

All our information sheets are available to download free of charge because we believe that money should not be a barrier to getting the information you need when you need it.

Please see the end of this information sheet for details of how to support us.

We want to make sure our resources are helpful. Please spend a few minutes giving us some feedback:

[Feedback form](#)

## When things go wrong

This section of the Family Carer Advocacy Pack covers what to do when things go wrong, starting with ideas about how to avoid this through to making a formal complaint. Providing feedback, raising a concern, or making a complaint is different from safeguarding. If the safety of your relative or anyone else is in question, or you know somebody is being abused then immediate action is required.

Individual organisations will have their own processes but in general there are 3 main stages to follow when raising a concern or making a complaint. Depending on the issue, you may need to miss a stage and go straight to making a formal complaint or a safeguarding referral.



### Stage One

#### How to reduce the risk of needing to raise a concern or make a complaint:

- Develop a good relationship with the health and social care professionals involved in your relative's life and work in partnership
- For the professionals who are involved in your relative's day to day life, e.g. support staff, agree to have regular feedback sessions to identify what is working well and areas for improvement. Make sure that what is working well is recorded, e.g. positive behaviour support plan, communication passport. Information about what makes a good day is far more important than what causes a bad day
- Make sure assessments (e.g. Care Act) are used as a guide to what should be happening. This means that it is not you - personally - asking for something to improve, change but what has been commissioned (paid for)
- For areas that need to improve, agree what needs to happen, who needs to do it and by when. Putting this into an action plan format is a good idea

- Keeping records means that if you do have to raise a concern or make a complaint you have evidence of what has already been done to try and resolve any issues.
  - keep copies of all written correspondence, e.g. letters and emails
  - dates and times of telephone calls, who you spoke to and a summary of what was discussed
  - details of answerphone messages including dates and times and whether you left a message or the other party left you a message. If your service allows you, save the messages
- Dealing with any issues promptly can reduce the risk of things getting worse and can result in positive outcomes, e.g. identify a training need, leading to additional support for your relative or their support staff.

### **What is the difference between a concern and a complaint:**

- A concern is something you are worried about, which can often be resolved at the time it is raised
- A complaint is a statement about something that is wrong or that you are unhappy with which requires a formal response
- You could be concerned about something and raise it, and if you are not happy with how it has been dealt with, you may then make a complaint about that concern

### **Raising a concern or making a complaint on behalf of your relative can be stressful. You may worry about:**

- How it will affect your relationship with the professionals who are involved in your relative's care and support and/or treatment
- Whether you will be excluded (left out) going forward, e.g. not invited to meetings
- Whether your relative will be treated differently
- How to speak and what to say
- Whether it will make a difference
- The time and energy required
- Having the confidence and necessary skills, e.g. representing your relative in meetings, writing letters

### **When to raise a concern or make a complaint**

Here are some examples of when you might want to raise a concern or make a complaint:

- You have tried to solve the issue informally, e.g. through feedback but this has been unsuccessful
- Your relative's agreed plans are not being followed, e.g. communication passport, positive behaviour support plan
- You believe that your relative's safety, health, and wellbeing needs are not being met or that they could be met better
- There have been a series of mistakes in your relative's care and support and/or treatment
- Professionals involved in your relative's care and support and/or treatment have acted unprofessionally
- Your relative's care and support and/or treatment have taken too long to be implemented
- If your views as a family carer are continuously ignored to the disadvantage of your relative's care

## Stage Two

### How to raise a concern

- Depending on the type of concern, the first option may be to speak directly to the people involved in your relative's day to day care and support and/or treatment
- Consider whether anyone external to the service can help you raise the concern, e.g. social worker, the person responsible for commissioning (paying for) the service, professional independent advocate, another family member or friend
- Be clear that you are raising a concern
- If the issue has already been discussed e.g. as feedback, provide proof of this
- Follow up your concern in writing (either a letter or email)

## Stage Three

### Making a complaint

If trying to resolve an issue through feedback or by raising a concern has not worked, then you may have to make a complaint officially either in writing or face to face in a meeting.

### Knowing what to do

- All organisations have a complaints procedure. You can ask for a copy of this, or it may be available through their website. If you need it in a different format, the organisation has a responsibility to provide this
- Ask for a named person as your point of contact and their details, e.g. direct telephone number, email
- Ask for a reference number to be allocated specifically to your complaint. Use this whenever you speak or write to the relevant person/organisation about your complaint

### Don't delay

- Complain as soon as possible after the event as it is much easier to remember all the details and there may be a time limit

If you are unhappy with the reply you may have the opportunity to take your complaint to a second stage. Again do so as soon as possible and explain why you are not satisfied with the first reply

### Put it in writing

- Put your complaint in writing. If you don't feel confident about doing this, ask for help from another family member, friend, or professional independent advocate
- Make sure everything you write has a date on it and ask for a reply within the timescales set out in the organisation's complaints procedure
- Give your contact details (telephone, email and address) and also your preferred method of communication, e.g. if you would like all contact to be via email, say this. This means that if the person dealing with the complaint needs more information they can contact you easily
- Keep notes/write down details of all conversations and the dates they took place. Having a specific diary for this is helpful

- Cover all the relevant points as clearly and as briefly as you can
- It may be easier to use numbered lists and headings
- If you are sending a letter by post, do this using the 'signed for' service. If you are sending a letter by email and you have a delivery and read option use this. This means you can be sure that your letter/email has been received successfully
- Send copies of any letters, documents to all the people who may be affected by the complaint, e.g. if you are complaining to an organisation about the level of support your relative is receiving, include their social worker

### **Be clear about what you want**

- Think about what you would like to happen and what changes you want to see to make things better - and state these in your complaint
- If you want an apology, say so

### **Be polite**

- Whether writing or speaking, try to be polite and calm
- Be assertive, not aggressive

### **Check it through**

- Ask someone e.g. another family member, friend, or professional independent advocate to read any letters/emails you are going to send. If they can't understand it, then the person you are sending it to is likely to struggle as well

### **Provide evidence (proof)**

- Where possible, have proof to support your complaint, for example dates and times of when things

have happened, who was involved, photographs (if it is appropriate to share them and consider issues such as consent, privacy) or other evidence

- Send copies (keep any originals yourself) of any documents which support your complaint. Local libraries often have photocopiers for general use

### **Respond appropriately**

- Read all letters and documents that are sent to you relating to your complaint. If for some reason you cannot reply by the date specified because you are unwell or away on holiday, explain this and ask for more time

### **Attending meetings**

- If possible, always take another family member, friend or professional independent advocate to meetings as a witness
- Ask if somebody at the meeting will take responsibility for making notes and agreeing actions (things that need to be done)
- Request any information discussed during the meeting is provided in writing and given to you (either on the day, emailed or posted) for your records
- If the information provided after the meeting is not accurate, raise this and request the necessary amendments are recorded

### **Be patient about timescales**

- It may take some time for your complaint to be considered but don't be afraid to chase politely if

nothing seems to be happening to progress matters and especially if agreed timescales are missed

### It's okay to ask for help

- Organisations such as your local Citizens Advice Bureau, family carer's centres, charities or advocacy organisations may be able to assist you

### When the organisation has finished looking into your complaint they should write to you, explaining:

- What they have done
- Whether they think you were right
- What, if anything, is going to change to make things better

### If you are not happy with the outcome of the complaint

- You should receive a written response to your complaint, including how it has been investigated, if it has been upheld and what, if any, action will be taken as a result. This letter should explain the next steps to take if you are unhappy with the outcome including contacting the Ombudsman.

[For more information on making a complaint see the Carers UK website](#)



## What is an Ombudsman

An Ombudsman is an independent person appointed to look into complaints about organisations free of charge. You must contact the Ombudsman within 12 months of when you first complained and within 1 month if you are contacting the Local Government Ombudsman.

Below are details of the Ombudsman:

- England: [Parliamentary and Health Service Ombudsman](#) Tel: 0345 015 4033 (For complaints that have not been resolved by the NHS in England, UK government departments and some other UK public organisations)
- England: [Local Government and Social Care Ombudsman](#) – Tel: 0300 061 0614 (For any unresolved complaints against local authorities and some other organisations providing local public services)

Both organisations provide detailed information about how they can help, step by step guides to making a complaint and details of recent cases and the outcomes.

## Further information



### **Cerebra**

Accessing Public Services Toolkit (for children and young people) which includes template letters

<http://cerebra.org.uk/download/accessing-public-services-toolkit/>

### **Citizens Advice**

Citizen's Advice provide detailed guidance on making health and social care complaints, including an online template letter tool to include the correct information in an NHS complaint

<http://www.citizensadvice.org.uk/health/get-advice-about-health-services/>

### **NHS complaints**

Read more on how to complain to the NHS

<http://www.nhs.uk/using-the-nhs/about-the-nhs/how-to-complain-to-the-nhs/>

### **Independent Complaints Advisory Services (ICAS)**

Independent Complaints Advocacy Services (ICAS) – ICAS provides support to people wishing to complain about the treatment or care they receive under the NHS. Contact your local Patient Advice and Liaison Service (PALS) for your local ICAS team.

<http://www.nhs.uk/nhs-services/hospitals/what-is-pals-patient-advice-and-liaison-service/>

### **CQC**

Anybody can contact the CQC and provide feedback about their personal experience, on behalf of somebody else or as a witness. If the feedback is part of a complaint, this should be sent to the service provider first. If you are unhappy with the outcome, then contact CQC. CQC can also investigate complaints related to the detention of people under the Mental Health Act.

CQC website - <http://www.cqc.org.uk/help-advice/your-stories/declare-your-care>

This infographic describes CQC's Declare your Care campaign

[https://www.cqc.org.uk/sites/default/files/20190219\\_declare-your-care\\_infographic.pdf](https://www.cqc.org.uk/sites/default/files/20190219_declare-your-care_infographic.pdf)

### **Carers UK**

Carers UK has a suggested template you can use if you need to write a complaints letter

<https://www.carersuk.org/media/veuffntc/cuk-complaints-letter-template-d2.pdf>

## Further information

### **NHS England**

Read about NHS England's Ask Listen Do resources which are designed to support organisations to listen, learn from and improve the experiences of children and adults who have a learning disability, autism or both and their families and carers and make it easier to give feedback, raise concerns and complaints.

<http://www.england.nhs.uk/learning-disabilities/about/ask-listen-do/>

There is also a booklet featuring tips

<http://www.england.nhs.uk/wp-content/uploads/2018/06/Ask-Listen-Do.pdf>

### **Disability Law Service**

The Disability Law Society provide free legal advice on community care, employment, housing, and welfare benefits to people with a learning disability, autism or both and their family carers to ensure that they have access to their rights and justice.

<http://dls.org.uk/>

### **Centre for Adults Social Care - Advice, Information and Dispute Resolution (CASCAIDr)**

CASCAIDr is an online specialist advice charity who are experts in the legal principles that govern how adult social services operate in England including their relationship with rights to NHS services

<http://cascaidr.org.uk/>

### **Local Government and Social Care Ombudsman**

Read this statement from the Local Government and Social Care Ombudsman about complaints made relating to funding disputes

[http://www.lgo.org.uk/information-centre/news/2022/oct/complaints-about-english-social-care-increasingly-due-to-funding-constraints-ombudsman?fbclid=IwAR3xsPw2qLhW2k2sgpkOoEQNia39efpbU\\_0p3f8aG6wrqAkZtNa9D1ZhxcU](http://www.lgo.org.uk/information-centre/news/2022/oct/complaints-about-english-social-care-increasingly-due-to-funding-constraints-ombudsman?fbclid=IwAR3xsPw2qLhW2k2sgpkOoEQNia39efpbU_0p3f8aG6wrqAkZtNa9D1ZhxcU)



We are the charity for people with severe learning disabilities who display challenging behaviour. We make a difference to the lives of children and adults across the UK by:

- Providing information about challenging behaviour
- Organising peer support for family carers and professionals
- Giving information and support by phone or email
- Running workshops which reduce challenging behaviour

To access our information and support, call 01634 838739, email [info@thecbf.org.uk](mailto:info@thecbf.org.uk), or visit our website: [www.challengingbehaviour.org.uk](http://www.challengingbehaviour.org.uk)

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