

# Complaints and other procedures



## 1. Purpose

- 1.1 This guidance is part of a range of modules produced to help you implement and deliver the expectations set out in the [UK Central Government \(UKCG\) Complaint Standards](#).
- 1.2 This guidance has been created to help you decide what to do when you are considering a complaint where:
  - you identify that it includes dissatisfaction with a decision that has a statutory right of appeal or referral to, or review by, a tribunal or court of law
  - you identify that a legal claim is planned or ongoing
  - you identify, during your consideration, that there is also a potential legal claim
  - the service user making the complaint raises issues about an individual that suggests that professional conduct or local disciplinary procedures might be relevant.
- 1.3 You should deal with each complaint on a case-by-case basis and this guidance should not predetermine the outcome of a complaint.
- 1.4 This guidance should be read in conjunction with the [following modules](#):
  - Identifying a complaint
  - Who can make a complaint, consent and confidentiality
  - Early resolution
  - A closer look - clarifying the complaint and explaining the process
  - A closer look - providing a remedy
  - A closer look - writing and communicating your final response
  - Complaints involving multiple service areas or organisations
  - Help, advice and support for service users raising a complaint

## 2. Standards and relevant legislation

- 2.1 The relevant Complaint Standards expectations are:

### **Welcoming complaints in a positive way**

- Organisations make sure colleagues can identify when issues raised in a complaint should (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 to 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.
- 2.2 The Complaint Standards work alongside several other important requirements and guidance including:

- 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.

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

#### **Complaints that overlap with other processes**

- 3.1 The option of making a complaint and having it investigated and responded to in a full and timely manner should be a right, regardless of what other appeals, reviews or investigations are taking place. If, during your consideration of a complaint, you identify that another process should be launched, or where the matters you are considering overlap with issues already being investigated or reviewed elsewhere, it is good practice to discuss this with relevant colleagues and agree how best to work together to progress the various elements. You should also discuss with the service user making the complaint what their concerns and the questions they want answered are and ensure that they fully understand how each of these will be considered and responded to, and by whom. If possible, you should work with relevant colleagues to provide a comprehensive response that meets the needs of both processes.
- 3.2 The service user making the complaint should ideally have a single point of contact who can keep them updated and informed about both processes. Where that is not possible, they should be clear about who they can speak to and who will be responsible for keeping them informed about the various processes. They should also be told about any help, support or advice that is available to them when pursuing their concerns.

#### **Complaints where a legal claim is planned or ongoing**

- 3.3 A service user making a complaint should not be treated differently or made to feel uncomfortable because they are taking or considering taking legal action. The usual good practice and requirements, such as the Civil Service Code and the Nolan Principles, still apply.
- 3.4 Regardless of whether the service user making the complaint is taking, or plans to take, legal proceedings, a complaint should only be put on hold if there are exceptional reasons to justify this, or if the person making the complaint has requested that the investigation be delayed. Exceptional circumstances for putting a complaint on hold may include formal requests to do so by the police or a judge, or where your legal team has asked you to do this. You should raise any concerns about continuing with the

investigation of a complaint when you talk to the service user making the complaint about how the complaint is to be handled so that you can hear their views.

- 3.5 If, exceptionally, you decide to put a complaint on hold against the wishes of the service user, tell them about this as soon as possible and give them a full explanation (in writing, unless requested not to) of the reasons for this. Tell them they can ask their MP to refer the matter to the Parliamentary and Health Service Ombudsman if they feel this is unreasonable. ([See guidance on referring to the Ombudsman](#))

**Complaints where you identify, during your consideration, that there is also a potential legal claim**

- 3.6 If, during your consideration of the complaint, you identify a potentially serious failing or impact, you will need to consider if the person making the complaint has a potential legal claim. The complaints process is not designed to determine legal liability or a breach of statutory duty or to provide compensation that might be awarded by a court of law. If you identify such a failing, you should seek more information from your legal adviser. You should also notify the service user making the complaint so they can seek independent advice, should they wish to, and make an informed choice about how they would like to progress their complaint. When resolving a complaint, you can make a payment that acknowledges distress and inconvenience as part of the complaints procedure. [See guidance on providing a remedy](#).

**Complaints where you think that local disciplinary procedures might be relevant**

- 3.7 Although the complaints procedure is not itself a disciplinary procedure, your consideration or investigation of the complaint may result in you identifying issues where a colleague should be subject to remedial or disciplinary procedures. Where this is the case, and the complaint covers those issues, you should follow Cabinet Office guidance 'Public bodies: a guide for departments, chapter 8' and ensure you give a 'personal and specific repl[y]; being clear about what remedies can be offered, including in terms of disciplinary action for staff; and letting [the] customer[s] know about improvements as a result of their complaint.' As such, you should advise the service user and share as much information with them as possible whilst still complying with relevant data protection legislation. If in doubt, take legal advice about how much information you can disclose.

**Complaints involving referral or potential referral to professional bodies**

- 3.8 A professional body is an organisation that usually sits within a single profession or industry and consists of individual members who aim to promote best practice and set the standards and expectations of behaviour for both its 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 such a professional body, you should familiarise yourself with any processes they have 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.

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

- 4.1 Legal guidance on misconduct in public office:  
[https://www.cps.gov.uk/legal-guidance/misconduct-public-office.](https://www.cps.gov.uk/legal-guidance/misconduct-public-office)

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

- 5.1 Final - March 2023.