

Problem Solving Quiz – Complaints Investigation

It is important that organisations have clear procedures in place, including appropriate training for complaints handlers, which encourage consistency during the investigation phase of managing a complaint. This will encourage a methodical approach to fact-finding and assist in responding to complainants both verbally and in writing.

Even with robust investigatory procedures in place, it is sometimes the actions and behaviours of complainants that create unexpected dilemmas or situations for complaints managers.

The following scenarios depict situations which have previously been addressed by the Health Service Ombudsman and may help provide guidance for complaints handlers and managers when investigating more complex complaints.

Please highlight what you think is the most appropriate response to each scenario from the options provided.

Q1: The complainant has not clearly explained the grounds of their complaint:

- a) Investigate the matters you are clear about and see if the rest begins to fall into place as you proceed.
- b) Summarise in writing to the complainant the points you think they are trying to make.
- c) Tell the complainant that you can't progress your investigation until they make themselves clearer.

Q2: The complainant is making heavy personal demands on both staff time and resources in dealing with the complaint:

- a) Restrict their chosen method of contact i.e. email, letter, telephone.
- b) Inform them that they are taking up too much staff time and that the progress of their complaint will be delayed if they keep contacting and distracting those looking into the matter.
- c) 'Fast-track' the complaint so that you can close it as quickly as possible.

Q3: The complainant does not agree with your proposed remedy:

- a) Advise them that the response represents your final remedy.
- b) Advise the complainant that you have noted their comments, but implement the proposed remedy in any case.
- c) Ask the complainant what would be acceptable and consider offering a (further) face-to-face meeting with them.

Q4: An important piece of information seems to be missing:

- a) Continue with your investigation without that piece of information.
- b) Advise the complainant that you will be unable to complete your investigation as you don't have a crucial piece of information/evidence.
- c) Advise the complainant of the situation and any delay. Answer what you can and seek the missing information to complete the complaint.

Q5: The complainant raises more allegations whilst the original complaint is still being investigated:

- a) Add these to the original complaint if relevant, but advise complainant that it may take longer to complete the investigation.
- b) Advise the complainant that they must now make a new complaint.
- c) Advise the complainant that you can't investigate their new concerns until you have concluded your current investigation.

Thank you for completing the problem solving quiz.

Please now move on to the next page to view answers and rationales.

References:

NSW Ombudsman's Managing Unreasonable Complainant Conduct Manual (2012)

The suggested responses have been made in line with best practice guidance, and demonstrate a responsible and pragmatic approach to managing difficult complaint situations:

Q1: The complainant has not been clear what the grounds of their complaint are:

- a) Investigate the issues you are clear about, and see if the rest begins to fall into place as you proceed.
- b) Summarise in writing to the complainant, the points you think that they are trying to make.
- c) Tell the complainant that you can't progress your investigation until they make themselves clearer.

Rationale:

It is important that you are in possession of as much relevant information as possible, in order that you can carry out a thorough investigation and provide a full response. The first two responses are speculative and anticipatory in nature, and are therefore unsatisfactory. It is entirely reasonable from the outset, to ask the complainant to clarify their points of concern if these are ambiguous or unclear. It would also be good practice to signpost the complainant towards possible help at this stage, for example with Citizens Advice bureau and Patient Advocacy Services.

Q2: The complainant is making heavy personal demands on time and resources on staff dealing with the complaint:

- a) Restrict their chosen method of contact i.e. email, letter, phone.
- b) Inform them that they are taking up too much staff time and that you will be delayed in progressing their complaint if they keep getting in touch and stopping staff looking into the matter.
- c) 'Fast-track' the complaint so that you can close it as quickly as possible.

Rationale:

This type of problem can arise when the complainant or representatives make continuing or multiple personal contacts within the team, perhaps raising additional questions before there has been the opportunity to investigate and respond to them properly. If they appear unwilling or unable to allow an appropriate investigation to take place and wait for your written response, then the only pragmatic solution may be to restrict how and to whom contact is made with your organisation. It should be made clear to the complainant that this will be the only point or method of contact that is acceptable, until you have concluded your investigations, and are in a position to provide a full response.

Q3: The complainant does not agree your proposed remedy

- a) Advise them that the offer represents your final remedy.
- b) Advise the complainant that you have noted their comments, but implement the proposed remedy in any case.
- c) Ask the complainant what would be acceptable and consider offering a (further) face to face meeting with them.

Rationale:

The investigation of a complaint is a process with the intended outcome being a resolution that is practical and acceptable to both parties. Neither (a) or (b) demonstrate that the process remains open to further discussions in an open manner. Response (c) is the most reasonable one, and does not present conditions for an additional complaint or grievance to arise.

Q4: An important piece of information seems to be missing

- a) Continue with your investigation regardless, without that piece of information.
- b) Advise the complainant that you cannot complete your investigation as you don't have a crucial piece of information/evidence.
- c) Advise the complainant of the situation and any delay. Answer what you can and seek the missing information to complete the complaint.

Rationale:

This situation is different to question 1 scenario, in that the investigation itself has shown that an important piece of material evidence or information has been found to be missing or unavailable. The only appropriate response in this situation is one of openness, and an appropriate response should still be offered in the acknowledged absence of this.

Q5: The complainant raises more allegations whilst the original complaint is still under investigation

- a) Add these to the original complaint if relevant, but advise complainant that it may take longer to complete the investigation.
- b) Advise the complainant that they must now make a new complaint.
- c) Advise the complainant that you can't investigate their new concerns until you have concluded on your current investigation.

Rationale:

This scenario differs from Q2 in that it relates to issues(s) which may emerge during the course of an investigation or from new information that has come the complainant's way. If it is practicable and reasonable to do so, the investigation should also take these into account even if it prolongs the original investigation timescales. This information should be relayed to the complainant.