Complaint procedure checklist

This good practice checklist is based on the 2009 regulations that currently apply to local authorities and the NHS.

General arrangements

1. Have an identified complaint manager for the company. In smaller companies the ‘responsible individual’ is often responsible for complaints.

2. Allocate someone to investigate each complaint. The investigator should be of suitable seniority to resolve the issues raised in the complaint.

3. Arrangements need to be in place to communicate with complainants by both letter and email. If you are able to do so, set up a dedicated email address specifically for receiving complaints and quote it in your complaints procedure.

4. Make the information available. The complaint procedure should be:

   - on your website
   - clearly visible in the foyer of the care home(s)
   - sent out with all contracts for care.

Checklist for adjusting your written procedure

1. Your procedure should say that a complaint may be made by telephone, in person, in writing or by email (if possible).

2. Give full contact details for complainants to use in the procedure, including an email address.

3. Where a complaint is made in person or on the telephone tell them you will:

   - make a written record of the complaint
   - provide a copy of the written record within three working days.

4. Say that all complaints will be acknowledged within three working days and in the acknowledgement letter give the name of the person who will investigate.

5. You may wish to set a 12-month time limit for complaints to be accepted and investigated.

Here is some suggested wording you can use:

A complaint must be made no later than 12 months after:

- the date the event occurred or, if later,
- the date the event came to the notice of the complainant.

The time limit will not apply if [name of company] is satisfied that:
• the complainant can give a good reason for not making the complaint within that
time limit, and
• despite the delay, it is still possible to investigate the complaint effectively and
fairly.

You must also say how you will investigate and respond to anonymous complaints.

6. Say that all complaints will be investigated by a person with sufficient seniority to resolve
the issues.

7. The procedure should say that complainants will receive (so far as is reasonably practical):
• assistance to enable them to understand the complaint procedure, and
• advice on where they may obtain such assistance.

Say in your procedure that users should see the notice board in your foyer for details about
local advocacy services. Make sure the foyer board has a display of these services with
contact details.

8. You must say in your procedure that you will only accept complaints from a representative
under certain conditions.

   Either:

   • where you know that the service user has consented, either verbally or in writing
   or:

   • where the service user cannot complain unaided and cannot give consent because they
     lack capacity within the meaning of the Mental Capacity Act 2005, and
   • the representative is acting in the service user’s best interests – for example, where the
     matter complained about, if true, would be detrimental to the service user.

9. The procedure must be made available on request in other languages and formats. You
only need to prepare a special format on request to keep costs low. At the end of the
procedure or in the footer say, for example:

   This procedure can be made available on request in other languages and in other
formats such as cassette and Braille.

10 Say that you will keep the complainant informed about the progress of the investigation.

11. You should state your expected turnaround time. This should be 28 days usually, but be
realistic. Make sure you say working days if that is what you mean.

12. You should aim to have all complaint investigations concluded within six months unless
a different deadline is agreed with the complainant and there is a good reason for this.

13. You must tell complainants they have a right to refer their complaint to the Local
Government Ombudsman if they are unhappy with the outcome of your investigation. Also
make a reference to the complainants’ right to alert CQC.

Here is some suggested wording you can use:

Once your complaint has been fully dealt with by [name of care provider], if you are
not satisfied with the outcome you can complain to the Local Government
Ombudsman (LGO). The LGO provides a free, independent service. You can
contact the LGO Advice Team for information and advice, or to register your complaint.
T: 0300 061 0614
E: advice@lgo.org.uk
W: www.lgo.org.uk

The LGO will not usually investigate a complaint until the provider has had an opportunity to respond and resolve matters.

Our service is registered with and regulated by the Care Quality Commission (CQC). The CQC cannot get involved in individual complaints about providers, but is happy to receive information about our services at any time. You can contact the CQC at:

Care Quality Commission National Correspondence
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA
T: 0300 061 6161
W: www.cqc.org.uk/contactus.cfm

General administration requirements

Monitoring

1. Set up a complaints log to record the following information:
   - each complaint received
   - the subject matter and outcome of each complaint
   - details of the reasons for delay where an investigation took longer than the agreed response period agreed, and
   - the date the report of the outcome of the investigation was sent to the complainant.

Annual reports

2. Each provider must prepare an annual report for each year in which it must:
   - specify the number of complaints received
   - specify the number of complaints that the provider decided were well-founded, partly or fully
   - specify the number of complaints that the provider has been informed have been referred to other bodies
   - give the subject matter of complaints received
   - summarise any matters of importance in those complaints themselves or in the way that the complaints were handled, and
   - summarise any matters where action has been or is to be taken to improve services as a consequence of those complaints.

3. A 'year' means a period of 12 months ending 31 March.

4. Providers must ensure that its annual complaint report is available to anyone on request.

Acknowledgement letters

The LGO has a suggested template for an acknowledgement letter on the providers section of its website: www.lgo.org.uk/adult-social-care/providers/
5. Your acknowledgement letter should include an offer to discuss the complaint with the complainant at a mutually agreed time, to go over:
   - the manner in which the complaint is to be handled, and
   - the period (‘the response period’) within which the investigation of the complaint is likely to be completed.

6. If the complainant does not accept the offer of a discussion, the provider must determine the response period (which should always be within six months) and notify the complainant in writing of that period.

7. The acknowledgement can be sent by letter or email.

8. You should take account of the complainant’s preferences when communicating with him or her.

   **The final response letter**

   The LGO has a suggested template for a final response letter on the providers section of its website: [www.lgo.org.uk/adult-social-care/providers/](http://www.lgo.org.uk/adult-social-care/providers/)

9. The final response letter must include a report giving:
   - a detailed explanation of how the complaint has been considered
   - the conclusions reached, including any remedial action needed, and
   - confirmation that any action needed has either already been taken or, if not yet taken, the proposed timescale when such action will be completed.

10. The letter must inform complainants of their right to take their complaint to the Local Government Ombudsman if they are not happy with the outcome.

11. The final letter should be signed by the ‘responsible individual’ or sent by email in their name.

12. If the response is not ready within six months, you must:
   - notify the complainant in writing accordingly and explain the reason why, and
   - send the complainant in writing a response in accordance with the above as soon as reasonably practicable after six months.

**General information for staff managing complaints**

**People who can complain**

13. A complaint may be made by:
   - someone who receives or has received care services
   - someone who is affected (or likely to be affected) by the action, omission or decision of the provider who is the subject of the complaint, or
   - a representative of either of these, under certain conditions.

   If a provider is not satisfied that the representative is acting with the service user’s consent or in their best interests, the provider must notify the representative in writing, and state the reason for its decision.

**Complaints you do not have to investigate**

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14. Providers are not required to investigate the following complaints:

- a complaint by an employee relating to their employment (you should handle this in a different way, for example through your grievance procedure)
- a complaint that was made in person or by telephone and is resolved to the complainant's satisfaction no later than the next working day after the day the complaint was made, and
- a complaint that has already been investigated and resolved.

In these circumstances, the provider must, as soon as reasonably practicable, notify the complainant in writing of its decision not to investigate the complaint and the reasons why. It would be best practice to have a standard letter for this purpose.

**Duty to co-operate**

15. If a complaint involves more than one provider/commissioner of services there is a duty on local authorities and the NHS to co-operate and provide a single response. Every provider must work with primary care trusts (PCTs) or local authorities to provide a single response to complainants.

16. Arrangements need to be in place to agree who should take the lead in:

- co-ordinating the handling of the complaint
- communicating with the complainant
- providing information that is reasonably requested, and
- attending any meeting reasonably required.

Sometimes the service provider will take this lead and other occasions it may be more appropriate for the PCT or local authority to do so.

17. If you have any queries about using this checklist, please contact:

Janette Cuthbert, Assistant Ombudsman
j.cuthbert@lgo.org.uk
Complaint acknowledgement letter template

[insert date]

[insert name]
[insert address]

Our ref: [insert if any]
Your ref: [insert if any]

Our contact details (email & phone): [insert]

Dear [insert name]

**Heading, eg Complaint about …**

Thank you for bringing to your concerns to my attention in [your letter/your email/our conversation] of [date].

I am sorry that you are not happy with the service provided by [insert name of care home/day centre].

As I understand it, you are concerned that [insert your understanding of the issues of concern, using a bulleted or numbered list if there is more than one point]. Please contact me straight away if I have misunderstood your concerns.

I would be happy to meet you to discuss the issues you have raised and our investigation procedures, if that would be helpful. [Suggest a date and/or provide contact details.]

I am looking into the points you have made as a matter of urgency and shall be in touch with you with a full response by [insert anticipated response time – not longer than 28 working days].

Please do contact me again in the meantime if I can be of further assistance. My email and phone number are given above.

Yours sincerely

Name
Job title
Complaint final response letter template

Date

Name and address

Our ref: [if any]
Your ref: [if any]

Our contact details (email & phone): [insert]

Dear (add name)

**Heading, eg Complaint about …**

My investigation into the concerns you raised on [insert date] is now complete.

I will address each of the points as outlined in my earlier acknowledgement letter to you.

[repeat each individual point of complaint, and follow each one with what you found in the investigation. Put this as a numbered list if there is more than one issue.]

1. Point one

I have found that …

2. Point two

I have found that …

**Outcome**

As a result of your complaint we have taken the following action (if not already mentioned above).

1. [action one]
2. [action two]
3. [action three etc]

I would like to thank you for bringing these matters to our attention. We welcome comments from people who use our services and aim to use these to improve our services.

If you are not fully satisfied with the way we have handled your complaint you have the right to take your complaint to the Local Government Ombudsman, who you can contact at:

Tel: 0300 061 0614
Email: advice@lgo.org.uk
Website: www.lgo.org.uk

Yours sincerely

Name
Job title

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