



Making a complaint

A guide for carers

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Introduction

If you or the person you care for receive services from public bodies (ie health or local authority) or a care home, you may find occasionally things go wrong. You may be unhappy with aspects of the service you have received. If this happens, you may want to raise a concern or make a complaint. Many people find it difficult to make a complaint and do not know where to start.

In this guide, we'll talk about why and how you raise a concern or make a complaint. We consider:

- how to make a complaint
- the difference between a concern and a complaint
- practical considerations during the complaints process
- emotional support when making a complaint
- further support that may be available to help you.

There can be many reasons for wanting to make a complaint, but some include:

- delays or cancellations to services
- poor quality or price of services
- poor behaviour from health or social care staff
- changes or reductions to the care given to the person(s) you look after.

Making a complaint can be a way to remedy a wrong, get an apology, find out what went wrong, and/or make sure it doesn't happen again to you or anyone else.

What organisations might you want to make a complaint about?

As a carer, you may feel unhappy with services you receive from:

- social care (including social workers or other professionals)
- health care
- the local authority or other public or statutory bodies.

The complaints process can be different depending on the nature of your complaint or concern and the service involved. We will give you information on different complaints processes as well as signpost you towards further help and support, including from independent advocacy services where relevant.

Difference between a complaint and a concern

Generally speaking, a **concern** is a way of raising an issue in an informal way. A **complaint** is a formal request for an issue to be investigated and reported back to you using the statutory complaints process.

It can be confusing to know the difference between the two, as some organisations use both the term 'raising a concern' and 'making a complaint' when outlining their complaints policy. For example, as discussed below, NHS Wales refer to 'raising a concern' to describe their entire complaints process.

To make it easier to understand - if you want a formal response and investigation of your issue, a statutory complaint needs to be raised. Make it clear to the organisation you are complaining to that it is a statutory complaint you are raising as there are formal processes and timescales that they will need to follow.

In other cases, you may wish to raise a concern or speak informally to someone to highlight an issue. If you are not satisfied with the response you receive from the organisation you are complaining to, you still have the right to raise a statutory complaint.



Overall, there tends to be two stages to the complaints process – informal or first stage and formal or second stage. While they may be referred to as 'complaints' or 'concerns' you would normally begin with the first or informal stage, and if you were not satisfied with the outcome, move to the second or formal stage. However, you can ask for your complaint to go straight to the second stage.

How to raise a concern – NHS Wales

At NHS Wales the word ‘concern’ is used to mean any reported complaint or patient safety incident. You should raise your concern as soon as possible. Concerns should normally be raised within 12 months of the date of the event that you’re complaining about, or as soon as you found out about the problem.

The procedure for raising a concern has two stages:

1. Raising your concern with the service provider (for example your GP, hospital or other NHS service) or your local health board.

- You can do so in person, in writing or by email.
- Your concern must be acknowledged within two working days.
- The organisation must investigate and let you know what they have found and what they are going to do about it, in most cases within 30 working days. If they can’t reply to you in that time, they should give you reasons why and let you know when you can expect a reply.

You can get help with raising a concern from your local **Community Health Council (CHC)**. Please note the CHC will be changing their name in April 2023 to the: **Citizen Voice Body (CVB)**.

You should check the information from the service provider (hospital, GP, outpatient service etc) in the first instance to start the complaints process.

If you need additional support at any stage, you can contact your local CHC. To find out how to contact your local CHC or Patient Advisory Liaison Service (PALS) if your health board has one, please see the section ‘Support to make a complaint’.

2. Public Service Ombudsman for Wales

If you are still not happy you can take the matter to the **Public Services Ombudsman for Wales**. Please see the section ‘What to do if you are not satisfied’ for more information.

How to make a complaint

Local authority

If you want to raise a general complaint about an aspect of service you have received or are entitled to receive from your local authority, you should contact them to see their individual complaints process. You can find out who your Local Authority is and their website by **clicking this link**.

The local authority will often have a variety of ways you can get in touch to make a complaint. For example, you could make a complaint by:

- using a copy of their feedback form from a member of staff who you are already in contact with, and say you want a matter dealt with formally,
- via telephone,
- via a feedback form on their website,
- via email or letter
- or by visiting their offices.



The complaints process has two-stages

A Stage 1 complaint

(also referred to as informal resolution) is the quickest and often the most effective way of dealing with a complaint. Unless a complaint is of a very serious nature, all complaints are expected to be dealt with initially at Stage 1.

A Stage 2 complaint

enables you to escalate the matter if you remain dissatisfied with the outcome at Stage 1. Stage 2 complaints will be dealt with by a senior officer within the local authority and may be independent to the service your complaint relates to.

The local authority reserves the right to escalate serious matters straight to Stage 2, should it feel this is necessary based on the nature and seriousness of the complaint raised.

Please note that if you want to raise a complaint or concern about social care services or a social worker there are different rules and procedures which we will discuss next.

Social services / social care workers

Social services

If you want to raise a concern about social services, you should raise it with your local authority in the first instance. There are rules around the procedures for dealing with social services complaints that local authorities must adhere to – you can find the complaints process online by searching for your local authority’s website, or you can ask them for a copy. To find your local authority please [click this link](#).

You may want to complain about a service the local authority has provided OR an independent service they have commissioned - to provide care for example. You may wish to complain about issues such as bad practice or management.

Each local authority should have a Complaints Officer.

From 1 August 2014, a complaint must be made within 12 months of either:

- the date the matter which is the subject of a complaint occurred, or
- if it was later, the date on which the complainant became aware of the matter.

The time limit will not apply if the local authority is satisfied that there are good reasons for a complaint not being made within the time limit and, despite the delay, it is still possible to investigate the complaint effectively and fairly.

There are usually two stages of the complaints procedure. The two stages are:

Stage 1: local resolution

This stage would involve you contacting either the Complaints Officer for the local authority or someone involved in providing the service. Local resolution aims to resolve the complaint quickly. You don’t have to put your complaint in writing (although it is recommended that you keep a note of who you have spoken to and when, see section on ‘practical considerations’, page 11).

Once you have raised your complaint you should be offered a discussion about the issues you have raised, either face to face or via telephone within 10 working days of the receipt of your complaint. If the local authority is unable to meet this deadline, they should contact you to request an extension to it. If they do not contact you, make sure that you contact them and make a note of who you spoke to and when if done by telephone.

After the discussion and any further investigations, the local authority should write to you within five working days when your complaint has been resolved.

Stage 2: Formal investigation

You may ask for your complaint to be investigated by someone who is totally independent of the local authority. This is known as Stage 2 or formal investigation. The Welsh **Government guidelines** on handling complaints relating to social services, states that if there is a formal investigation, the local authority must appoint an Independent Investigator.

The Independent Investigator, as defined in the regulations, is: ‘a person who is neither a member nor officer of the local authority to which complaints have been made, or the spouse or civil partner of such a person but does include a person with whom the local authority has entered into a contract for services in order to conduct an investigation.’

The local authority must compile a formal written record of the discussion, which will be sent to you within 5 working days to enable you to comment on its accuracy. You will also be provided with details of how your complaint will be investigated, the name of the Investigating Officer and if appropriate, the Independent Person. An Independent Person must be appointed if a complaint is to be considered under the Children Act 1989 and is subject to the formal investigation stage.

The Independent Person is: ‘a separate role to that of the Independent Investigator. Both of these roles are required when representations reach the Formal Investigation stage but they cannot be carried out by the same person. The Independent Person provides separate oversight of how the local authority handles the representation and responds to it. They must take part in the investigation of the representation and any discussion held by the local authority about action to be taken in light of the investigation. The person appointed must be independent of the service that is subject to the representation.’ To read the full guidance please **click this link**.

The Formal Investigation stage must be completed, and a full written response issued to you within 25 working days of the start date. If, due to exceptional circumstances, this timescale cannot be met, the local authority should write to you to advise you of the delay and to advise you when the response will be provided. If they do not contact you, make sure that you contact them and make a note of who you spoke to and when.

Your complaint should be responded to in the medium you made it – so for example, if you complained in the Welsh language, your response should be in the Welsh language.

After investigation

If your complaint is upheld, the local authority will look at what they must do to put things right.

There are other ways to raise an issue, though some have a cost associated. These might include:

- making a complaint to the **Public Services Ombudsman for Wales**
- taking up the issue with a local councillor, your local Member of the Senedd (MS) or a Member of Parliament (MP)
- asking the Children’s Commissioner for Wales, or the Older People’s Commissioner for Wales to help
- applying for a judicial review, or take other legal action
- taking action against discrimination
- suing the local council for personal injury
- making a claim under the Human Rights Act 1998.

Your local authority can give you the contact details for councillors in your area. You can also contact Citizens Advice for more information. **Click here** to find out more information.

Complaints about care provided by a care service

(privately or commissioned by the local authority)

You can make a complaint directly to **The Care Inspectorate Wales** – if the complaint is regarding the direct provision of care and/or

support provided by a registered care service. If your complaint is about advice, assessment, contracting, or commissioning arrangements provided by the local authority you must contact your local authority and raise the complaint directly with them.

Raising a concern about a Social Care worker

If you want to raise a concern about a social care worker, you may be able to contact Social Care Wales – the regulating body for social care workers in Wales. They can investigate any shortcomings in professional performance including but not limited to for example:

- dishonesty or abuse of someone’s trust
- failure to meet expected standards
- committing fraud.

If you are not sure if the person you want to make a complaint about is working to the Code of Professional Practice, you can read it by **clicking this link**.

Social Care Wales can only investigate social care workers who are registered with them, they cannot investigate organisations. For more information about the complaints process that Social Care Wales follows, **please click this link**.

Certain issues, including those outlined above, may also merit police involvement if you think that a criminal offence may have been committed. You can call 101 for further advice.

Nursing / care homes

Nursing and care homes are required by law to have a complaints procedure. If you are unhappy with any aspect of care, then you should ask to see the complaints policy and complain to the management.

If you want to make a complaint about a nursing or care home where the place is funded by or contracted by your local health board, you should contact the local health board or local authority to make your complaint.

If you are not happy with the outcome of the complaint you can complain to the **Public Services Ombudsman for Wales**.

Please see the section 'What to do if you are not satisfied with the complaint outcome' below for more information.

Independent care homes

If you want to make a complaint about a private or independent care home, you can ask to see their complaints procedure and raise it with the care home first. If you are not satisfied, you can escalate your complaint to the Public Services Ombudsman for Wales.

For more information please [click this link](#).



Practical considerations when making a complaint

The complaints process can take time and you should keep records of the complaint.



You may want to use a notebook or start a file so you can keep track of your complaint and the details around it. Keep copies of all correspondence via letters or emails, and anything else you may need in the form of records, timelines, dates and what happened and when.

If you speak to someone on the telephone, make sure you take their name and make a note of the time and date you spoke to them.

If you are writing a letter or email or filling out a form to complain, you may wish to consider including the following:

- Be as objective as you can, keep to the facts and try to keep your emotions/judgements out of your explanation.
- Give specific details about what the problem is/ what's gone wrong or what has happened or not happened/ reasons for the issue/ the impacts.
- Give dates and times where the problem/incident happened.
- What you were told by whom.
- Say what information you were given in writing about the service prior to the problem - what you were led to expect.
- Send copies of any relevant evidence, documents, photos, emails.
- Make any suggestions you would like to about how the problem could be resolved/what you would like to happen now, i.e. are you looking for answers? A refund? A better service? An apology?
- Ask how the decisions were made that led to the problem/incident.
- Include any information about what you have already done to resolve the issue.

Emotions about making a complaint

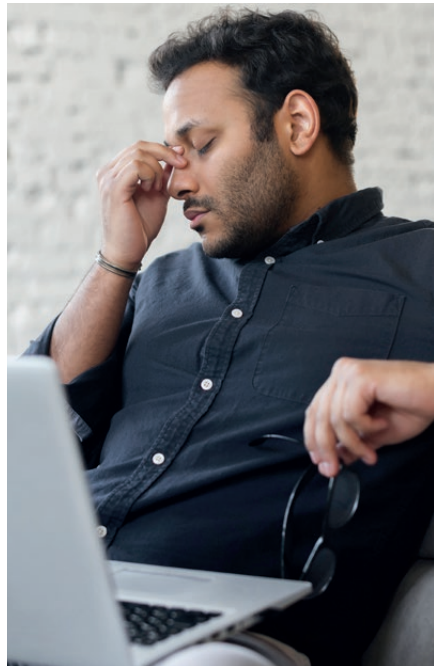
You might feel nervous, angry, frustrated, afraid of the consequences of making a complaint, worried about doing it or overwhelmed. It can take time and patience as well as organisation and persistence.

You might be worried that the person you care for doesn't want to make a complaint. You may also feel worried about 'rocking the boat'. It can be difficult to speak up to people in positions of authority for example medical professionals or social workers – particularly if they have been involved in caring for someone you are also looking after or responsible for sourcing services for them.

You may feel angry about the situation that led to the complaint happening and feel upset or angry with professionals or the way services are run.

It's important to know you are not alone and these emotions are common. Don't be afraid to reach out for support and discuss how you are feeling.

Many carers have told us that the complaints process can be long, frustrating, and challenging. In some cases, the issue that led to making a complaint may have been traumatic or difficult to deal with, so revisiting it while going through the complaints process can feel very hard.



Frustration and anger are natural emotions to feel and so it's important to try to reach out for support if you can.

Help to manage your emotions

Being able to talk over how you're feeling is important when dealing with complaints. You may have friends or family you can confide in – or you may want to access other services that can support you.

Carers Wales offers a free, confidential Listening Support Service for carers. This service gives you the chance to talk to someone who understands your caring role. To find out more **please click this link**.

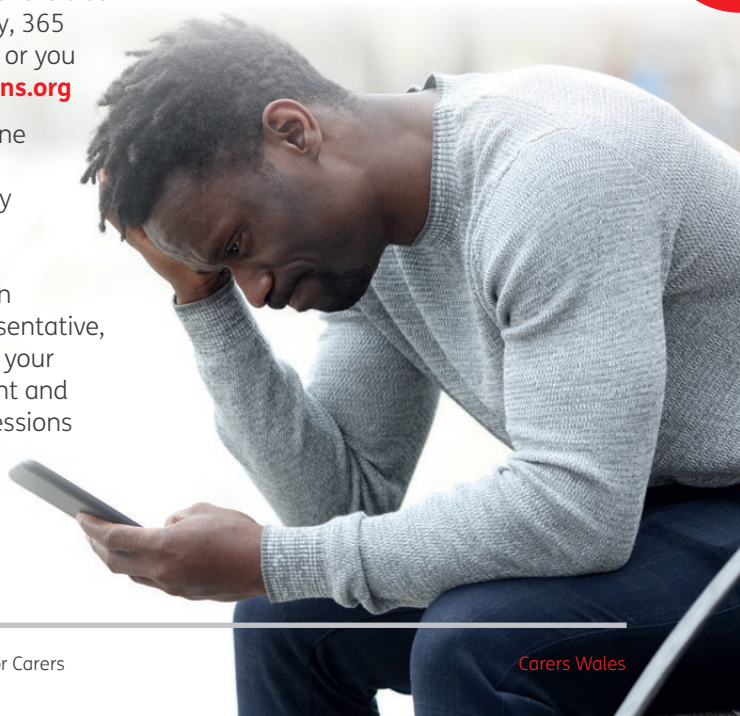
Carers UK runs an online **forum** and helpline. The telephone helpline is available on 0808 808 7777 from Monday to Friday, 9am – 6pm or you can contact us by email (**advice@carersuk.org**)

If you need somebody to talk to or a listening ear, Samaritans is also available 24 hours a day, 365 days a year on 116 123 or you can email **jo@samaritans.org**

Carers Wales offers online support sessions and training in a wide variety of topics. These include wellness and wellbeing short courses, training in becoming a carer representative, getting the most out of your carers needs assessment and more. Online support sessions include mindfulness, managing difficult emotions, relaxation and managing stress.

To find out which sessions are on and book a place on any session please visit our **help and advice pages**.

We also have a money matters hub, wellbeing hub and working carers hub where you will find guides, videos, advice and articles about different aspects of caring. If you prefer to speak to one of our team, please email **info@carerswales.org** or phone **029 20811370**.



Support to make a complaint

If you are making a complaint about NHS health care, you may be able to get support from your local Community Health Council.

Community Health Councils or CHCs are responsible for regularly visiting and scrutinising local health services and, working with their respective health boards, engaging with their communities to ensure they are being suitably represented. There are seven CHCs which cover all of Wales and broadly correspond to the seven Local Health Boards. Please [click this link](#) to find your local CHC.

Depending on your needs, the CHC's complaints advocacy service can help you in the following ways:

Find information relevant to your concern.

You may feel that you need a bit of help to find information, for example asking for a copy of any relevant medical records.

Think through your concerns, the concerns process and what you might realistically achieve.

Concerns are sometimes about things that are very distressing and the process of raising a concern can seem very daunting. Sometimes people find it helps to talk through their concerns and how the process works with someone who is knowledgeable, empathetic and independent.

Write letters

A concern is more likely to be resolved quickly and successfully if it is expressed clearly. CHC's can help you work out what you want to say and help you draft letters.

Attend NHS concerns meetings

Sometimes it is necessary to meet with NHS staff as part of the concerns process. This can feel daunting and sometimes upsetting. CHCs can support you to prepare for and attend meetings with NHS staff so that you can make the most of the opportunity to discuss your concerns.

They will provide the type and level of support that you need, based on discussions with you. For example, you may feel that, because of a disability, ill health, communication or language barriers, grief or other reasons, you need more support from a 'complaints advocate' throughout the process. A complaints advocate is independent of the NHS and can help advise and support you through the concerns process.

Alternatively, once you have talked your concerns through with an advocate you may feel happy to continue without support.

The CHC works with anyone who lives in Wales and is over 18 years old, no matter what their needs, including but not exclusively, people who have:

- mental health issues
- learning difficulties

- sensory disabilities
- little or no English and different cultural backgrounds
- suffered a bereavement
- or anyone else who needs help with their NHS concern.

Their complaints advocacy staff have access to:

- secure case management and reporting systems
- letter templates
- interpreting facilities
- communications kits and other resources.

To find your CHC please [click this link](#).

Patient Advice and liaison Service (PALS)

NHS England has a search function to enable you to find a PALS service (Patient Advice and Liaison Service). In Wales, this service is not available, however some individual health boards / hospitals have a PALS service

available, as well as links to Community Health Councils. Please check your local health board website information to find out what's available in your area.

Independent Advocacy and other services

There are a number of independent advocacy services available across Wales. These services are often targeted to support people from specific groups – for example people who need support with their mental health or who have a particular illness or disability or have children with a disability. Some services are local to different areas in Wales.

You may wish to contact **AdviceLink Cymru** who can help support you on a wide range of issues. You can visit their website by [clicking this link](#).

Dewis Cymru offers a free search tool with a large section on advocacy services. You can visit their website and search for any advocacy services near you by [clicking this link](#).

What to do if you're not satisfied with the complaints process

Social services – registered service or local authority social service

If following resolution of your complaint with a registered service or Local Authority social service you remain unhappy about the outcome, you should contact the Public Services Ombudsman for Wales who has legal powers to look into complaints about public services and care providers in Wales. Visit the **Ombudsman's website** for further details.

You can also tell **The Care Inspectorate Wales** if you remain unhappy about the outcome of a complaint raised with the registered service or Local Authority social service. They will review your concern and consider what appropriate actions they may take in response.

Directory

We've listed a range of organisations below that may be able to help you in the complaints process.

Carers Wales (part of Carers UK)

Information, support and advice for unpaid carers living in Wales.

T: 029 2081 1370

E: info@carerswales.org

W: carerswales.org

Carers UK information and support

Carers UK provides information and guidance to unpaid carers. This covers a range of subjects including:

- benefits and financial support
- your rights as a carer in the workplace
- carers' assessments and how to get support in your caring role
- services available to carers and the people you care for
- how to complain effectively and challenge decisions.

Our telephone Helpline is available on **0808 808 7777** from Monday to Friday, 9am – 6pm or you can contact us by email (advice@carersuk.org).

Care Inspectorate Wales

Contact Care Inspectorate Wales to make a complaint about social care provision from registered care services.

www.careinspectorate.wales/

Citizens Advice Cymru

Local offices for advice/ representation on benefits, debt and housing. Offers information about making a complaint.

T: 0800 702 2020

W: www.citizensadvice.org.uk/wales/

Community Health Councils

Your local CHC can help you make a complaint about NHS services. Visit their website to find your local CHC:

W: boardchc.nhs.wales/your-local-chc/

Dewis Cymru

Offers an in-depth search function to find independent advocacy services in Wales, according to your location

W: www.dewis.wales

Local Authority

To find your local authority and links to their website please visit the Welsh Government website.

W: www.gov.uk/find-local-council

Public Services Ombudsman for Wales

You can contact the Public Services Ombudsman for Wales about a public service provider, an independent care provider or a local authority member

W: www.ombudsman.wales/

Social Care Wales

Contact Social Care Wales to raise a concern about a social care worker (such as a social worker)

W: www.socialcare.wales/

