

Writing and communicating your final response

This is draft material and is not live guidance. It is shared for information and will be tested with organisations who have agreed to pilot the new Complaint Standards.

1. Introduction

1.1 This guidance is part of a range of guidance modules produced to help you implement and deliver the expectations set out in the Complaint Standards.

1.2 This guidance will help you provide a good final written response to a complaint. It will help you make clear:

- that you have understood the complaint and what the person wanted to achieve
- what you have investigated
- how you have investigated
- how you have decided whether something has gone wrong
- that you have understood the impact any failing has had
- what will happen as a result of their complaint
- what the person can do next if they are still dissatisfied, and how to get support if they decide to take it further.

1.3 This guidance should be read in conjunction with the following modules:

- A closer look - clarifying a complaint and explaining the process- [Insert link](#)
- A closer look - carrying out the investigation - [Insert link](#)
- A closer look - providing a remedy - [Insert link](#)
- Referring people to the Ombudsman - [Insert link](#)
- Complaints involving multiple organisations - [Insert link](#)
- Independent NHS complaints advocacy, and other specialist advice and support for people raising complaints - [Insert link](#)

2. Standards and relevant legislation

- 2.1 The relevant Complaint Standards expectations for communicating a final response are:

Giving fair and accountable responses

- Organisations make sure staff are supported and encouraged to be open and honest when things have gone wrong or where improvements can be made. Staff balance the need to be accountable for their actions, to identify what learning can be taken from a complaint, and how the learning will be acted on to improve services and support staff.
- Wherever possible, staff explain why things went wrong and identify suitable ways to put things right for people. Staff make sure the apologies and explanations they give are meaningful, sincere, and openly reflect the impact on the individual or individuals concerned.
- Staff make sure everyone is told about their right to complain to the Ombudsman in the written final response to a complaint.

- 2.2 The relevant Regulations that apply are:

the *Local Authority Social Services and National Health Service Complaints Regulations 2009* (the Regulations).

- [Regulation 14](#) states that the final response letter must be in writing, and signed by your organisation's responsible person (or their delegate). The final response must explain how you considered the complaint and the conclusions you reached, including actions you will take as a result of the complaint. It must also explain how the person who has made the complaint can approach the Ombudsman if they remain unhappy.
- [Regulation 15](#) says that if the person complaining has agreed, you can send the final response electronically.

3. What you should do

- 3.1 Your final written response is a very important document because it sets out your organisation's position on the complaint. It should help the person making the complaint understand what has happened. Your explanations will hopefully satisfy them that having looked into the situation carefully you have not found the organisation did anything wrong or, where something has gone wrong, will show that you acknowledge and accept that. It will also be your chance to demonstrate that you understand the impact any failings have had and will explain how you will put things right for them and potentially for other users of the service. This will hopefully help them see that it has been worthwhile making the complaint and that your organisation is one that truly listens and learns from what service users have to say.

- 3.2 Remember to tailor your response to the communication needs of the person who has complained. If they need the letter translated into another language or in an alternative format, such as braille, easy-read or an audio recording, you should provide that. You should also tailor your use of language to meet their needs. Where you can, use the language and the terms they used in their original complaint and in their meetings and discussions with you; if they talk about their ‘mother’, for example, reflect this in your letter, write ‘your mother came into hospital’ rather than ‘Mrs Smith was admitted on 15 April’.
- 3.3 Your language should show empathy. Keep the person who will receive the letter in mind and ask yourself ‘would I be happy if a member of my family received a letter like this?’
- 3.4 The final response should describe the investigation into the complaint and set out what, if anything, happens next. Your letter should be clear that the investigation is complete and must tell the person that they can approach the Ombudsman if they are still unhappy. It should also remind them they can get support from an independent advocacy service if they decide to take things further.
- 3.5 Send a copy of your response to anyone who is supporting the person making the complaint if they have asked/consented for you to do so, such as their NHS Independent Advocate.
- 3.6 A good final response letter will set out:
- The **issue(s) the person complained** about and what they wanted to happen as a result of their complaint. This shows that you have listened to and understood their complaint. It also reminds them what they said they wanted to happen or what they agreed with you would be a good outcome. Ideally, use the language that they used themselves, Again, this shows that you have listened carefully.
 - An **explanation of how your organisation looked into the complaint.** Set out how you investigated, who you spoke to and the steps you took to make sure that you and anyone else involved in the investigation were impartial. Refer to the complaint when you describe what you did so the person knows you looked at all aspects of the matter. For example, ‘you said your mother was given the wrong medication, so we spoke to the pharmacy department and checked their records’.
 - The **evidence you considered.** This may include things like relevant extracts from clinical records, interviews with staff, phone records, witness accounts and any evidence the person making the complaint gave you. Explain why you considered this evidence and be clear about everything you found, regardless of whether it supports their complaint.

- **The outcome: did something go wrong?** To explain this, you should set out what happened, what should have happened and compare the two. First set out what happened. This should be based on the evidence you have seen and the accounts you have heard. Then set out what should have happened. This should be an explanation of the relevant policy, procedure, guidance or local arrangements that should have been followed in the circumstances and say whether they were followed. If the care or service provided was not in line with what should have happened, say so and, if you can, explain why. Your aim is to clearly set out if something went wrong or not.
- **If something did go wrong, the details of that failing and any impact it has had.** You should take into account what the person making the complaint told you about the impact it has had, but also explain if it has had an impact the person may not be aware of. Again, reflect the language and information they used in their complaint. If they said they felt ‘hurt and upset’, tell them you understand this and that you sympathise. If you present this with empathy, the person is more likely to accept you understand how they feel. For help with explaining impact see guidance on providing a remedy [Insert Link](#).
- If appropriate, **provide a meaningful apology.** Too many complaints are drawn out by a simple failure to apologise in a meaningful way. If something has gone wrong, apologise. An apology does not mean that your organisation is admitting legal liability. Apologising acknowledges that something could have gone better, and it can be the first step to learning from what happened to prevent it happening again and to restoring trust. Your apology should include an expression of regret, it should accept responsibility for the failings and give the reasons why the apology is needed. For further help with making a meaningful apology see the practical tools section below [Insert Link](#) and guidance on providing a remedy for more information [Insert Link](#).
- **How your organisation will remedy the failing** for the person or people affected and put things right. Start by setting out any action your organisation has already taken to remedy the failing. Then go on to set out any further remedy or action required. This may include things like reviewing or changing a decision on the service given to an individual, revising published material, revising policies and procedures to prevent the same thing happening again, training or supervising staff, or any combination of these. It may also include financial compensation for direct or indirect financial loss, loss of opportunity, inconvenience, distress, or any combination of these. See providing a remedy for more information [Insert Link](#).

- If relevant, **an explanation of how your organisation will use learning from the complaint to improve services for other users**. Most people who complain are motivated simply by wanting to know that what has happened to them or a loved one will not happen to anyone else. Setting out how their courage and effort in speaking up will help improve services for others goes a very long way towards resolving the complaint, restoring a broken relationship and trust and providing some meaning and comfort, even in the most serious of cases. Set out what the organisation has done/will do to improve services, such as training staff, changing procedures, introducing new policies or procedures, changing signs, altering clinic times and so on.
- **How your organisation will demonstrate it truly has learnt from the complaint and offer to keep the person who raised the complaint involved and updated** as those lessons are learnt and changes made, until all the actions to improve services are complete and in place. You should always offer to involve the person who made the complaint in any action you take to improve services as a result of their complaint. This could involve inviting them in to see any changes you have made, sharing drafts of any changes to policies and procedures, sharing the outline and objectives of any training sessions and even involving the person in that training if appropriate. It can also be useful, once the actions have been taken, for the person making the complaint to tell their story, as part of any wider learning for staff and Board members.
- Their right to refer their complaint **to the Ombudsman**. Make it clear that you have finished investigating the complaint and if the person is still unhappy, they can approach the Ombudsman. Make sure any contact details for the ombudsman are correct (ideally use the suggested signposting paragraph in the practical tools section below [Insert Link.](#)) Include a **reminder of where they can obtain support** to do that if they need it from local advocacy or national advice organisations.

4. Examples and case studies

4.1 Examples of good final response letters - **To follow** .

4.2 Example paragraph for signposting to the Ombudsman:

- If you are not happy with how we've dealt with your complaint, and would like to take the matter further, you can contact the Parliamentary and Health Service Ombudsman. The Ombudsman makes final decisions on complaints that have not been resolved by the NHS, government departments and some other public organisations. Their service is free for everyone. There is a time limit for making your

complaint to the Ombudsman so you should do this as soon as possible. To take a complaint to the Ombudsman, or to find out more about the service, go to www.ombudsman.org.uk or call 0345 015 4033.

5. Practical tools

5.1 The Plain English Campaign:

The Plain English Campaign is a company that offers editing and proofreading services. Its website has free [letter](#) and [report](#) writing guidance.

5.2 Guidance on making a good apology:

[Apology leaflet from Scottish Public Services Ombudsman](#)

[Apology leaflet from NHS Resolution](#)

5.3 The dos and don'ts of making a meaningful apology

- **Don't say**
 - × I'm sorry you feel like that
 - × We're sorry if you're offended
 - × I'm sorry you took it that way
 - × We're sorry, but...
- **Do say**
 - ✓ I'm sorry X happened
 - ✓ We're truly sorry for the distress caused
 - ✓ We apologise unreservedly for the distress this has caused you and your family

6. Version control

6.1 Pilot Draft - March 2021