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Audio recordings and their role in local NHS complaints resolutions



By Linda Tomlinson

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When we consider and investigate NHS complaints, we look at the response the organisation has already given. NHS complaints managers often ask me what makes a good response.

Recently, we’ve been seeing cases where health organisations have sent audio recordings of local resolution meetings to complainants as their response to the complaint. Although audio recordings can be helpful, I have to advise complaint managers that we do not see them as an acceptable final response.

Why aren’t audio recordings acceptable?

We have long recognised that meetings are a very valuable way of helping to answer and resolve complaints. If they are recorded, both parties have a complete record.

However, complaint responses must meet the **2009 NHS Complaints Regulations** (<http://www.legislation.gov.uk/ukxi/2009/309/contents/made>). These clearly state that organisations must send the complainant a written response. That means that meetings should be followed up with a final response letter. This letter should include (as a minimum) an ‘explanation of how the complaint has been considered’ and ‘the conclusions reached in relation to the complaint’.

One of the first things we ask people when they complain to us is why they are unhappy with the response they have received locally. For example, what has been missed and what do they think is wrong with it?

Experience has shown us that audio recordings of meetings do not make it clear and easy for complainants to answer these questions. Recordings also mean it will take our casework staff much longer to understand and determine if the local response is correct.

In health cases, the law normally prevents us from investigating unless we are satisfied the local complaints process has been followed correctly to its final conclusion. If an organisation only issues an audio recording of a local resolution meeting as a formal response to a complaint, we will not accept that they have completed local resolution. We will return the complaint and expect the organisation to provide a written response in line with the regulations.

What can audio recordings be used for?

An organisation may supply an audio recording of a meeting as additional or supporting evidence with their written response to a complaint. They may also supply an audio recording of a report into a complaint as part of an agreed reasonable adjustment.

Helping NHS organisations improve complaint handling

We are committed to helping and supporting NHS organisations to improve local complaints handling. To find out more about what we look for in a good complaint response, please visit the new section on our website which has lots of **advice, tools and tips for organisations we investigate** (<https://www.ombudsman.org.uk/organisations-we-investigate>).

If you have any questions or comments please **email me** (<mailto:Linda.Tomlinson@ombudsman.org.uk>).

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