

How to complain about **adult social care and support**

This leaflet explains what to do if you or a member of your family has a complaint about adult social care services. It applies whether you or your local council are paying for your care.

This leaflet is on our [website](#). Or you can call us if you need more information.



What are adult social care services?

Adult social care services include all types of personal care and other practical help for people aged 18 and over who need it because of age, illness, disability, pregnancy, childbirth, dependence on alcohol or drugs, or similar circumstances.



Who we are

We look at complaints about councils and all types of care services for adults in England.

We investigate complaints in a fair way – we do not take sides.

Our service is free.



Who can complain to us

Anyone affected by a council or care provider's action can complain to us. This includes:

- > the person using the care service
- > their nominated representative – or a suitable representative if the person is not capable of nominating someone
- > others affected by the actions of a council or care provider.



What we can do

We can look at complaints about:

- > care arranged directly with a care provider by someone with their own or their family's money
- > care arranged directly with a care provider using money from the council
- > care provided by a council
- > care arranged by a council.

The care could be:

- > in a residential or nursing home
- > personal care at home
- > helping someone to live independently at home.

We can look at complaints about things that have gone wrong in the way a service has been given or the way a decision has been made, if this has caused problems for you. For example you may want to complain about:

- > poor-quality care
- > fees and charges
- > poor complaint handling
- > delay
- > assessments of need
- > safety and safeguarding.

If we find that the council or care provider has done something wrong, we will try to get it to put the matter right. What we ask the council or care provider to

do will depend on the particular complaint, how serious the fault was and how you have been affected by it.

If you're not sure whether we can look at your complaint, call us on 0300 061 0614 or go to our website at www.lgo.org.uk.

What we can't do

The law says we can decide whether to look at your complaint.

We may not look at your complaint if you're only slightly affected by what has gone wrong or if it is not likely that we would find fault in what has happened.

There are some things we do not have the power to look at. For example, if you are already taking action in the courts about the problem. If we can't help, we will tell you about other organisations that may be able to help.

Our role is to sort out individual complaints. We are not a regulator like the Care Quality Commission (CQC). Their role is to check whether health and social care services are meeting quality and safety standards. These standards are set by the Government.

We work closely with CQC and share information between the two organisations. We work together to protect adults who are at risk and to improve the quality of care delivered by providers.

Making a complaint

If you have a complaint, the first step is to complain to the council or care provider. In most cases, we will only look at a complaint after the council or care provider has had a fair chance to deal with it.

If you are not happy with the response you receive from the council or the care provider, or if you do not get an answer within a reasonable time, you can complain to us. We think up to 12 weeks is a reasonable time for a council or care provider to look at your complaint and reply to you.

In a small number of cases we will look at a complaint straight away, for example if we decide someone is in a very vulnerable situation.

Usually, you should complain to us within 12 months of when you first knew about the problem. If you leave it any later we may not be able to help.

How we will deal with your complaint

If we can deal with your complaint, we will gather the facts and look at whether something has gone wrong that has caused you problems.

If we find that the council or care provider has done something wrong, we will try to get it to put the matter right. What we ask the council or care provider to do will depend on the complaint. It will also depend on what went wrong and how it affected you.

If we can, we will send you copies of the information we have relied upon to make our decision on your complaint.

Some complaints can cover both health and social care. These are investigated by a team we set up jointly with the Parliamentary and Health Service Ombudsman. We will tell you if we think this team should investigate your complaint and ask for your consent before sharing information about your complaint.

Our investigations are private. You should not give people who work for the media any information which we gave to you while investigating your complaint.

We will not identify people in the information we publish.

What the outcome might be

We will make one of the following decisions.

- > Uphold your complaint and recommend how the council or care provider should put things right
- > Uphold part of your complaint
- > Uphold your complaint but not make any recommendations because the council or care provider has put things right by the time we finish looking at the complaint
- > Uphold your complaint but not make any recommendations as we think the fault didn't have a significant effect on you
- > Not uphold your complaint

To put things right, we might ask the council or care provider to:

- > apologise
- > provide the service
- > make a decision that it should have made before
- > look again at a decision that it did not take properly in the first place
- > improve its procedures so similar problems don't happen again
- > make a payment.

Publishing our decisions



- > We publish most of our decisions on our website three months after the date of the decision.
- > In a small number of investigations we find issues that other councils and care providers could learn from, or the public should know about. In these cases we will publish a detailed report of the investigation on our website. We may also send the report to the media with a press release.
- > We may decide not to publish a decision or a report if we think there is a risk that you could be identified.

How to complain



Go to our website at www.lgo.org.uk for more information about our service and an online complaint form.

Call us on **0300 061 0614*** to discuss your complaint. We can take the details by phone so you don't have to complain in writing.

We welcome calls from textphone users using Next Generation Text. (This used to be called Text Relay or TypeTalk.)

Text 'call back' to **0762 481 1595**.

*Calling us will cost the same (or less) as calling a national rate number starting 01 or 02. Calls to numbers starting 03 count towards any inclusive minutes in the same way as calls to numbers starting 01 or 02. This applies to calls from any type of line including mobiles, BT lines, other fixed phone lines and payphones. We may record calls for quality and training purposes.



Other contact details

For more information about the Care Quality Commission, go to their website at www.cqc.org.uk or call 03000 616161.

For more information about health complaints, contact the Parliamentary and Health Service Ombudsman. See their website www.ombudsman.org.uk or call 0345 015 4033.



Meeting your needs

Our service is for everyone who needs it.

Please let us know if you need us to adapt the way we communicate so you can use our service.

We will do our best to communicate with you in the way you have requested. However we must use public money carefully so what we can offer will depend on our resources (for example staff time and money).



Key facts

- > We make our decisions independently of all government departments, councils and politicians.
- > We examine complaints without taking sides. We are not consumer champions.
- > The Ombudsman is appointed by Her Majesty the Queen.
- > We have the same powers as the High Court to obtain information and documents.
- > Our decisions are final and cannot be appealed. However, you can challenge them in the High Court if you think our reasoning has a legal flaw.
- > We do not have to investigate every complaint received, even if we have the power to do so. For example, we may decide not to investigate if we think the problem you mention would have affected you only slightly.
- > We are committed to providing a fair service and spending public money effectively.
- > When we find that a council or care provider has done something wrong, we may recommend how it should put it right. Although we cannot make councils and care providers do what we recommend, they are almost always willing to act on what we say.