

Writing and communicating your final response



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1. Introduction

- 1.1 This is part of a series of guidance modules that will help you implement and deliver the expectations in the [NHS Complaint Standards](#).
- 1.2 This module will help you provide a good final written response to a complaint. It explains how you can make it 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 or not
 - that you have understood the impact any failing has had
 - what will happen as a result of the complaint
 - what the person can do next if they are not happy and want to take the matter further.
- 1.3 You should read this module alongside the [Model Complaint Handling Procedure](#) and the following modules:
- A closer look - clarifying a complaint and explaining the process
 - A closer look - carrying out the investigation
 - A closer look - providing a remedy
 - Referring people to the Ombudsman
 - Complaints involving multiple organisations
 - Independent NHS complaints advocacy and other specialist advice

The guidance modules are available on the Ombudsman's [website](#).

2. Standards and relevant legislation

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

Giving fair and accountable responses

- Organisations support and encourage staff to be open and honest when things have gone wrong or where improvements can be made. Staff recognise the need to be accountable for their actions and to identify what learning can be taken from a complaint. They are clear about how the learning will be used 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 give meaningful and

sincere apologies and explanations that openly reflect the impact on the people concerned.

- Staff make sure they tell people about their right to complain to the Ombudsman if they are not satisfied with the final written response at the end of the organisation's complaint process.

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 important 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 should either reassure them that:

- having looked into the matter carefully, you have found that nothing went wrong, or
- where you find that something has gone wrong, you acknowledge and accept this.

It will also be your chance to:

- show that you understand the impact any failings have had
- explain how you will put things right for them and potentially for other users of the service.

This will help the person see that making the complaint has been worthwhile and that your organisation listens and learns from what service users have to say.

3.2 You should tailor your response to meet 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. Where you can, you should use the language and words they used in their original complaint and in

conversations with you. If they talk about their mother, rather than Mrs Smith, for example, reflect this in your letter.

- 3.3 Your language should also 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 Your final response should describe the investigation into the complaint and set out what, if anything, will happen next. Your letter should be clear that the investigation is complete. It 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 NHS complaints advocacy service if they decide to take things further.
- 3.5 Remember to send a copy of your response to anyone who is supporting the person making the complaint, such as their independent NHS complaints advocate, if they have asked for this and have consented to you doing so.

What a good final response letter includes

- 3.6 A good final response letter will:
 - **Set out the issue(s) the person has 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 because this shows that you have listened carefully.
 - **Explain how you 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'.
 - **Present the evidence you considered.** This should always include the account and evidence from the person who has made the complaint. It may also include things like relevant extracts from clinical records, interviews with staff, phone records and witness accounts. Explain why you considered this evidence and be clear about everything you found, regardless of whether it supports their complaint.
 - **Explain the outcome and if something went wrong.** To do this, you should set out what happened and 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 explain the relevant law, policy, procedure, guidance or local arrangements that should have been

followed in the circumstances, and whether they were followed or not. If the care or service provided was in line with what should have happened, reassure the person and apologise if this could or should have been explained to them earlier. If the care or service provided was not in line with what should have happened, say so and explain why, if you can. Your aim is to clearly set out if something went wrong or not.

- **If something went wrong, include the details of that failing and any impact it had.** Take into account what the person making the complaint told you about the impact it had, but also explain if it has had an impact the person may not be aware of. 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 that you understand how they feel. For help with explaining impact, see the guidance on providing a remedy.
- **Provide a meaningful apology, if appropriate.** 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. It can be the first step towards learning from what happened to stop it happening again and restoring trust in your organisation. Your apology should express regret, accept responsibility for the failings and explain why the apology is needed. For more help with making a meaningful apology, see the practical tools section in this module and the guidance on providing a remedy.
- **Explain how your organisation will remedy the failing** for the person or people affected, and how you will put things right. Start by describing any action your organisation has already taken to remedy the failing. Then set out any further remedy or action needed. This may include:
 - reviewing or remaking a decision
 - revising published material
 - revising policies and procedures to prevent the same thing happening again
 - training or supervising staff
 - a 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 the guidance on providing a remedy for more information.

- **If relevant, explain how your organisation will use learning from the complaint to improve services for other users.** Most people who complain want to know that what has happened to them or a loved one will not happen to anyone else. Explaining how their determination and effort in speaking up will help improve services for others goes a 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. Describe what the organisation has done or will do to improve services, such as training staff, changing policies or procedures or introducing new ones.

- **Explain how your organisation will demonstrate it has learnt from the complaint and offer to keep the person who raised the complaint involved and updated until all the actions to improve services are complete.** Ideally, you should 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. Once the actions have been taken, it can also be useful for the person making the complaint to tell their story as part of any wider learning for staff and Board members.
- **Set out 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 you use the suggested signposting paragraph included in the examples section of this module. Include a **reminder of where they can obtain support** to do that, if they need it, from local complaints advocacy or national advice organisations.

4. Examples and case studies

4.1 Example paragraph for signposting to the Ombudsman:

- If you are not happy with how we have 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 Desk reminder for the content of a good response letter

The top ten tips for writing a good complaint response	
1. Set out the issues and what the person wanted to achieve	6. If there are failings, give a meaningful apology
2. Set out how you have investigated	7. Explain how you will put things right for them
3. Explain if something has gone wrong or not - 'what happened' vs 'what should have happened'	8. If relevant, explain how you will put things right for other service users
4. Set out your conclusion on the service provided	9. Explain how you will keep the person involved and updated
5. Explain any failings and the impact they have had	10. Make it clear this is your final response and signpost to review, independent tier or the Ombudsman

5.2 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.

5.3 Guidance on making a good apology:

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

[Apology leaflet from NHS Resolution](#)

5.4 The dos and don'ts of making a meaningful apology:

Don't say
<ul style="list-style-type: none">✗ 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
<ul style="list-style-type: none">✓ I'm sorry X happened✓ We're truly sorry for the distress caused✓ We apologise

6. Version control

6.1 Final - December 2022