

# How we look into complaints

## What happens when we investigate

We make final decisions about complaints that have not been resolved by the NHS in England, UK government departments and some other UK public organisations.

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We have a **three-step process** for dealing with complaints. An investigation is the final step in our process, but not all the complaints that come to us go through to this step.

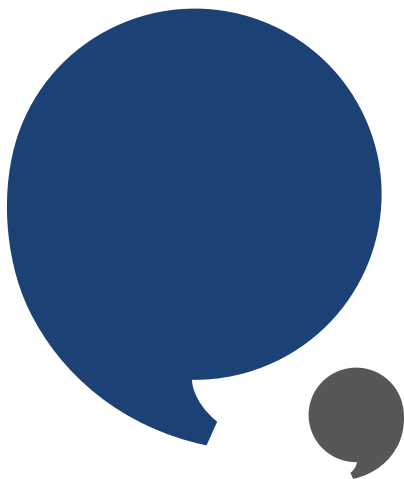
Our website includes lots of examples of complaints we've investigated, if you would like to find out more about what we can do.



This guide is about **step three** in our process - what happens when we investigate your complaint. If you have any questions about what we do, please get in touch.

We also have guides to steps one and two of our process on our website.

Go to [www.ombudsman.org.uk](http://www.ombudsman.org.uk) or call us on 0345 015 4033.



## What to expect: a quick guide to our investigations

How we carry out an investigation may differ depending on what the complaint is about.

But each investigation must follow these **five key stages**:

1. Starting our investigation.

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2. Gathering the information we need.

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3. Evaluating the information we've gathered.

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4. Explaining our provisional views.

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5. Communicating our final decision.

Our job is to look at all of the facts and to be unbiased and fair to both you and the organisation.

By the end of our investigation, you will:

- know exactly what we have been investigating and what information we have gathered,
- have had the opportunity to comment on what we are seeing during our investigation ,
- have our final decision on your complaint and know how we reached it,
- know what we expect the organisation you complained about to do to put right any mistakes or poor service we have found, and by when.

### How long will this take?

We complete most of our investigations **within three to six months** . Some take longer, depending on the complexity of the issues, but we aim to complete 98% of all our investigations within a year.

The rest of this guide has more details about what to expect at each stage of our investigation.

# A detailed guide to our investigations



## Stage 1 | Starting our investigation

We start by reading all the information we already have on your complaint and will then contact you to discuss our plans for the investigation in more detail.

We will check our understanding of the complaint with you: what the key issues are, how these issues have affected you (or other people), and what you are expecting from our investigation.

### We will then let you know:

- exactly what issues we will look at,
- how we plan to gather the information we need,
- who we think we need to contact for an expert opinion on the issues (including any specialists such as medical professionals or legal advisers),
- how long we think our investigation will take.

We will also check how you would like us to keep you updated during our investigation.

We will talk to the organisation you have complained about too. We will explain what your concerns are and what we are investigating, and we will ask the organisation to give us all the relevant information. We will make sure that both you and the organisation understand what we will be investigating.

We will look at any comments the organisation has given us. Occasionally we receive comments that may mean we decide to change what our investigation looks at, or we may decide not to investigate. For example, the organisation may give us information which shows it has now resolved your complaint. If this happens, your caseworker will discuss this with you and explain what happens next.

### By the end of this stage, you will:

- know exactly what we will be investigating and how we plan to do that,
- know how long we expect things to take,
- know how we will keep you updated during our investigation.

## Stage 2 | Gathering the information we need

At this stage we make sure we get all the information we need to fully cover the issues we are investigating.

We will go through the information that you and the organisation have already given us. If we see any gaps, we will make sure we find the best way to get all the information we need.

The way we do this varies from case to case. Mostly we will look at documents or carry out phone interviews, but sometimes we will carry out face-to-face interviews with you, staff at the organisation you have complained about, or other relevant people. We may also visit the organisation to make sure we get everything we need, for example, if we need to examine large files or get a better idea of how the organisation carries out its work.

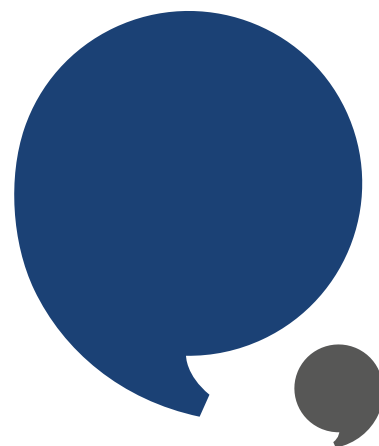
Our staff who investigate NHS complaints have a good level of knowledge about the NHS through their training and experience, but are not medically qualified. That's why we speak to experienced medical professionals, currently working within the NHS, specialising in particular areas of care. We may seek advice from independent, suitably qualified and experienced medical professionals as part of our consideration of your case.

We will make sure that any clinician who provides advice on your case is unrelated to it and they do not work for any organisation you have complained about. The adviser will come from, or have knowledge of, the same clinical setting or specialism as the clinician you have complained about. They will work with our caseworkers to give them informed advice to help us get a better understanding of the issues.

We will consider any medical information or evidence you send to us when seeking advice. This may include information you wish to provide from other clinicians. We are also likely to request relevant medical records and information, such as your complaint file, from the organisation.

Throughout this stage we will keep you updated about what information we are getting and what this means for our investigation.

We will share facts with you and discuss what we are seeing. We will also let you know if we need to get more information and tell you when we think we will have all the information we need.



### By the end of this stage, you will know:

- what we have been doing to investigate your complaint,
- what information we have gathered, what it is telling us so far, and what other information we may need,
- our next steps and how long these might take.

## Stage 3 | Evaluating the information we've gathered

### What should have happened

To help us understand what should have happened, we look at how the organisation was expected to act at the time of the events. We look at any standards, legislation or relevant guidelines that were in place at the time, and we use advice we have gathered from experts. We also refer to our *Principles of Good Administration* and *Principles of Good Complaint Handling*. These set out what we expect from organisations when they carry out their work and how they should respond when things go wrong. You can find them on our website.

### What did happen

We will carefully consider whether the organisation has made mistakes, provided a poor service, or not acted properly or fairly. To do this, we will always take account of what information you have given us about what happened and the impact this had on you (or other people), and balance this with other information we have gathered and the organisation's comments.

If we see that what happened fell below expectations for what should have happened, we then look at how that affected you. If we see that the organisation has fallen well short of what was expected of it, it is likely that we will say that the organisation got things wrong.

However, if we can see that the organisation has only fallen slightly short of what was expected (for example, it did not respond to letters in the time expected but did respond soon after), we

may decide that was not enough to mean that, overall, the organisation got things wrong.

### What the impact has been

If we see that the organisation did get things wrong, we will then look at what affect this has had on you (or other people).

### Whether the organisation has already put things right

If we find that you have suffered or been affected in some other way, we will then look at what the organisation may have already done to put this right. This is a really important part of our considerations. If we think that the organisation has already acknowledged and responded to some or all of the problems we have found, we will take this into account in our final decision.

We will continue to keep you updated about our investigation. We may need to talk to you or the organisation to get more information or get your views as we evaluate the information we have gathered.

We will consider all of the information that you and the organisation have provided in order to start forming our provisional views of your case. At this time we have not made a decision about your complaint, and are happy to consider any further evidence you provide.

### By the end of this stage, you will:

- know when we have gathered all the information we need to cover the issues in our investigation
- be up to date on what we are doing to reach our provisional views
- know when we are ready to start forming our provisional views on your case, and what happens next

## Stage 4 | Explaining our provisional views

We will form our provisional views on your complaint so far and let you know when we will be ready to share it with you and the organisation, so you know when to expect them. If we need to get more information before we can form these views, we will contact you.



When we share our provisional views with you we will let you know what we have found so far. At this stage we have not yet reached a decision on your complaint and will consider any further information that either you or the organisation wants to provide. You and the organisation will also have a chance to comment on our provisional views before we reach a decision. Our views are confidential and cannot be shared with anyone outside of those assisting you with your complaint.

### They will clearly explain:

- what happened,
- what should have happened,
- whether we believe the organisation got things wrong,
- whether we believe this affected you (or other people) negatively or caused suffering,
- whether or not this has been put right.

We will send you a copy of our provisional views and if you would like, we can also explain them to you over the phone. Occasionally, in investigations that cover very serious or complex issues, we may decide to visit you to discuss our views in more detail.

**Within our provisional views we will explain the decision that we'll make if we don't receive any further information from you or the organisation. This will be to fully uphold, partly uphold or not uphold your complaint:**

**If we fully uphold your complaint:** this means we agree with your complaint. It means we found the organisation made mistakes or provided a poor service, and that this has caused you to suffer or affected you in other ways, and that the organisation has not yet put this right.

**If we partly uphold your complaint:** sometimes we may find that the organisation did get some things wrong, but not all the things you complained about. Or we might feel that the mistakes it made did not affect you negatively. If this is the case, we might partly uphold your complaint and we'll explain clearly why we have decided this.

**If we don't uphold your complaint:** this means we found the organisation acted correctly in the first place, or that it did make mistakes but has already done what we would expect to put things right for you.

## Stage 4 | Explaining our provisional views continued

If our provisional views are to uphold or partly uphold your complaint we will also explain the recommendations we might make to the organisation to put things right. These could include:

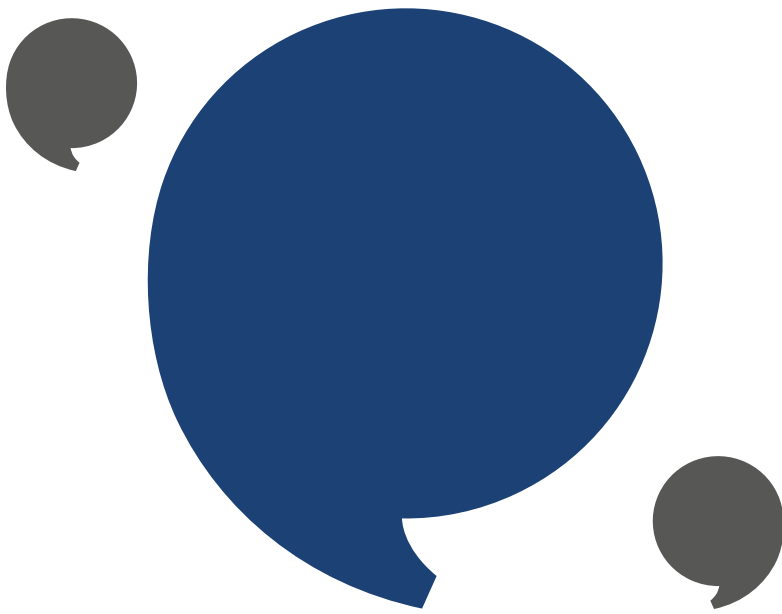
- acknowledging its mistakes,
- apologising to you,
- making a payment to you - for example, to pay you back if you have been left out of pocket because of its errors or to acknowledge distress it has caused you,
- taking action to prevent the same mistakes happening to someone else and to make services better for everyone.

Once we have shared our provisional views with you, we normally ask you to get back to use with your feedback within two weeks. If you need more time, please let us know as soon as possible.

When we get your feedback, and any from the organisation too, we will decide whether we need to do more work on our investigation. If we do carry out more work we will let you know what we are doing and if necessary we will share the provisional views again. In any event we will make sure we respond to any feedback you gave us and say how we have taken it into account.

### By the end of this stage, you will:

- know when we will share our provisional views with you,
- know how we will share them with you,
- have a clear understanding of what we investigated and what our provisional views of your case are,
- see what recommendations we have suggested, where appropriate,
- have the opportunity to feed back to us about our provisional views,
- clearly see what we are doing to take all feedback into account.



## Stage 5 | Communicating our final decision

Once we have considered all the feedback and carried out any more work we need to, we will complete our work on your investigation and send our decision to you, the organisation, and any other person or organisation who was involved in the complaint.

Occasionally, we share our reports with other organisations, such as a regulator, and we will let you know if we do this. We might do this, for example, if we have asked the organisation to make improvements to services which the regulator needs to keep a check on.

If your complaint was about a government department or another public organisation (not the NHS), we will also send our report to the MP who referred your complaint to us.

If we have made recommendations for the organisation to carry out, our report will clearly explain what action we expect and by when. We will check to make sure the organisation does what we have asked, and we will keep you updated about this.

This is the end point of our investigation.

### By the end of this stage, you will:

- know our final decision on your complaint,
- have a clear understanding of how we made our decision, what information we used, and how we took into account any feedback we received on our provisional views,
- know what action we may have asked the organisation to take and by when.