

Research summary: complaints that come to us too early

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Background

The Parliamentary and Health Service Ombudsman is the final stage for complaints that have not been resolved by the NHS in England, UK government departments and other public organisations. For us to be able to look into a complaint, some conditions have to be met. For example:

- the complainant must have completed the complaint process of the organisation they are complaining about, and the issue they are complaining about must remain unresolved
- complaints about UK government departments and other UK public organisations must have been referred to us by a Member of Parliament (MP).

If a complaint does not meet these conditions, it is not ready for us to investigate and is called a 'premature complaint'. When this happens, complainants need to go back to the organisation complained about and/or their MP. If the complainant does this and meets the conditions above, they can return to us and ask us to look into the complaint. But only around a quarter (27%) of complainants do return to us with their complaint.

Objectives

Before this research, our understanding of why people do not return to us after being told their complaint is premature was limited. We commissioned Opinion Research Services (ORS) to do research for us to better understand what happens to complainants who come to us too soon and why they do not return to us with their complaint.

The first stage of the research was an online survey which aimed to:

- understand what happens to people whose first complaint came to us too soon
- understand why people do not return to us with their complaint
- identify any barriers in the complaints process
- identify any differences in the experiences and attitudes of different groups, especially looking at protected characteristics.

ORS then did interviews to build on the findings from the survey and explored participants' views on:

- how easy it was to make a complaint to us and how this could be improved

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- their understanding of our role and the complaints process, including what they needed to do next to progress their complaint
- next steps after we told them their complaint was premature
- reasons why they did not return to us after we told them their complaint was not ready to be investigated.

How we did the research

ORS did the online survey between January and March 2023. We invited 7,001 complainants to take part. These were people whose complaint had been classed as premature between January 2021 and June 2022 and who had not since returned to us with their complaint. In total, 1,088 complainants completed the survey, providing an overall response rate of just over 15%. We included health and parliamentary cases in the survey. Around two-thirds of the cases that took part were health, and a third were parliamentary.

After the survey, ORS did 25 in-depth interviews in July 2023 with people who had completed the survey and agreed to be re-contacted. We recruited the sample based on complainants' characteristics, including:

- whether the complaint was health or parliamentary
- gender
- ethnicity
- limiting illness or disability.

Each interview lasted 15 to 30 minutes.

Main findings

Making the complaint to us

Just under half of complainants found it easy to make their complaint. Those who spoke English as a second language were less likely to find the process easy. Those who were limited a lot by a long-term health condition were also more likely to find the process difficult.

We asked complainants what made it easier or more difficult to make their complaint. Some said that our website was easy to find and use and the complaint form was easy to access. But more complainants struggled with the complaint form, feeling that the information or evidence they had to provide was too much

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or irrelevant. Some also said they struggled with complex language on the form. The most common issue participants raised about making their first complaint to us was that our response times were too slow, and many felt that they had to chase us to respond to their questions.

To resolve these issues, complainants suggested we should:

- move links to the complaints form closer to our website homepage or make the form more visible on the website
- respond to any questions more quickly after complainants first contact us
- be more aware of complainants' disabilities and proactively offer to make reasonable adjustments (for example, in offering support to complete the complaint form).

The most common barrier parliamentary complainants experienced in making their complaint to us was the MP filter (that is, the need to get MP approval before progressing). Complainants reported that getting approval from their MP was time-consuming, challenging and sometimes impossible. Some parliamentary complainants felt that having to share a sensitive issue with their MP was distressing and questioned whether this part of the process was necessary. Others felt their MP was blocking them from progressing and was not encouraging.

Understanding of our role and the complaint process

We found a lot of premature complainants did not understand why we did not take their case forward, what to do next with their complaint, and when to come back to us. Only around a third of premature complainants agreed that we clearly explained why their complaint was not ready to investigate. Around half disagreed that we gave them clear advice on what to do next with their complaint.

In contrast, the interviews revealed that many complainants felt we had clearly explained why their complaint was not ready to investigate, although they were surprised and frustrated to learn that was the case. The part of the process that complainants were uncertain about was what to do if the organisation being complained about did not respond to them. Many said they did not know when to return to us in this scenario. The most frequent issue complainants raised was that we did not respond to their follow-up questions after explaining why their complaint was not ready to be investigated.

What complainants do after we tell them their complaint is not ready to investigate

The most common action for health complainants was to go back to the organisation the complaint was about. Around a third of parliamentary

complainants returned to the initial organisation or contacted their MP. For both parliamentary and health complainants, around three in ten did not take further action with their complaint after we told them it was premature. Of those that did return to the organisation their complaint was about, 15% had their complaint resolved by the organisation and did not need to return to us.

The most common reason complainants did not return to us was because they did not think it would make a difference. This was followed by those who did not think it would be taken seriously, and those who felt the process would be too emotionally draining. A quarter of complainants did not return to us because the first organisation did not respond to them so they were not in a position for us to investigate their case.

How we can encourage complainants to return to us

Complainants wanted us to be more proactive and help them make sure the organisations complained about would respond to them, or to contact the organisation on their behalf. They felt it would be helpful for us to intervene and follow up directly with the organisation complained about to prompt a response.

Complainants also suggested that we could make improvements to our customer service and training, for example, by acting with greater empathy and compassion. They felt we should have quicker response times for dealing with premature complaints and aim to follow up with the complainant to see how they are getting on in progressing their complaint.

As above, the main barrier for parliamentary complainants was the MP filter. Many complainants suggested that removing this would help to simplify the process and encourage them to return to progress their complaint with us. We're working to introduce easier ways for people to submit complaints to their MP.

Conclusions

The findings from our research highlight important barriers that complainants experience when they come to us too soon with their complaint. This includes issues in making the first complaint, for example, parliamentary complainants found having to get MP approval challenging, uncomfortable and sometimes impossible. For health complainants, they felt there were some improvements we could make to our customer service, such as making sure we are empathetic in our approach.

The main reason that complainants did not return to us with their complaint was because they thought it would not make a difference. But it is also important to note that around a quarter did not return because the organisation complained about did not respond to them. Many complainants felt we needed to provide more

advice about what to do if the organisation complained about did not respond to them so that they would be able to progress their case. This included us intervening, or following up with the organisation directly, to encourage them to respond.

Next steps

We are committed to gathering and listening to user feedback. We have shared the findings from this research across the organisation to consider how we can improve our service. This includes but is not limited to discussing the feedback with:

- **our intake casework team:** so that we can make improvements when people first contact us with their complaint, for example, being clear about first contact and expected communication throughout the complaints process
- **our outreach team:** to consider how we can tailor support to different groups who might find the complaints process more difficult to navigate
- **our communications team:** so that we can improve the content on our website, for example to explain more clearly what people need to do before bringing their complaint to us
- **our public engagement and advisory group:** to explore the importance of empathy with the group and understand more about how we can adopt a compassionate approach when looking at the cases that come to us.

We will also share the findings from this research with other organisations. This includes a presentation at the Professional Standards Authority research conference in November 2023. This is an opportunity for us to discuss the barriers we have identified as part of this research, allowing us to consider with similar organisations how we can continue to improve our service based on this feedback.