explain this to the person in writing
- tell the person they can take their concerns to any independent complaint handling tier you have
- explain that if they are dissatisfied with that decision, they can approach the Parliamentary and Health Service Ombudsman via their MP.

Anonymous and general complaints

All complaints can be a valuable source of insight and learning even if they do not meet the standard criteria. These include:

- anonymous complaints
- general complaints that would not meet the criteria for who can complain.

If you receive a complaint like this, consider the issues raised and, if appropriate, look into the matter to identify whether it highlights any learning for your organisation.

Examples and case studies

The decision tool below will help you decide if a complaint is suitable for early resolution or not. You can amend it to reflect the types of complaint your organisation might receive.

Categories of complaint examples

Early resolution may be suitable where:

- a service has not been provided that should have been
- a service has not been provided to an appropriate standard
- a request for a service has not been answered or actioned
- a service being provided is having an immediate negative impact
- an error has been made that can be corrected quickly
- a colleague was perceived as rude or unhelpful
- a colleague or contractor did not attend a scheduled appointment.

A closer look may be suitable where:

- the issues raised are complex and will require detailed investigation
- the complaint is about more than one area of the organisation or multiple organisations
- the complaint raises issues that might affect other service users
- the complaint relates to issues that have been identified as serious or high-risk/high-profile.

A complaint may be serious or high-risk/high-profile where it:

- involves safeguarding issues
- involves a vulnerable person
- involves major delays in service provision or repeated failure to provide a service
- has attracted media interest
- may present a risk to the organisation.

Example letter that declines looking into a complaint because it is out of time and you decide that there is no good reason for the delay:

Dear [insert name]

As you know, we have received your complaint about [insert details of complaint].

As I explained when we spoke, there is a time limit for bringing complaints to us and unfortunately your complaint fell out of that time limit.

When we spoke, you explained that [include explanation (and any evidence) given by service user for reason for delay in complaining]. While I understand this [give explanation of how you have considered this explanation/evidence and have decided that it is not a good reason for the delay and why you think the service user could have complained earlier].

I hope you can see that we have considered this carefully. If you are unhappy with our decision not to look into your complaint and would like to take the matter further, you can [insert details of how service user can request a review of your decision/escalate their concerns to an independent complaints tier or approach their MP to ask them to refer the matter to the Parliamentary and Health Service Ombudsman].

Yours sincerely

Example letter declining to look into a complaint where there is a good reason for the delay but you have decided that it would not now be practical to investigate the complaint because of the time elapsed:

Dear [insert name]

As you know, we have received your complaint about [insert details of complaint].

As I explained when we spoke, there is a time limit for bringing complaints to us and unfortunately your complaint fell outside of that time limit.

When we spoke, you explained that [include explanation (and any evidence) given by service user for delay in complaining]. I understand and accept this explanation and believe this is a very good reason for why you did not complain to us sooner.

I have carefully considered if it would be possible [X months/years] later to investigate your complaint and provide you with the answers and outcome you seek [include details of outcome sought if applicable]. Unfortunately, I have decided that this would not be possible and we would be very unlikely to deliver the outcome you are seeking. This is because [give explanation of how you have considered what would be involved in investigating the complaint and why you feel that it would not be practical to investigate and reach a satisfactory conclusion.]

I hope you can see that we have considered this carefully. If you are unhappy with our decision not to look into your complaint and would like to take the matter further you can [insert details of how service user can request a review of the decision/escalate their concerns to an independent complaints tier or approach their MP to ask them to refer the matter to the Parliamentary and Health Service Ombudsman].

Yours sincerely

Practical tools

A simple desk aid to help identify if something is a complaint or not

Everyday conversation	<ul style="list-style-type: none">• The service user is asking for something or just needs an explanation.
Complaint	<ul style="list-style-type: none">• The service user is clearly dissatisfied with something that has or has not actually happened to them• The matter needs looking into• They require a response.

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

**Let's make
complaints
count!**

