



social care
institute for excellence

Raising concerns about a social care, health or housing provider

Guidance for people who use services

November 2020



Introduction

This guidance is for people who use services and carers, to help you to raise concerns effectively if things are not going well. It aims to enable you to make effective challenges, to know what options and help are available and how best to resolve issues at the earliest opportunity. It is not within the remit of SCIE to deal with, respond to or advise on complaints about individual care or health services.

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 that health and care services listen to your concerns. This helps the sector to keep learning, developing and improving.

Concerns about abuse and neglect

Poor practice and poor-quality services are not the same as abuse and neglect – but they can, in the worst cases, lead to that. If you are concerned about an issue that presents a risk of harm, or you suspect abuse or neglect, you should report this to the service manager as soon as possible. All health and social care providers must follow safeguarding procedures. Safeguarding concerns can also be reported to the local authority and / or police as appropriate. You can find safeguarding procedures and contact details on your local authority website. See SCIE resources on [safeguarding adults](#).

If you suspect abuse or neglect of a child or young person (under 18 years of age), you should report it to the [local authority](#) children's services, the police or the NSPCC on 0800 800 5000. See SCIE resources on [safeguarding children](#).

Your right to complain

You may be reluctant to complain for fear of being treated differently or labelled as a troublemaker. You may fear that a service will be affected or withdrawn if you complain. It may be particularly difficult to make a complaint about someone providing a face-to-face service on a daily basis – for example a home-care worker or residential staff – particularly if the complaint only applies to one aspect of their otherwise good work. It is often difficult for people to find their way around the social care system and how it connects with other services such as health and housing – it is complex. This issue may be magnified where there are other barriers caused by language or cognitive impairment.

You should never be made to feel bad about raising a genuine concern. Feedback has the potential to help services to develop and improve and should be viewed in a positive light. It is a requirement for services to have a complaints process. You should be encouraged to raise any concerns so that matters can be resolved promptly and before they escalate.

Service providers should help you understand how to raise concerns and encourage you to give feedback. Accessible written information about how to raise concerns and use the complaints procedure should also be shared with you.

How to raise a concern

If you have a concern about a social care or health service:

- Try to resolve the problem at an early stage by talking to staff or managers at the service. Most problems can be resolved with discussion and co-operation.
- If the complaint is about the service manager or there has not been an acceptable response, contact someone more senior in the organisation.
- If the problem cannot be resolved informally, ask for a copy of the organisation's complaints procedure. The procedure will outline the stages at which your complaint will be considered, who will consider it, how long it will take and routes for resolution if it is not satisfactorily resolved.
- Put the complaint in writing and keep a record of any related correspondence or conversations with dates.

Help with making a complaint

- If you need support with making a complaint, ask the service if it can provide it.
- Your local authority should provide, or have links with, a local advocacy service. You, or the person you are helping may be [entitled to an advocacy service](#).
- Some charities, for example Age UK, Mencap or the Alzheimer's Society, may be able to provide support with complaining.
- If the service or local authority is unresponsive you can approach your local councillor or MP, they may be able to help. You can [find your MP](#).
- Citizens Advice offers [guidance on complaining about health and social care services](#).
- Information is available on [how to complain](#) about NHS services.
- The [Patient Advice and Liaison Service](#) is there to help individuals with complaints about the NHS.
- [Healthwatch England](#) gathers and represents the public's views on health and social care in England. It operates both on a national and local level and ensures that the views of the public and people who use the services are taken into account.
- [Care Opinion](#) is a feedback website for sharing stories about experiences of health and care services. The feedback helps the sector to develop and improve.

What can you expect when making a complaint?

- Staff should understand how to deal with complaints and be aware of the procedure.
- Services should offer you support including independent advocacy and mediation where appropriate.
- Timescales for responding to your complaint should be set out in the procedure.

- You should be kept informed of progress.
- You should receive a clear report of the outcome of the complaint and information on what to do if you are not satisfied.
- Where the complaint is justified you should receive a sincere apology.
- You should be informed of what changes have been made as a result of your complaint.
- You should be asked if you are happy with the outcome of your complaint.

Unresolved complaints

- If the outcome of your complaint is unsatisfactory it can be referred to the organisation that pays for the service – usually the local authority or local NHS clinical commissioning group (CCG). The complaints procedure should give information on who to contact.
- The [local authority](#) has a team dedicated to dealing with complaints.
- The [Parliamentary and Health Service Ombudsman](#) investigates complaints about unfair or improper actions or poor service by UK government departments and other public organisations, and the NHS in England.
- If the complaint is about poor quality or standards, the [Care Quality Commission](#) should be informed (it does not deal with individual complaints but can keep information for intelligence and visit to check standards).
- Unresolved complaints about housing are handled by the [Housing Ombudsman Service](#).
- The Office for Standards in Education, Children’s Services and Skills, [OFSTED](#), can be contacted for concerns about children’s residential care services.
- The [Children’s Commissioner](#) is a relatively new service. It offers support and can deal with complaints from people in or leaving care (to the age of 25 years old).

Self-funders

If you are paying for your own social care (you are known as a self-funder) you can 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 (pay for) those services for others in their area. For example, they could be challenged on why they have commissioned a sub-standard service, or whether they are performance managing contracted services sufficiently.

Judicial review

If all other avenues have been exhausted, and the commissioning authority is thought to have failed in its statutory duties or made an unlawful decision, the issue can be taken to judicial review. This is a High Court hearing that will examine whether the authority in question has correctly interpreted and followed the law. This option can, however, be very

costly as legal assistance may be needed. Some charities may offer financial support where the issue is aligned with their cause. The [Public Law Project](#) may help you with legal support.

The role of the Care Quality Commission

The CQC is the independent regulator for health and social care services. It has set out [Essential Standards of Quality and Safety](#) for all those registered to provide health and social care services. The CQC does not investigate individual complaints but we can and should tell it about poor care and standards. It can collate information from different sources and this may alert it to wider, organisational problems that need to be addressed.

The CQC also enforces the [regulation](#) that requires care and health providers to have an effective and accessible complaints handling system.

The duty of candour

The duty of candour requires registered persons (who provide the care in health and care services) to be open and honest. This means that when things go wrong, the organisation that is responsible for providing your care or health service must make an apology and explain to you 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.

Protecting the public with professional bodies

Many professionals, including doctors, nurses and social workers, are required to register with a professional body. These bodies aim to protect the public by setting and maintaining standards within the professions, by publishing codes of conduct, registering individuals and monitoring continuous professional development. Misconduct by a registered individual can be reported to these bodies.

- [Social Work England](#) registers and regulates social workers in England
- The [Health and Care Professions Council](#) registers 15 different professions including speech and language therapists, physiotherapists, occupational therapists, chiropodists and dieticians.
- The [General Medical Council](#) registers all doctors.
- The [Nursing and Midwifery Council](#) registers nurses and midwives.
- The [General Dental Council](#) registers dentists, dental nurses, dental technicians and orthodontic therapists.
- The [General Pharmaceutical Council](#) registers those who practise as a pharmacist in England, Scotland and Wales.

- The [Committee on Standards in Public Life](#) monitors the standards of people working in public office, including councils.