

Making a Social Care Complaint

You have a right to make a complaint about local authority social services. You can do this by using the local authority social services complaints procedure. To use this procedure, you must usually have received services from the organisation concerned. Anyone affected by a council or care provider's action can make the complaint. This can be:

- the person using the care service
- their nominated representative – or suitable representative if the person is incapable of nominating someone
- others affected by the actions of a council or care provider

Complaints can be about:

- care arranged direct with a care provider by:
- Someone paying with their own or family money
- Someone using money provided by the council
- care provided by a council

The care could be:

- in a residential care home
- personal care at home
- supported living services for someone with learning disabilities

Before you start this process, you may wish to:

- Think about what you are unhappy about
- Think about whether you have a complaint or an enquiry
- Check that your complaint is within the time limits
- Think about why you are making a complaint and what you would like to happen as a result of your complaint, and;
- Check that your complaint can be pursued through the social care complaints process

Raising concerns:

In most cases the concern should initially be raised with the council or care provider to enable them to have a fair opportunity to deal with the situation

Time Limits

The Social Care Complaints Regulations state a complaint must be made within 12 months of the incident happening, or within 12 months of you realising you have something to complain about. A complaint may be accepted outside of this if the body you are complaining to is satisfied that you had good reason for not making the complaint sooner, and they feel it is still possible to investigate the complaint effectively and fairly.

What cannot be pursued through the complaints process?

- Complaints about professional misconduct
- Disciplinary action against staff members
- Legal action

For more information about the above please see the sheet [“Other Useful Agencies.”](#)

Once you have considered the above, you may wish to make a note of your complaint and what you want to achieve as simply and clearly as you can. This will help you to keep focused during the complaints process, and will be something you can refer back to later to help you to decide if the actions taken have answered your complaint.

The Social Care Complaints Process

There are two stages to the social care complaints process, these stages are detailed below.

Stage One – Local Resolution

To complain about services provided by local authority social services, go to the organisation concerned. Ask for a copy of the complaints procedure. You can do this for any service provided by local authority social services departments.

In all cases, the first stage of the procedure is to make a complaint to the practitioner concerned. A social services department must have a member of staff who deals with complaints. They are called the complaints manager. In most cases, the matter will be resolved at this stage.

The complaints manager can arrange for an independent conciliator or mediator to be brought in to help resolve the complaint.

How to make a complaint

- 1) You can complain **verbally**, either in person or over the telephone. The Social Care Complaints regulations state that if a complaint is made verbally, the Social Care organisation must make a written record of the complaint and provide you with a copy of this.
- 2) You can complain in **writing**, by letter or by email. This should be addressed to the commissioned Provider or using the LA Complaints Procedure which would then escalate to the Local Govt Ombudsman. For information on how to write your complaint please see the handout on "[Writing a complaint letter.](#)"

What happens next?

Acknowledgement

The social care provider should contact you, either by phone or in writing, to acknowledge your complaint within three working days of them receiving it. When they do so they should let you know who will be investigating it, how long this should take and how they will be replying to you.

Investigation

The social care organisation should now carry out an investigation into your concerns. At this stage they may speak with the staff members involved.

Response

Once the investigation is complete, the social care body or service provider should send you a written response which includes

- An explanation of how your complaint has been handled
- What conclusions have been reached
- What action, if needed, has been taken
- Information about Stage 2 of the complaint procedure

During this first stage of the complaints procedure you may be offered/you can request a meeting to discuss your concerns in person. For more information, please see the sheet "[Guidance on local resolution meetings.](#)" In addition, if you do not feel all your concerns have been addressed you can go back to the social care body and request either further written responses or further meetings. Each complaint should be looked at individually and responded to in a way the Trust feels meets your needs and resolves your concerns.

Local resolution ends when either you are happy with the response you have received, or the social care provider feel there is nothing further they can do. At the end of local resolution, if you are unhappy with the outcome of your complaint or the way in which your complaint has been handled, you can make a submission to the Local Government Ombudsman (LGO).

Stage two – Local Government Ombudsman (LGO).

You have the right to take your complaint to the Ombudsman if you are not happy with the way your complaint has been dealt with. The Ombudsman is Independent of the social care provider and their primary function is to review the way your complaint has been handled. This is the second and final stage.

For more about the Ombudsman and how to make a complaint to them, please see [“Ombudsman Information”](#).

You can access support from an advocate at any stage of the complaints process.

Writing a complaint letter

If you have decided to make your complaint in writing, this guide may help you to put this together and plan the details you want to include.

Who can complain?

The social care Complaints Regulations state that anyone can complain, either about the care they have received personally, but also about the care provided to a friend or family member. This is detailed as, “A person who is affected, or is likely to be affected, by the action, omission or decision of the responsible body which is the subject of the complaint.” Most organisations will seek consent from you to investigate the concerns raised. This is usually a form sent out through the post for you to sign.

Be aware

A social care body can request consent from the patient to investigate and release details to the complainant. This is because some of the information may be very personal and so is covered under the Data Protection Act. If it is not possible to provide this, the organisation may not be able to provide a complete response, but should still be able to investigate issues, and provide a letter which answers things generally, and does not provide any private or specific details about the person who receives the social care. If you already have this consent, or the recipient of the service has died, it might be a good idea to include this in your original letter.

Who to complain to:

Complaints in writing should be ideally addressed to the person in charge of the organisation or the service provider.

If you are not sure who to complain to, information can usually be found by telephoning the organisation or on the care provider’s website. You could also discuss this with an advocate who can explain your options clearly.

Writing and sending the complaint letter

You might have already thought about the issues you want to include in your letter. The letter should clearly outline your complaint and should ask for it to be investigated under the social care Complaints Procedure. Below are some tips for putting your letter together;

- Make it clear who the complaint is about – use the full name of the complainant, and make sure you insert their date of birth, so they can be easily identified.
- Try to keep your letter concise and to the point – sometimes issues can get lost in a long account which describes what happened in great detail.
- If your complaint spans many months or needs a lot of detail, perhaps use a time line, or diary of events to structure your letter, and list your questions and issues separately.
- Be factual and avoid aggressive language or comments which could be classed as offensive.

- Try to avoid repeating yourself - make your point and then move on to the next issue.
- You could group issues together by theme to organise your letter – e.g. Poor quality care, Attitude, fees and charges
- Ask definite questions and for the organisation to investigate specific issues or episodes.
- Do not be afraid to say what has upset you, and explain what you would like to achieve as a result of your complaint. You can then use this as an opportunity to make suggestions for how they can improve services, request to make changes to organisational policies and processes as well as explanations or an apology.

You could also include a contact telephone number in the letter, so the social care body can easily contact you if there is something that requires explanation or they wish to discuss your letter at all. It might also be an idea to detail in the letter if you would like to have a meeting to discuss your complaint before receiving a written response.

Before you send it:

Read the letter again to make sure that everything you want to say is included. Make sure you sign it at the end of the letter; otherwise this may cause a delay in the organisation starting their investigation. Keep a copy for you to refer to later – this will be useful for you to compare your response to. It might also help to keep a copy of all letters sent and received, in date order. You could use the log included in this guide to help with this. You may wish to send your letter by recorded delivery, so you can be sure that this has been received.

Complaints about more than one social care body

If your complaint is regarding more than one social care organisation, you can either send separate complaints to the different organisations, or if you wish you can send all your concerns in one letter.

If you decide to send one letter

Send your letter to one social care organisation and ask them to co-operate to provide a coordinated response with the others involved. They should then communicate with the other bodies concerned with your complaint, investigate and provide a combined response. It is also a good idea to state that you give your permission or consent for your complaint to be shared with the other organisations. If you prefer, you can send a copy of your letter to each social care organisation involved asking them to speak to each other and provide a response together. If you are unsure if this option is for you, then speak to an advocate who will be able to provide you with more information so you can make your decision.

Complaint letter sample

How to write a complaint letter

On the left is the information to help you write your complaint letter. It tells you all the things you should try to put in your letter and how to begin

On the right is a sample letter, sent to complain about the local authority's decision to change the eligibility criteria. The change would allow them to provide help only to people assessed as having critical needs. We want to show you what sorts of details to include in your letter. It is just an example and you will need to adapt it to suit your particular situation.

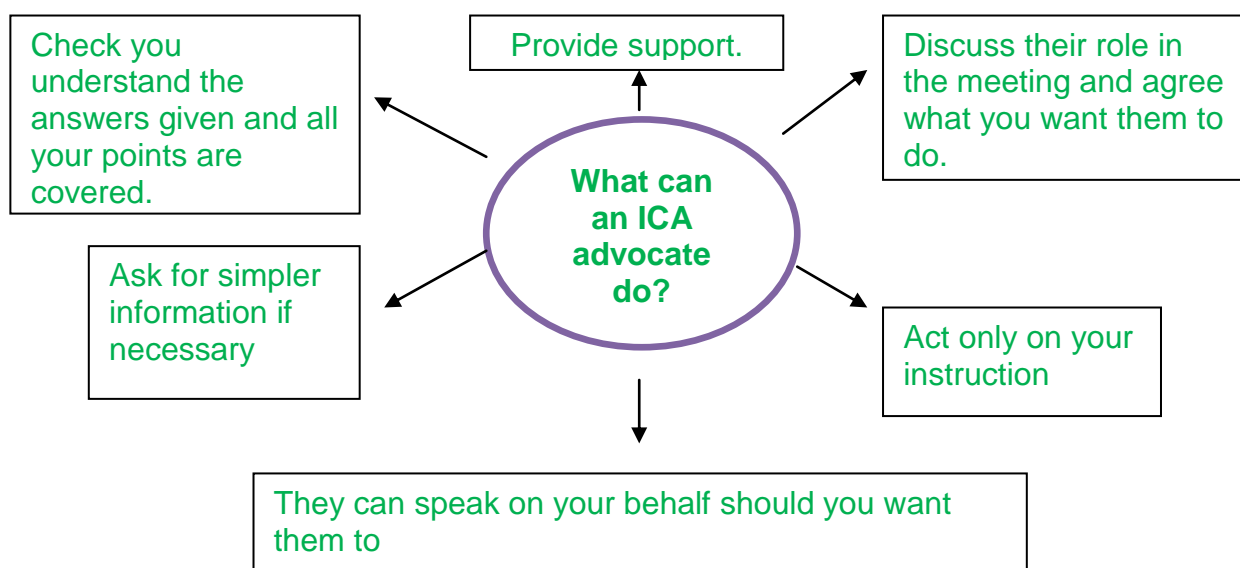
Explanation	Example
At the top on the right-hand side, put your name, address and the date.	Mrs A Sample 21 Anywhere Street Anytown R3 7XP **/**/2014
Below that on the left-hand side, put their name and address. If you live in England, address it to the Director of Adult Social Services if the change affects a disabled adult. If the change affects a child, address it to the Director of Children's Services.	Director of Adult Social Services Council Building Town Square Anytown R1 9ZX
If you know the name of the person with that role, use it. If you don't, address to Dear Sir/Madam	Dear Sir/Madam
Say what the complaint is about. If you are writing on behalf of a child or someone else, be sure to put their name here.	I am writing to complain about the decision to stop providing me with personal support.
Ask them to treat it as a formal complaint.	Please treat this letter as a formal complaint.
If your complaint is urgent ask for it to be dealt with within seven days. If your local authority has a special procedure for dealing with urgent complaints, ask them to use it. Explain why your complaint is urgent.	My complaint is urgent so please deal with it within seven days. It is urgent because I am about to be left without the support I need to cook a meal. If I don't eat properly I won't keep healthy.

<p>Set out as clearly as possible what it is that is being complained about. Include the dates of any relevant letters or events. And the names of any key social workers that are relevant.</p>	<p>I am complaining because your letter (dated 9/5/11) says that my care and support services are about to stop. This is despite the fact that my condition and health have not changed.</p>
<p>Say how you think the cut is unlawful.</p>	<p>I believe this is unlawful because you have a duty to meet my assessed needs. The law is clear. You cannot stop my support services without reassessing me. I have not been reassessed.</p> <p>Also, I am not aware of any consultation about this change to the eligibility criteria. I cannot find a report about any consultation on the council's website.</p>
<p>Explain what you want to happen as a result of your complaint. For example, do you want:</p> <ul style="list-style-type: none"> • to continue to receive the care you have been receiving; • to receive help from another service; • to be reassessed; • a change to how they deal with something; • a different social worker who you might get on with better; • an apology; or • something else? 	<p>I would like you to change your decision to stop my care. Please reassess my care needs. Please ensure I go on getting my current level of service until the assessment is completed. I would like a face-to-face assessment.</p>
<p>If you have any supporting evidence or relevant papers, send it to them. Refer to them in the letter. Tell them if your condition or impairment is getting worse so you need more care rather than less. If your care needs have not changed, confirm that they remain the same.</p>	<p>As you can see from the attached document, my last assessment found I had the following care needs....</p> <p>My care needs have not changed since then.</p>
<p>It is sensible to give your consent to them accessing your records and sharing information about you. This may save time / stop them from using it is a delaying tactic.</p>	<p>I understand that you may need to access my records in order to investigate my complaint. You may also want to share information with other relevant parties. I confirm that I give my consent to this.</p>

Confirm when you are expecting a response by and thank them (it may help).	I look forward to your response within the next seven days. Many thanks for your help with this matter.
Give them details about how and when they can contact you.	If you would like to discuss my complaint with me, my telephone number is It is best to phone me between 10am – 5pm.
Sign it	Yours ...Mrs A Sample

What to expect from a Local Resolution Meeting

A Local Resolution Meeting (LRM) is often offered as part of the complaint process, to provide an opportunity to answer any questions or provide further discussions or explanations face to face. Some clients can find these a daunting prospect, so the points below are intended to provide you with a short guide for what to expect from your meeting, which can be discussed further with your advocate.



Meetings can be distressing, so should you get upset or get frustrated, the advocate will ask for a break.

Should I prepare an Agenda?

Most complaints teams will ask for an agenda or a list of points which you would like to discuss. This can seem like an enormous task, especially if your complaint is very complicated, or involves multiple clinicians or departments. However, there are some benefits to drafting an agenda:

The complaints team can make sure the right people attend the meeting

Detailed answers or explanations can be given, and medical records referred to as there has been time to prepare

An agenda can be used to keep the meeting focused

Your advocate can help you to draft an agenda for any meetings which might be arranged.

- You may find it helpful to meet with them in the weeks before this to go through your file and the letters you have sent and received.
- You can use this time to look at the answers or explanations you already have, and identify the issues that you remain unhappy with.
- If you feel unable to produce a list of specific points or questions, you could simply list any topics you wish to discuss or themes, as well as any specific incidents, or episodes of care.
- This would also be helpful to the social care provider, so they have some idea of your outstanding issues.

Consider though that without an agenda or some idea of the issues you wish to discuss, any detailed questions or points may not be answered in the time available.

What can I expect from the Social Care body?

In most Local Resolution Meetings, a member of the complaints department will attend. Their role will differ depending on the Social Care bodies process, and you or your advocate should check what they will be doing when the meeting starts. They may:

- Take verbatim minutes – although this is very rare, and it can take time for these to be typed into a transcript
- Take a summary of the complaint – this is more common and simply provides brief details of what was discussed and any action points agreed on
- The meeting may be recorded – in this instance you might be provided with a copy of this
- Someone from the Social Care body should chair the meeting and ensure that it runs smoothly

Points to remember:

- ❖ An advocate will not take any notes or minutes, their role is simply to act as a support for you
- ❖ give the individuals time to answer
- ❖ try not to recap the information you sent the trust in your initial complaint letter
- ❖ elect a spokes person in your family who will raise your issues

The Local Government Ombudsman

The Local Government Ombudsman (LGO), are the second and final stage of the complaints process. More information about the first stage Local Resolution can be found in the sheet "[Making a social care Complaint](#)".

Who is the LGO and what do they do?

They can offer help and support via a helpline on **0300 061 0614**. It is open from 8.30am to 5.00pm, Monday to Friday. (Calls to 03 numbers will cost no more than calls to national geographic numbers (starting 01 or 02) from both mobiles and landlines, and will be included as part of any inclusive call minutes or discount schemes in the same way as geographic calls.)

The local Government Ombudsman scheme looks at complaints about councils and all types of care service for adults in England. The investigate complaints in a fair and independent way. In most case the Ombudsman will only consider a complaint after the council or care provider has had a fair opportunity to deal with the situation.

The Ombudsman service is free.

Other useful Agencies

Whilst making your complaint, you might find that you want to pursue other avenues or outcomes which lie outside the Social Care Complaints process, such as disciplinary action. This short guide will act as an index of the agencies to approach and give you a brief outline of their role. Contacting these organisations or making a submission to them lies outside the remit of an advocate.

The Parliamentary & Health Service Ombudsman

**Millbank Tower
Millbank
London
SW1P 4QP**

Tel: 0345 015 4033

www.ombudsman.org.uk

Data Protection Information Commissioner

**Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**

Tel: 01625 545 745 or 0303 123 1113

www.daraprotection.gov.uk

The Law Society of England & Wales

Tel: 020 7242 1222

www.lawsociety.co.uk

Community Legal Services Direct

Tel: 0845 345 4345

www.communitylegaladvice.org.uk

Care Quality Commission

**Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA**

Tel: 03000 616 161

E: enquiries@cqc.org.uk

The Local Government Ombudsman

PO Box 4771

Coventry

CV4 0EH

0300 061 0614

**You can also text 'call back' to 0762
480 3014**

www.lgo.org.uk