

March 1985

©
New York State Commission on

QUALITY
OF CARE 

for the Mentally Disabled

Funded by New York Community Trust, Inc.

The Advocate's Guide to Making a Complaint

PREPARING THE COMPLAINT

- Identify the problem. Be clear and concise.
- If the problem relates to a specific client/patient, observe the individual closely and describe how the client/patient is affected.
- Gather evidence to document that the problem exists. Keep notes of conversations and copies of correspondence with staff.
- Identify possible solutions. Be realistic - know where you are willing to compromise.
- Before you proceed, write out a plan of action. Include your definition of the problem, the possible solutions, the person(s) to whom you want to complain, and how you will make the complaint.

DECIDING TO WHOM TO COMPLAIN

- Consider the seriousness of the complaint and the solutions you have identified before deciding to whom you will complain.
- In almost all cases, it is best to complain first to the person(s) most directly involved with the problem. This will most often ensure a quick solution and give the impression that you are less interested in casting blame and more interested in solving the problem.
- If you have a strong reason not to complain to the person(s) directly involved, for example, when this approach has been unsuccessful in the past with the staff person, complain to the supervisor or person responsible for the staff directly involved in the complaint.
- Serious concerns or complaints that go unresolved or unresponded to for periods of time should be taken to persons higher up in the organization (e.g., the facility or agency director or Regional or Central Office OMH/OMRDD staff).
- Consider contacting someone outside the agency if you find that you are not getting a response from the provider agency or State OMH or OMRDD. Advocacy organizations, the Board of Visitors of the facility, the Commission on Quality of Care, and legislators may be able to help you resolve your problem.
- If you make a complaint to more than one agency or more than one individual in the agency, let the person know you have spoken to other agencies and/or individuals.

HOW TO COMPLAIN

- What you say and how you say it when making a complaint are important and require some planning and preparation.
- Be factual and concise.
- Avoid attributing blame unless it is necessary.
- Focus on the solution or correction you desire.
- Initially most complaints are best communicated in person. This will allow you a chance to state your concerns and hear the other side.

- Making a complaint by telephone is also a quick way to register your concern and may ensure immediate action. (For example, Mary came home without her socks on today, please make sure she has her socks on tomorrow. Thank you.)
- Registering a complaint in writing is a more formal way of indicating that the concern is serious and usually requires a response in writing. Complaints made in writing can be easily taken to another level of command and letters serve as verification that a complaint was made.
- Complaints that are communicated first in person, may later be expressed again over the telephone or in a letter. Making the same complaint in several ways is useful, especially if one method of communication appears unsuccessful.

FOLLOWING UP ON THE COMPLAINT

- Establish a time, when making the complaint, when you will be back in touch to find out what has been done to address your concern.
- Write thank you letters when resolutions are reached acknowledging staff for their cooperation.
- Follow up to ensure that actions promised are undertaken.
- Be prompt in bringing concerns about inaction to the staff's attention.
- Be equally quick to give thanks when promised solutions are speedily implemented.

TIPS FOR TELEPHONE CALLS

- Be aware of what you want to achieve by the telephone call. Make a list of points you want to cover.
- Make sure you speak with the right person. To speak to someone without the authority to make the change you want is probably a waste of your time.
- When you speak with someone, make sure you get his name and title. Ask him to spell it so he knows you are taking it down.
- Speak clearly and be brief. Make sure you tell the person you are speaking with who you are, who the client is, and what you are asking for.
- Make sure you record the results of your telephone conversation in your log.

TIPS FOR MEETINGS

- Confirm date, time, and who will attend the meeting.
- Make a list of items you would like to cover during the meeting. Estimate how much time you think it will take to cover each item.
- Be aware of what you want to achieve in the meeting.
- Anticipate problems that might develop during the meeting and think about strategies to overcome those problems.
- Identify behaviors or situations you need to practice and then find a time and a person with whom you can practice.
- Put needed records, notes, letters, etc., into labeled folders or notebooks.
- Make sure you have pen and paper.
- As soon as you can, after the meeting send a letter to the decision maker at the meeting documenting decisions made at the meeting.
- Remember that success in meetings usually comes to those most prepared.

TIPS FOR LETTER WRITING

- Be aware of what you want to achieve by the letter. Make a list of the points you want to make.
- Short, clear, simple letters are best. State who the client is and your relationship to the client. Summarize the problem quickly; explain chronologically what happened and what you have done to resolve the problem. Then tell the person what you want - what it would take to satisfy you or solve the problem. Let them know the date by which you expect a response.
- Your address should always be included so that the person can contact you easily. Telephone numbers are also important to a prompt response.
- Always date your letter.
- Send the letter to someone with authority. Do your homework and get the name of the person who has the authority to do something about the problem. Make sure you have his or her name spelled correctly with the proper title and an accurate address.
- Choose between sending the letter by regular or certified mail. While individuals sometimes treat mail they must sign for far more importantly, it may set a tone that the individual must be goaded into action. One benefit of certified mail is that you receive a receipt indicating that the agency received your letter.
- Think about whether or not to send carbon copies. While carbon copies help to move resistant bureaucracies, they also imply that the agency needs to be pushed to act. You can always send a copy of the letter at a later date to anyone you wish.
- If you do not receive an appropriate response to your letter in the required time, do not hesitate to send a second letter to the individual's supervisor or an oversight agency.
- Always keep a copy of any correspondence you send.