

Commitment to Good Complaint Handling

BEST PRACTICE COMPLAINT HANDLING

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Commitment to Good Complaint Handling

1. Good complaint handling should be led from the top, focused on outcomes, fair and proportionate, and sensitive to complainants' needs.
2. To consider the policy and practice of complaint handling as an integral part of the service they provide to customers.

Principles of Good Complaint Handling

1. The Principles set out here are intended to promote a shared understanding of what is meant by good complaint handling and deliver first-class complaint handling to all their customers.
2. Our principles for good complaint handling are based on the recommendations of the Parliamentary and Health Service Ombudsman. We have developed the approach and applied it to our organisation and goals.
3. Each of our values underpin good complaint handling and support operation of our complaints framework. We have however, highlighted some of the key values which link directly to each principle.
4. We will apply these principles to any complaints made to us about our service. Everyone has the right to expect a good service and to have things put right if they go wrong.

✓ 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 Organisation 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 organisation.
- Signposting to the next stage of the complaints procedure, in the right way and at the right time. 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.
- Responding flexibly, including co-ordinating responses with any other bodies involved in the same complaint, where appropriate.

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.

Organisations 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. Organisations 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.

Organisations should make it clear to complainants when they have provided their final response to a complaint. At that stage, organisations 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, organisations should also clearly direct them to the most appropriate way, for example through alternative appeals mechanisms.

Key Values:



Teamwork

We work together to achieve common objectives.



Accountability

Each employee is responsible for his or her contributions and each will do what needs to get done.



Excellence

We strive for, recognise and reward excellence.

All organisations 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 organisation should take the lead in ensuring good complaint handling, with regard to both the practice and the culture.

✓ Being customer focused

- 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.
- Listening to complainants to understand the complaint and the outcome they are seeking.

Key Values:



Communication

We share information openly and proactively.



Respect

We recognise each person's qualities and contributions.



Integrity

We behave with honesty, trust, professionalism and highest ethics.

Organisations 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 Care Quality Commission.
- Deal with complaints promptly, avoiding unnecessary delay, and in line with service standards where appropriate. Resolving problems and complaints as soon as possible is best for both complainants and organisations.
- Acknowledge the complaint and tell the complainant how long they can expect to wait to receive a reply. Organisations should keep the complainant regularly informed about progress, 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, organisations 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 organisation 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 organisation 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 organisation, that the complaint is dealt with in a co-ordinated way with other providers. If an organisation cannot respond, it should refer the complainant quickly to other sources of help.

✓ Being open and honest

- 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.

Key Values:



Integrity

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Accountability

Each employee is responsible for his or her contributions and each will do what needs to get done.

Organisations 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, organisations 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. Organisations 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 CQC.
- Handle and process information properly and appropriately, in line with the law and relevant guidance. So while their policies and procedures should be transparent, organisations 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 organisation.

✓ Acting fairly and proportionately

- 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.

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Respect

We recognise each person's qualities and contributions.

Organisations 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. Organisations 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 organisation and complainant, that employees 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 team member who was not involved in the events leading to the complaint to review the case. The organisation can still put things right quickly for the complainant where appropriate.
- Act fairly towards employees as well as customers. This means ensuring team members 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. Organisations should have arrangements for managing unacceptable behaviour.

✓ Putting things right

- 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.

Key Values:



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Excellence

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Providing fair and proportionate remedies is an integral part of good complaint handling. Where an organisation 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*.

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, organisations 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.

For an example: The Ombudsman's views on how organisations should provide remedies is set out in the Ombudsman's Principles for Remedy.

* 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 and improving

These Principles are not a checklist to be applied mechanically. Organisations should use their judgment in applying the Principles to produce reasonable, fair and proportionate results in all the circumstances of the case. The CQC will adopt a similar approach when considering the standard of complaint handling by organisations in their jurisdiction.

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Excellence

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

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

It is good practice for organisations to report 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, organisations could report those changes.

Reporting on complaint handling performance can help to:

- motivate staff
- promote achievement
- drive improvement in service delivery
- boost customer confidence in the complaint process
- enable organisations to identify patterns in complaints.

Organisations 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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