

Public Service

 **ombudsman**

Principles of good complaint handling

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Introduction

This document gives our views on the Principles of Good Complaint Handling. We want public bodies and complainants to understand what we mean by good complaint handling and to be clear about what we expect from public bodies when dealing with complaints. We will also apply the Principles to any complaints made to us about our own service.

These Principles of Good Complaint Handling should be read in conjunction with our Principles of Good Administration and Principles for Remedy. Everyone has the right to expect a good service from public bodies and to have things put right if they go wrong. When things do go wrong, public bodies should manage complaints properly so customers' concerns are dealt with appropriately. Good complaint handling matters because it is an important way of ensuring customers receive the service they are entitled to expect. Complaints are a valuable source of feedback for the public body; they provide an audit trail and can be an early warning of failures in service delivery. When handled well, complaints provide an opportunity for public bodies to improve their service and reputation.

We understand there is often a balance between responding appropriately to complaints and acting proportionately within available resources. However, prompt and efficient complaint handling can save the public body time and money by preventing a complaint from escalating unnecessarily. Learning from complaints can reduce the number of complaints in the future.

The public bodies within our jurisdiction are many and varied, and sometimes complainants will be individuals and sometimes organisations. Accordingly, the systems that public bodies have in place for handling complaints will depend on their own circumstances. However, certain Principles should be common to all. Good complaint handling should be led from the top, focused on outcomes, fair and proportionate, and sensitive to complainants' needs. The process should be clear and straightforward, and readily accessible to customers. It should be well managed throughout so that decisions are taken quickly, things put right where necessary and lessons learnt for service improvement. In many of the complaints investigated by the Ombudsman we have found that poor complaint handling itself constituted maladministration or service failure leading to an injustice or hardship for the complainant. This was so even in cases in which we did not uphold the original complaint.

The Principles set out here are intended to promote a shared understanding of what is meant by good complaint handling and to help public bodies in the Ombudsman's jurisdiction deliver first-class complaint handling to all their customers.

Principles of good complaint handling

Good complaint handling by public bodies means:

1. Getting it right

- Acting in accordance with the law and relevant guidance, and with regard for the rights of those concerned.
- Ensuring that those at the top of the public body provide leadership to support good complaint management and develop an organisational culture that values complaints.
- Having clear governance arrangements, which set out roles and responsibilities, and ensure lessons are learnt from complaints.
- Including complaint management as an integral part of service design.
- Ensuring that staff are equipped and empowered to act decisively to resolve complaints.
- Focusing on the outcomes for the complainant and the public body.
- Signposting to the next stage of the complaints procedure, in the right way and at the right time.

2. Being customer focused

- Having clear and simple procedures.
- Ensuring that complainants can easily access the service dealing with complaints, and informing them about advice and advocacy services where appropriate.
- Dealing with complainants promptly and sensitively, bearing in mind their individual circumstances.
- Listening to complainants to understand the complaint and the outcome they are seeking.
- Responding flexibly, including co-ordinating responses with any other bodies involved in the same complaint, where appropriate.

3. Being open and accountable

- Publishing clear, accurate and complete information about how to complain, and how and when to take complaints further.
- Publishing service standards for handling complaints.
- Providing honest, evidence-based explanations and giving reasons for decisions.
- Keeping full and accurate records.

4. Acting fairly and proportionately

- Treating the complainant impartially, and without unlawful discrimination or prejudice.
- Ensuring that complaints are investigated thoroughly and fairly to establish the facts of the case.
- Ensuring that decisions are proportionate, appropriate and fair.
- Ensuring that complaints are reviewed by someone not involved in the events leading to the complaint.
- Acting fairly towards staff complained about as well as towards complainants.

5. Putting things right

- Acknowledging mistakes and apologising where appropriate.
- Providing prompt, appropriate and proportionate remedies.
- Considering all the relevant factors of the case when offering remedies.
- Taking account of any injustice or hardship that results from pursuing the complaint as well as from the original dispute.

6. Seeking continuous improvement

- Using all feedback and the lessons learnt from complaints to improve service design and delivery.
- Having systems in place to record, analyse and report on the learning from complaints.
- Regularly reviewing the lessons to be learnt from complaints.
- Where appropriate, telling the complainant about the lessons learnt and changes made to services, guidance or policy.

These Principles are not a checklist to be applied mechanically. Public bodies should use their judgment in applying the Principles to produce reasonable, fair and proportionate results in the circumstances. The Ombudsman will adopt a similar approach in deciding whether maladministration or service failure has occurred.

The supporting text for each Principle follows.

1. Getting it right

All public bodies must comply with the law and have regard for the rights of those concerned. They should act according to their statutory powers and duties, and any other rules governing the service they provide. They should follow their own policy and procedural guidance on complaint handling, whether published or internal.

Good complaint handling requires strong and effective leadership. Those at the top of the public body should take the lead in ensuring good complaint handling, with regard to both the practice and the culture. Senior managers should:

- set the complaint handling policy, and own both the policy and the process
- give priority and importance to good complaint handling, to set the tone and act as an example for all staff
- develop a culture that values and welcomes complaints as a way of putting things right and improving service
- be responsible and accountable for complaint handling
- ensure that effective governance arrangements underpin and support good complaint handling
- ensure the policy is delivered through a clear and accountable complaint handling process
- ensure learning from complaints is used to improve service.

Public bodies should consider the policy and practice of complaint handling as an integral part of the service they provide to customers.

Staff should be properly equipped and empowered to put things right promptly where something has gone wrong. They should be supported by clear lines of authority and decision making that are flexible enough to respond to complaints effectively and authoritatively.

Complaint handling should focus on the outcomes for the complainant and, where appropriate, others affected. Public bodies should put in place policies and procedures to ensure complainants are treated fairly, to aid decision making and to ensure fair outcomes. Those policies and procedures should allow staff the flexibility to resolve complaints promptly and in the most appropriate way while still learning from complaints.

Public bodies should make it clear to complainants when they have provided their final response to a complaint. At that stage, public bodies should provide clear and accurate information about the next stage of the complaint process so the complainant is clear about what to do next if they remain dissatisfied. If the complaints procedure is not the most

appropriate way for a customer to take forward their concern, public bodies should also clearly direct them to the most appropriate way, for example through alternative appeals mechanisms.

2. Being customer focused

Public bodies should do the following:

- Ensure their complaints procedure is simple and clear, involving as few steps as possible. Having too many complaint handling stages may unnecessarily complicate the process and deter complainants from pursuing their concerns.
- Ensure that their complaint handling arrangements are easily accessible to their customers.
- Let their customers know about any help or advice that may be available to them if they are considering making a complaint. For example, Community Legal Advice offers wide-ranging legal advice and the Independent Complaints Advocacy Service (ICAS) provides advocacy for NHS complainants.
- Deal with complaints promptly, avoiding unnecessary delay, and in line with published service standards where appropriate. Resolving problems and complaints as soon as possible is best for both complainants and public bodies.
- Acknowledge the complaint and tell the complainant how long they can expect to wait to receive a reply. Public bodies should keep the complainant regularly informed about progress and the reasons for any delays, and provide a point of contact throughout the course of the complaint.
- Treat complainants sensitively and in a way that takes account of their needs.
- Use language that is easy to understand, and communicate with the complainant in a way that is appropriate to them and their circumstances. For example, public bodies should make arrangements for complainants with special needs or those whose first language is not English.
- Listen to and consider the complainant's views, asking them to clarify where necessary, to make sure the public body understands clearly what the complaint is about and the outcome the complainant wants.
- Respond flexibly to the circumstances of the case. This means considering how the public body may need to adjust its normal approach to handling a complaint in the particular circumstances.

- Ensure, where complaints raise issues about services provided by more than one public body, that the complaint is dealt with in a co-ordinated way with other providers. If a public body cannot respond, it should refer the complainant quickly to other sources of help.

3. Being open and accountable

Public bodies should do the following:

- Ensure that information about how to complain is easily available. They should provide clear, accurate and complete information to their customers about the scope of complaints the organisation can consider; what customers can and cannot expect from the complaint handling arrangements, including timescales and likely remedies; and how, when and where to take things further.
- Be open and honest when accounting for their decisions and actions. They should give clear, evidence-based explanations, and reasons for their decisions. When things have gone wrong, public bodies should explain fully and say what they will do to put matters right as quickly as possible.
- Create and maintain reliable and usable records as evidence of their activities. These records should include the evidence considered and the reasons for decisions. Public bodies should manage complaint records in line with recognised standards to ensure they are kept and can be retrieved for as long as there is a statutory duty or business need. This can include the need to respond to complaints or to provide relevant information to the Ombudsman.
- Handle and process information properly and appropriately, in line with the law and relevant guidance. So while their policies and procedures should be transparent, public bodies should also respect the privacy of personal and confidential information, as the law requires.
- Take responsibility for the actions of their staff and those acting on behalf of the public body

4. Acting fairly and proportionately

Public bodies should do the following:

- Understand and respect the diversity of their customers and ensure fair access to services regardless of background or circumstances.

- Investigate complaints thoroughly and fairly, basing their decisions on the available facts and evidence, and avoiding undue delay. Public bodies should deal with complaints objectively, fairly and consistently, so that similar circumstances are handled similarly. Any different decisions about two similar complaints should be justified by the circumstances of the complaint or complainant.
- Seek to ensure, where a complaint relates to an ongoing relationship between the public body and complainant, that staff do not treat the complainant any differently during or after the complaint.
- Avoid taking a rigid, process-driven, 'one-size-fits-all' approach to complaint handling, and ensure the response to an individual complaint is proportionate to the circumstances. This means taking into account the seriousness of the issues raised, the effect on the complainant, and whether any others may have suffered injustice or hardship as a result of the same problem.
- Ask a member of staff who was not involved in the events leading to the complaint to review the case. The public body can still put things right quickly for the complainant where appropriate.
- Act fairly towards staff as well as customers. This means ensuring members of staff know they have been complained about and, where appropriate, have an opportunity to respond.

A minority of complainants can be unreasonably persistent or behave unacceptably in pursuing their complaints. Public bodies should have arrangements for managing unacceptable behaviour

5. Putting things right

Providing fair and proportionate remedies is an integral part of good complaint handling. Where a public body has failed to get it right and this has led to injustice or hardship, it should take steps to put things right. That means, if possible, returning complainants and, where appropriate, others who have suffered the same injustice or hardship as a result of the same maladministration or poor service, to the position they were in before this took place. If that is not possible, it means compensating complainants and such others appropriately.

In many cases, a prompt explanation and an apology will be a sufficient and appropriate response and will prevent the complaint escalating. Apologising is not an invitation to litigate or a sign of organisational weakness.¹

There is a wide range of appropriate responses to a complaint that has been upheld. These include:

- an apology, explanation and acknowledgement of responsibility
- remedial action, which may include reviewing or changing a decision on the service given to an individual complainant; revising published material; revising procedures, policies or guidance to prevent the same thing happening again; training or supervising staff; or any combination of these
- financial compensation for direct or indirect financial loss, loss of opportunity, inconvenience, distress, or any combination of these.

When deciding the level of financial compensation, public bodies should consider:

- the nature of the complaint
- the impact on the complainant
- how long it took to resolve the complaint
- the trouble the complainant was put to in pursuing it.

Remedies may also need to take account of any injustice or hardship that has resulted from pursuing the complaint as well as from the original dispute.

Further information about the Ombudsman's views on how public bodies should provide remedies is set out in the Ombudsman's Principles for Remedy available on our website at: www.ombudsman.org.uk.

6. Seeking continuous improvement

Good complaint handling is not limited to providing an individual remedy to the complainant: public bodies should ensure that all feedback and lessons learnt from complaints contribute to service improvement.

¹ Section 2 of the Compensation Act 2006 states: 'An apology, an offer of treatment or other redress, shall not of itself amount to an admission of negligence or breach of statutory duty'. This section of the Act applies to England and Wales only.

Learning from complaints is a powerful way of helping to improve public service, enhancing the reputation of a public body and increasing trust among the people who use its service. Public bodies should have systems to record, analyse and report on the learning from complaints. Public bodies should feed that learning back into the system to improve their performance.

It is good practice for public bodies to report publicly on their complaint handling performance. This should include reporting on the number of complaints received and the outcome of those complaints. Where complaints have led to a change in services, policies or procedures, public bodies could report those changes. Reporting on complaint handling performance can help to:

- motivate staff
- promote achievement
- drive improvement in service delivery
- boost public confidence in the complaint process
- encourage potential complainants to access the scheme properly
- enable public bodies to identify patterns in complaints.

Public bodies should ensure they:

- tell the complainant when lessons have been learnt as a result of their complaint
- state any changes they have made to prevent the problem recurring.

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