



social care
institute for excellence

Dealing with concerns from people who use services

Guidance for social care, health and housing providers

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Introduction

This is a practical guide for social care, health and housing providers. It aims to help you respond effectively to concerns and to promote joint working across sectors to improve the experience of those who have to navigate the system.

SCIE works to improve social care. We celebrate good practice and the dedication and hard work of those in the social care, health and housing sectors – suggesting what **should** be happening. But things don't always happen quite as they should, so it is important to listen to the concerns of people who experience the services. This helps the sector to keep learning, developing and improving.

Complaints are a good thing!

Having a fair, open and honest culture around feedback and complaints means:

- Staff and managers see complaints as an opportunity to improve things, not as a threat.
- Problems are picked up at an early stage and lessons are learned.
- Poor practice is highlighted and put right.
- Complaints to external bodies are less likely.
- People can feel confident about complaining – not fearful of reprisals.
- Those who find it difficult to make their views heard are protected and have access to adequate support including advocacy.
- Staff who are the subject of complaints are supported.
- Resources spent on dealing with formal complaints are kept to a minimum.
- People using the service can feel they have a voice and are able to influence change.

As a provider, you should view feedback and complaints in a positive light – they help to identify problems early and prevent escalation. People using your service and their carers should feel comfortable in raising issues and be reassured that there will be a prompt and appropriate response. Complaints handled badly are likely to have reputational impact. Working in partnership with people using the service and carers, and fostering a responsive, open attitude, is likely to reduce the need for formal complaints which can be time-consuming and costly to handle. The number of complaints does not necessarily reflect badly on the service; if people feel very comfortable complaining and believe they can influence change, the number of complaints may increase.

People who complain about social care and health services are often unable to change what has happened, but they seek to ensure that it cannot happen again. Recognising that mistakes have been made, an apology and assurances that improvements are in place will go a long way to appeasing the complainant.

As a care or health provider you must meet the requirements of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: [Regulation 16](#). This means you must have an effective and accessible system for identifying, receiving, handling and responding to

complaints from people using the service, people acting on their behalf or other stakeholders.

Joint working

The systems in which we work, and the interface between key sectors, can be complex. The [Care and support statutory guidance](#) emphasises the need for partnership, joint working, cooperation and information sharing across sectors. These issues remain problematic because of different priorities and work practices, limited understanding of information sharing law and incompatible recording and IT systems.

Joint working with other agencies, as well as other departments in your own agency, is key to providing good quality services. Those trying to access or receiving services need to be able to understand how services operate and work together. It can be very frustrating at times, as a worker, trying to ensure other agencies play their part.

There are a number of steps that you and your organisation can take to improve joint working across agencies:

- Ensure clear lines of communication are established between organisations.
- Always communicate, as appropriate, any action you are taking and if you do not think your organisation can help, talk to the referrer to explain why and signpost to other agencies.
- Ensure that staff understand the remit and legal responsibilities of partner agencies.
- Ensure staff understand legislation that underpins people's rights – Human Rights, the Equality Act, the Mental Capacity Act, the Care Act.
- Be clear about who can access your service and how.
- Ensure disputes are dealt with quickly – local dispute resolution agreements can help to be clear about responsibilities.
- If you are unable to agree on responsibilities then escalate the issue, involve key managers and set out to resolve the problem and agree a way forward.

Formal complaints

Preventing formal complaints

- Publish clear and accessible information to ensure that people understand how to give feedback and how to raise concerns.
- Encourage feedback, whether positive or negative – forums for people who use services and their families may help people to feel more comfortable in raising concerns.
- Be clear about what people using the service can expect from it.
- Try to resolve complaints at the earliest stage - known as the 'informal' stage. Acting promptly will reassure people and instil confidence, reducing the need for formal complaints.

- Encourage staff to identify problems for early resolution.
- If the complaint is about a staff member, try to focus on the reasons for their actions rather than blame and ensure they have access to support.
- Make sure that people who may have difficulty making their voice heard (e.g. people with dementia or people from minority groups) receive appropriate support and access to advocacy.
- Document and follow through concerns raised informally as well as those that are the subject of a formal complaint.
- Learn from the feedback and complaints you receive

'If you complain that your breakfast is cold, you don't want to go through the complaints procedure - you want a hot lunch.'

Dealing with formal complaints

- Ensure staff are properly briefed on the complaints procedure.
- Offer support such as independent advocacy to the complainant where required, in some cases mediation may be helpful.
- Keep response timescales as short as possible.
- Ensure the complainant is kept informed of progress.
- If the complaint is about a staff member, try to focus on the reasons for their actions rather than blame and ensure they have access to support.
- Give a clear report of the outcome of the complaint and information on what to do if the complainant is not satisfied.
- Where the complaint is justified – make a sincere apology.
- Learn from complaints and implement changes so that people can see that their complaint has made a difference.
- Monitor complaint outcomes and levels of satisfaction.

Understanding frequent complainers

Many services will have experience of people who complain on a regular basis. These people are often labelled as 'attention seeking' or 'trouble causers'. They can generate a lot of work for those dealing with complaints. There may be underlying reasons for the person's behaviour that are not related to the service provision, for example a carer feeling guilty about not having been able to support their loved one themselves. However, there will often be legitimate grievances that are ignored or dismissed because the person has been labelled and, in retrospect, many people have been vindicated when someone finally takes notice of their concerns.

Rather than fearing people that behave in this way, take the time to listen and understand their grievances and be very responsive to the person's concerns whether or not they seem

valid. Once the person's trust is gained, there can be much more informal dialogue and if they feel that they are being listened to and respected then things are likely to improve.

The Local Government and Social Care Ombudsman provide [guidance and templates for care providers on good complaint handling](#).

The duty of candour

The duty of candour requires registered persons (carrying out a regulated activity in health and care services) to be open and honest. When things go wrong you must make an apology and explain to those concerned how things will be rectified.

The duty is a direct response to recommendation 181 of the Francis Inquiry report into Mid Staffordshire NHS Foundation Trust (2013). The duty comes under Regulation 20 (the Care Act amends the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014). See the [CQC](#) for further information.

Social care complaints regulations

The complaints procedure for adult social care is set out in regulations, which cover both the local authority and NHS procedures. As a provider of services you should be led by the requirements set out in the regulations.

The Local Authority Social Services and National Health Service Complaints (England) (Amendment) Regulations 2009

The regulations provide a framework for those handling a complaint relating to a local authority's social care functions – this includes directly provided services and independent services provided through commissioning. The actions, omissions or decisions of the local authority in respect of a social care function are covered; the regulations do not, however, apply more generally to independent providers.

People who are paying for their own social care (self-funders) may complain to the local authority, for example about assessment, or failure to assess. Services people have arranged or purchased themselves are not covered but the local authority could be challenged if they commission those services. For example, on why they have commissioned a sub-standard service, or whether they are performance managing contracted services sufficiently. Information sharing between local services and the commissioner on the number, type and outcomes of complaints can inform quality-assurance processes as well as serve as an early warning system.