



Making an Effective Complaint to a Public Body



The Public Law Project (PLP) is a national legal charity which aims to improve access to public law remedies for those whose access to justice is restricted by poverty or some other form of disadvantage.

Within this broad remit PLP has adopted three main objectives:

- increasing the accountability of public decision-makers;
- enhancing the quality of public decision-making;
- improving access to justice.

Uniquely for an organisation of its kind, PLP undertakes research, policy initiatives, casework and training across the range of public law remedies.

www.publiclawproject.org.uk

The Public Law Project would like to thank Matrix Causes fund for supporting our short guides project.

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Be persistent!

Introduction

This guide is written for people making a complaint to a public body, such as a local council or NHS trust. It is leaflet 2 of PLP's short guides to public law. It is intended to help people present their complaints in the most effective way to get what they need for example:

- a service improvement
- appropriate compensation
- access to particular services and entitlements
- or even just an apology

Well-articulated and evidenced complaints can also have the added benefit of helping public bodies improve their procedures and services.

Some of the procedural points in the guide may seem obvious but as making a complaint should be treated as a formal process we advise that you read through them. You can use points 1-9 as a basic checklist. Many tips in this guide will still be helpful to more experienced complainants and advisers.

Getting started

1 Check the complaints process

- Is there a particular form or process to use in order to make your complaint? For example, some processes permit oral complaints, and others stipulate that complaints must be made in writing. Sometimes complaints must be submitted on a particular form.
- Is there a specific department or person to send the complaint to and by what means e.g. post, web form, or email? Telephone or email the public body if this isn't clear, and ask.
- What can you complain about? Are there any limits on the types of complaint that the public body will consider? In other words - whether complaints will only be considered on certain grounds?
- What can the public body do in response to the complaint? For example, is there any limit on the amount of compensation it will pay?
- Are there time limits for complaints? If you are too late to complain, but the complaints procedure allows out of time complaints to be considered where a good reason for the delay has been demonstrated, consider whether there is a good reason for the delay.

- How long will they take to deal with your complaint? If there are various stages to the complaints process, how long could the whole process go on for?
- Do you need help making the complaint? If so see point 17 at the end of this guide.

2 Is this the right process to solve your problem?

Consider what you would like to achieve, and whether, in light of the above points, going through the public body's complaints procedure is the best way forward. There may be other remedies that could help you such as an appeal right to a tribunal, or even a court procedure like judicial review. Please refer to our [Guide 01 An Introduction to Public Law](#) in this series for other remedies and options.

3 Don't delay

Make sure that a complaint is brought within any applicable time limit. It is sometimes best to complain as soon as possible after the event, as it is easier to remember details and it makes it easier for the body complained against to address the issues. If you are unhappy with the reply, you may (depending on the particular complaints procedure) be able to take your complaint to a second stage; again, do so within any applicable time limits, and explain why you are not satisfied with the first reply.

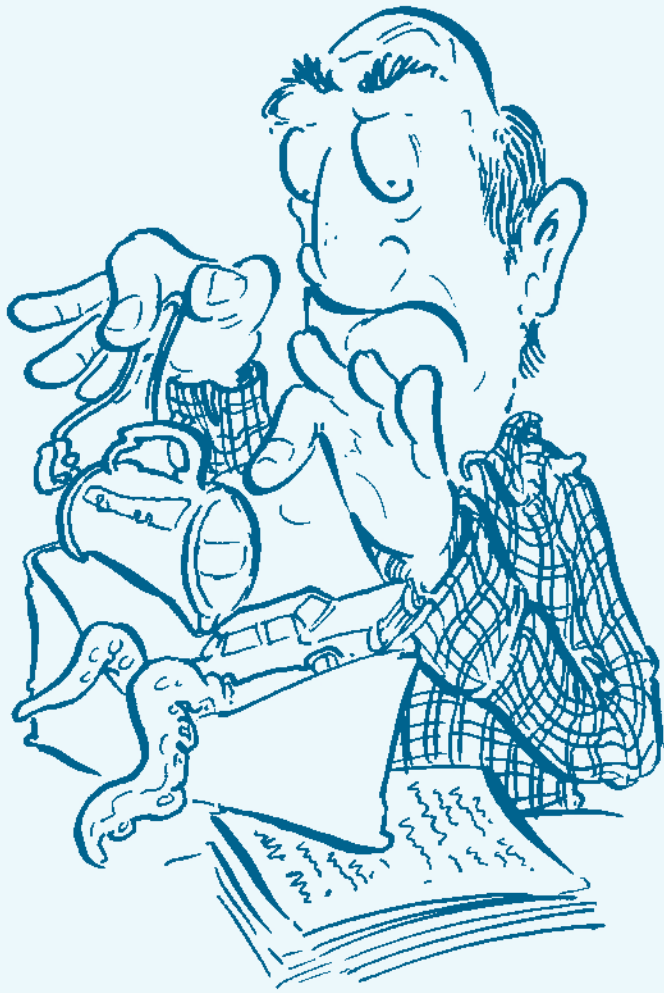
Making your complaint

4 Make sure they know it is a complaint

- Clearly state you are making a complaint, whether using the phone, e-mail, mail or online form.
- Make sure that it is logged – Get a receipt or some form of acknowledgement even if it is not a proper reply to your complaint. And make sure you record the date and time too!

5 Be clear and brief

- Cover all the relevant points, as succinctly as you can. Avoid writing long letters or emails if possible – you may feel you need to write in great detail but in most cases this is not necessary.
- Set out the issues in chronological and/or thematic order if you can.
- If you are complaining about more than one thing (for example delay in dealing with an issue, a staff member being rude, or a failure to be kept informed), then it may make your complaint clearer to separate the points out and number them. Put the most important first.
- Avoid using different font sizes, colors and capital letters to emphasise your point if writing an e-mail or a letter. Whilst bold text or italicisation may help emphasise a point, over-use may actually detract from the point that you are trying to emphasise.



Include evidence - but make sure it's relevant!

6 Be informed

Check whether the public body has published any policies that may be relevant. It may support your complaint if you can show that relevant policies have been breached without good reason. Policies are sometimes published by public bodies on their websites. If they are not, you can contact the public body to ask for details of any policies. Consider requesting evidence using the Freedom of Information Act (FOIA). Bear in mind that a request for information may take some time to be complied with – make sure you do not miss any deadline for making the complaint. You may be able to add to your complaint if you obtain disclosure of a policy which has been breached after your complaint has been lodged. PLP intend to publish a guide to using FOIA for public law purposes (including complaints). In the meantime there is a guide at Campaign for Freedom of Information website.

[Download guide here*](#)

7 Use evidence

Evidence is any fact you can find that is useful in describing the complaint. It could be a log of incidents, photographs (for instance, of a repair issue) or even a reference to the bodies' own policies.

*If reading the printed version of this document a list of weblinks can be found in full on the last page.



Keep a record of contact!

- Send copies of relevant documents – but only if they will help the complaint officer understand your complaint or they provide evidence to support your complaint. If you are providing relevant documents, make sure these are well organised i.e. in chronological or some other coherent order with an index if more than a few documents are provided. Make sure you keep copies yourself.
- If the public body has information you want from them, set out your queries clearly and ask them to provide copies of their documents about your complaint (i.e. repairs report, previous response to a complaint).
- If you have any documents that confirm what you are saying then refer to them in your complaint, for example: “I enclose a copy of the previous complaint letter.”

8 Give your contact details

Provide telephone and email details, as well as your address. Then, if the person dealing with the complaint needs more information, they can contact you and ask.

Tips for getting results

9 Ask for an explanation

When complaining about an incident or service failure, ask for an explanation; ‘How did this happen?’ This puts the onus on the authority to explain a cause and deal with it responsibly.

10 Suggest a solution if you have one

If you have a solution, suggest one. Tell the public body what it is that you want them to do to resolve your problem. This may make it easier for the situation to be rectified, and will make clear what you want from the complaint.

11 State when you expect a response

Specify the date by which you expect to receive a response by reference to the time limits set out in the complaints policy.

12 Be polite

It is sometimes very easy to vent frustration through a complaint, but this is unlikely to help with a solution.

After you have made your complaint

13 Ask for a meeting

If you feel you are not getting anywhere, and especially if you are not satisfied with the first response to a complaint, you could ask for a meeting with managers responsible for the service you are complaining about. If they accept this is a reasonable request (and they are not under obligation to) then do insist on having a friend or adviser present. This can help you, even if it is to make you feel comfortable and supported. They could also keep the complaint handy to remind you of any points you need addressed.

14 Always keep a record of contact

- Keep notes of any telephone calls about the complaint, including the names of the people you speak to. Any evidence you later submit, backed up by specific times or dates, will be hard to dismiss if referenced properly.
- If an officer dealing with your complaint engages with you constructively at a meeting or on the telephone, consider sending a letter or email immediately after the conversation confirming what was said and who agreed to do what when. This is a good way of dealing with officers who you do not trust to keep their word: once you have confirmed the conversation in writing, it will be more difficult for the officer to backtrack in future.

15 Find an advocate inside the organisation if possible

Many public bodies have complaints investigators, or people in a department whose job it is to follow up on complaints. If you can find someone in the organisation that can advocate for you this may well help. It will give you a point of contact, and this person could find ways of solving your problem from the inside.

16 Be persistent

It is often the case that whilst admitting responsibility or showing concern, problems such as poor communication within the public body, or with a contractor, will mean that they still fail to solve your problem whilst responding positively to your complaint. Your complaint may also receive a response that:

- Is dismissive or claims there is no problem.
- Is confusing
- Is insisting the problem has been dealt with when it hasn't.

If you are not satisfied then you need to go to the next stage of the complaints process and say why you are not satisfied.

The complaints process can be time consuming and stressful, and this often results in people giving up early in the process or before they have obtained a remedy. This is bad for a complainant as they get no resolution (unless they undertake another form of complaint, such as going to court), and bad for the organisation

complained against as they will not be forced to remedy the situation and will continue to provide a poor service for other people, or not be alerted to a service failure at all. Remember to refer to leaflet 1 regarding other public law options.

17 What to do when you have exhausted the process and are not satisfied

You should consult leaflet 1 in our series, and you may consider

- Campaigning and contacting a local councillor or MP
- Asking an ombudsman to investigate
- Taking legal action yourself (if you can)
- Getting help from an adviser or specialist

18 Get specialist advice if you need it and can find it

This guide is intended to help people make an effective complaint to a public body, but you may feel you would benefit from advice or help from an advice service. We have an online list of advice services on our website to help you find the right organisation to help with your problem.

[Download list here](#)

A good adviser at one of these organisations may:

- Tell you if your complaint is serious enough that it could be taken to another independent body, such as a court, tribunal or Ombudsman

- Help get your complaint dealt with by approaching the public body for you
- In some cases, help you write or make the complaint
- In some cases, advocate for you through the complaints process
- Give advice as to whether you can obtain assistance from a solicitor

Good Luck!

Web links in this document

Freedom of Information Act, Users Guide

www.cfoi.org.uk/pdf/foi_guide.pdf

Download list of current advice services

www.publiclawproject.org.uk/Downloads/advice_organisations_signposting.pdf

Guides in this series:

01 An Introduction to Public Law

02 Making an Effective Complaint to a Public Body

03 An Introduction to Judicial Review

Coming soon

A Guide to Urgent Judicial Review

Making Freedom of Information and Data Access Requests in Support of Public Law Challenges

Ombudsmen Uncovered

Tribunals and Public Law

PLP receives core and project support for its activities from:

AB Charitable Trust, Baring Foundation, Bromley Trust, Clifford Chance LLP, The Cooperative Membership Community Fund, Lankelly Chase Foundation, The London Legal Support Trust, Matrix Causes Fund, Nuffield Foundation, Trust for London, Paul Hamlyn Foundation, Strategic Legal Fund for Vulnerable Young Migrants

PLP has a contract to provide legal services with The Legal Aid Agency



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