



**Independent
Age**



Factsheet

Complaints about social care services

If you're unhappy with the social care services you receive, this factsheet can help you to make a complaint. It also covers other options, such as reporting your concerns to the social care watchdog or taking legal action.



Call free on **0800 319 6789**
Visit **[independentage.org](https://www.independentage.org)**

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About Independent Age

At Independent Age, we want more people in the UK to live a happy, connected and purposeful later life. That's why we support people aged over 65 to get involved in things they enjoy. We also campaign and give advice on the issues that matter most: health and care, money and housing.

For information or advice – we can arrange a free, impartial chat with an adviser – call us on freephone **0800 319 6789** (Monday to Friday, 8.30am to 6.30pm) or email us at advice@independentage.org.

You can also support this work by volunteering with us, joining our campaigns to improve life for older people experiencing hardship, donating to us or remembering us in your will.

For more information, visit independentage.org or call us on **0800 319 6789**.

While some of information may apply across the UK, this factsheet covers England only.

If you're in Wales, contact Age Cymru (**0800 022 3444**, ageuk.org.uk/cymru) for information and advice.

In Scotland, contact Age Scotland (**0800 12 44 222**, ageuk.org.uk/scotland).

In Northern Ireland, contact Age NI (**0808 808 7575**, ageuk.org.uk/northern-ireland).

In this factsheet, you'll find reference to our other free publications. You can order them by calling **0800 319 6789** or by visiting independentage.org/publications

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1. When things go wrong

Many of us are happy with the help we get from our local council's adult social services department. However, sometimes things can go wrong and you may be unhappy about an ongoing situation or a particular incident.

If this happens, don't be afraid to speak out. Organisations need to know if there is a problem and usually prefer to be told so that they have a chance to put things right.

Why you might want to complain

The kinds of things that can go wrong with your social care services include:

- delays in carrying out an assessment
- the way your care needs have been assessed
- delays in being given help or a decision
- being refused a service without a good reason
- your services being cut without a good reason
- the quality or amount of care you're being given – for example, your care workers aren't staying as long as they should
- the amount you're being charged for the service
- poor communication from the care provider or the council
- the behaviour and attitude of staff – for example, if they've been unhelpful, rude or discriminatory
- a lack of information – for example, if you haven't been given enough information to help you make a decision or you've been given incorrect information
- the council not allocating enough money to meet your care needs

- the council wanting to move you to a cheaper care home that does not meet your care needs
- the council not interpreting or applying the law correctly.

Solving things informally

If you're unhappy with a social care service, it's a good idea to discuss things informally with the people providing the service first. By letting them know about problems early on, they may be able to put things right quickly. In most cases, having an informal conversation is enough to resolve any issues.

You can speak with the individual concerned, another member of staff or the manager. You may feel more comfortable speaking to someone not directly involved in your care. Or you could ask someone else to do this for you, such as a friend or relative.

You can also give feedback, which can help the service improve their quality of care. For example, you can give good or bad feedback for a care service through the Care Quality Commission (**03000 616161**, [cqc.org.uk/give-feedback-on-care](https://www.cqc.org.uk/give-feedback-on-care)).

However, if the problem continues, or you're not happy with their response, you may want to go further and make an official, or formal, complaint. You can get support to make a complaint if you need it.

2. How to make a complaint

All social care service providers must have a complaints procedure. Ask yours for a copy. It should be available in different formats, such as on their website or in a leaflet. The procedure will tell you who to contact and how your complaint will be handled.

You can usually make your complaint by telephone, email, letter or by completing an online form. You must receive written or verbal acknowledgement of your complaint within three working days. You must be told:

- what will happen next
- how long the initial investigation will take
- who will contact you with the outcome.

You should also be given the opportunity to discuss how the complaint will be handled and what you want to happen as a result.

Make sure you know who to complain to. For example, if your care is paid for by the council but provided by a private company, then the council are still responsible for making sure you receive appropriate care. You should send your complaint to them.

If you need help making a complaint

You can make a complaint yourself or ask a friend or a relative to do it for you. If you don't have anyone to help and you feel it would be difficult for you to make a complaint by yourself, you could get support from an independent advocate or an advice organisation ([see chapter 3](#)).

If you no longer have mental capacity to make some or all decisions for yourself, someone may need to make a complaint for you. See our factsheet [Managing my affairs if I become ill](#) for more information.

Timescales for making a complaint

Make your complaint as soon as you can. The time limit for making a complaint is usually within 12 months of the problem arising (or you becoming aware of it if this is later).

However, you might still be able to complain after 12 months if:

- you have a good reason for the delay (for example, if you have been ill or in hospital), and
- it's still possible to investigate the complaint.



Good to know

If you're considering legal action rather than a complaint, you may need to act more quickly. For example, judicial review action (when your case is looked at by a judge) must be taken within three months, unless a court gives you permission to make a late application.

It's important to get specialist advice as soon as possible. **See chapter 10** about when you might want to take legal action instead of making a complaint.

Top tips for making a complaint

- Make it clear from the start of a conversation, letter or email that you're making a formal complaint.
- Give a clear and concise account of what happened or what went wrong.
- Include all the relevant facts (for example, dates, times and names) but try to keep the description as brief as possible.
- Explain what you would like to happen as a result of your complaint. For example, to receive an apology or for steps to be taken to prevent the problem from happening again.
- If you're making your complaint in writing, attach copies of any relevant letters and documents, and list all the attachments in your letter or email.
- Keep your tone polite and professional, even if you feel angry or upset.
- Keep copies of all the letters and documents that you have sent and any responses you receive.
- Ask for the name and job title of anyone you speak to about your complaint. Take note of what was said and who was involved in your complaint in case you need to refer to the conversation in the future.
- Ask for written confirmation of any verbal decisions or promises of action.
- If something isn't done within the time it should be, contact them as soon as possible.

3. Getting support with making a complaint

If you want to talk to someone about the process of making a complaint and what your options are, contact Independent Age and arrange to speak to an adviser (**0800 319 6789**, advice@independentage.org).

If you'd prefer to speak to someone face-to-face about your concerns, you could contact your local Age UK (**0800 169 6565**, ageuk.org.uk) or Citizens Advice (**0800 144 8848**, citizensadvice.org.uk).

Healthwatch also has information about social care complaints (**03000 683 000**, healthwatch.co.uk).

Advocacy support

If you would find it difficult to make a complaint and get your voice heard, you could speak to an independent advocate.

An advocate can help you understand information about the service that has let you down, and help you communicate your views, wishes and concerns. For example, they can support you by writing letters or attending meetings with you. They may be able to help you solve problems and make communication easier between you and the organisation you're complaining about.

You can find a local independent advocacy organisation by using the Older People's Advocacy Alliance website (opaal.org.uk).

Some Age UK branches offer advocacy services. Ask your local branch or contact their national helpline (**0800 169 6565**, ageuk.org.uk) to find out what is available in your area.

In some circumstances, you may have a right to advocacy support. For more information about advocacy, see our factsheet [Independent advocacy](#).

4. Complaining about care in your own home

It can be difficult to complain about care at home, especially if you're worried your care worker could be blamed for something you don't feel is their fault – for example, if they turn up later than they should because they have lots of people to visit before you.

It's still important to raise this issue with the organisation arranging your care. You have the right to feel comfortable and confident with the care you receive, and to know that any problems will be resolved.

You could ask a friend or relative to raise the issue for you if you'd find it difficult or feel uncomfortable doing it yourself.

You may feel unhappy with the care you receive in your own home if, for example:

- you've received a bill that's higher than you were told it would be
- your care workers haven't turned up on time, or are staying for less time than they should
- your care workers aren't using your specialist equipment, such as a mobile hoist, correctly
- your care workers haven't helped with the personal tasks they should have done.

Who to complain to

If the problem is about the quality of your care, you should raise it with the care agency first. They must have a complaints procedure and you can ask for a copy. If your care has been arranged or paid for by your council, you can also make your complaint straight to them. Or you can complain to both the agency and the council at the same time.

If you're concerned about something that isn't in the care agency's control – such as the amount you're being charged by the council, or the fact that your care services are being cut – then you may want to get advice first on whether the council is acting lawfully ([see chapter 10](#)). This is because you may want to consider taking legal action instead of making a complaint.

If you're going to make a complaint about the council's behaviour, you'll need to use the council's complaints procedure.

5. Complaining about care in a care home

If you live in a care home and you're unhappy with the quality of your care, first talk to the care home manager or matron if you feel comfortable doing this. You could ask a friend or relative to do this for you if you prefer. Ask for a copy of the home's complaints procedure.

If you're unhappy about the quality of care provided by the care home and you and the care home manager can't agree on a way to resolve the complaint, your only option may be to move to another care home. Our guide [How to find the right care home](#) may help.

Complaining to the council

If the council pays anything towards your care home fees (even if you end up paying it back through charges) and you're uncomfortable about making your complaint to the care home, then you can use the council's complaints procedure.

You may be concerned about something that isn't in the care home's control, such as:

- the amount the council is prepared to pay towards the care home's fees
- the amount the council has decided you need to contribute towards your care costs after the financial assessment
- the accuracy of the information the council provided to the care home
- the council asking you to move to a care home that you feel does not meet your care needs.

You may want to make a complaint using the council's complaints procedure, or take legal action. If you want to pursue a legal case, you should get specialist legal advice first ([see chapter 10](#)).

6. Other complaints

Complaining about both NHS services and social services

You may need to make a complaint about both an NHS service and your local council. For example, you may wish to complain about your discharge from hospital being delayed, which was partly caused by the local council's adult social services team not having home care services ready in time for your return home.

If your complaint is about both the NHS and adult social services, you only need to complain to one organisation. That organisation must contact the other service to decide who will be responsible for dealing with your complaint.

They should then coordinate the investigation into your complaint and act as your main point of contact, so you receive a single response that addresses all of your concerns. Both organisations may need to attend any meetings that are held as part of the complaints process.

For more information about complaining about NHS services, read our factsheet [Complaints about health services](#).

Complaining about an individual care professional

If your complaint involves an individual, you may want to complain about their behaviour as a professional.

If you want to complain about a social worker, contact Social Work England (**0808 196 2274**, [socialworkengland.org.uk](https://www.socialworkengland.org.uk)). They set out professional standards for social workers in England. These may help you to work out which part of the social worker's behaviour you're unhappy with. You can refer to these standards on Social Work England's website.

If you want to complain about a member of the occupational therapy team, contact the Health and Care Professions Council (HCPC) (**0300 500 6184**, [hcpc-uk.org](https://www.hcpc-uk.org)).

7. If the complaint is about abuse

Abuse can happen anywhere – in a care home, at home or at a day centre, for example. Whatever form the abuse takes – for example, financial, physical, sexual, psychological abuse or neglect – this can be reported to your local council’s adult social services team and/or the police.

Who to complain to

If you are experiencing, or at risk of experiencing, abuse or neglect, contact adult social services with your concerns. They must respond if your care and support needs mean you're unable to protect yourself against the abuse.

The council will work with you to find out more information and discuss ways to resolve the situation. They may need to start a safeguarding enquiry. This could be a conversation or a more formal course of action involving other agencies. If this happens, you may want to get support from an independent advocate ([see chapter 3](#)).

You can find the contact details of your local authority's adult social services department on the NHS website ([nhs.uk/service-search/other-services/Local-Authority-Adult-Social-Care/LocationSearch/1918](https://www.nhs.uk/service-search/other-services/Local-Authority-Adult-Social-Care/LocationSearch/1918)). You can also find their details in the phone book or by asking your local library.

Read our free guide [Staying in control when you're older](#) to find out more about abuse, how to prevent it and how to report it.



Good to know

If you want to speak to someone in confidence about suspected abuse, you can contact Hourglass (**0808 808 8141**, [wearehourglass.org](https://www.wearehourglass.org)) or an independent advice service such as Independent Age (**0800 319 6789**, [independentage.org](https://www.independentage.org)).

8. Other ways to raise concerns about a care service

You can report your concerns about care services to the Care Quality Commission (**03000 616161**, [cqc.org.uk](https://www.cqc.org.uk)), an independent body which regulates all care services in England.

They do not investigate individual complaints but can make sure care services meet important standards of quality and safety. If it's a serious issue, they may carry out or bring forward an inspection, or use your evidence if the service is being inspected at that time. You can speak to the inspectors in confidence.

You can also give feedback on social care services through Healthwatch (**03000 683 000**, [healthwatch.co.uk](https://www.healthwatch.co.uk)).

Getting others interested

You may want to try to get support from a local voluntary organisation, your local councillor or your MP. You can find the contact details for your local MP on the They Work For You website ([theyworkforyou.com](https://www.theyworkforyou.com)) or at your local library.

You can also write to the government minister responsible for social care. Find out which minister is responsible for social care by visiting [gov.uk/government/organisations/department-of-health](https://www.gov.uk/government/organisations/department-of-health).

9. Taking your complaint further

If you've made your complaint to your local council or a care provider but you're not happy with the result, or they have not responded in a reasonable amount of time, there are further steps you can take.

To escalate a complaint about social care services, contact the Local Government and Social Care Ombudsman (LGSCO) (**0300 061 0614**, lgo.org.uk).

The LGSCO looks into complaints about companies and organisations, and may recommend they take certain actions to put things right. They are independent, free and impartial. They can be a way of trying to resolve a complaint without going to court.

The LGSCO can investigate complaints about local councils. This includes the work of social services departments.

They can also investigate complaints from people who arrange or pay for their own care, whether in their own home or in a care home, as long as the service is registered with the Care Quality Commission (**03000 616161**, cqc.org.uk).

When to contact the LGSCO

You must use the council or the care provider's complaints procedure first. But if this is taking longer than 12 weeks, it's worth considering contacting the LGSCO about this delay. They may step in to help sort this out. They can't investigate a complaint if you're taking other legal action relating to the issue.

You'll have to persuade the LGSCO that, even though the council or care provider has looked into your complaint, they should also do so. They will only investigate where the issue has resulted in an injustice or harm to you. It's useful to include any evidence you have to show this. They don't have to take on your complaint if they have good reasons for not doing so.

You usually need to make your complaint within 12 months of the initial problem, unless there are special reasons for not doing so.

If the LGSCO finds your complaint is valid, they will write a report recommending what the organisation should do to put things right.



Good to know

If you need advice or help with taking your complaint further, [see chapter 3](#) for information on organisations that can provide support throughout the complaints process.

10. Taking legal action

When you might want to consider legal action

You might want to consider taking legal action if:

- you're unhappy with the way a decision about your care has been made – you may want to consider starting a judicial review ([see page 19](#)). You need to do this as soon as possible
- you've been discriminated against, for example, if you've been treated differently or unfairly because of your age, ethnicity or sexuality – contact the Equality Advisory and Support Service for advice (**0808 800 0082**, equalityhumanrights.com/en/contact-us/equality-advisory-and-support-service)
- your human rights have been breached, for example, if you've experienced poor treatment in a care home, or your family haven't been allowed to visit you – you may need to get legal advice.

You do not need to have made a complaint before taking legal action.



To do

If you want to explore the options available to you, call our Helpline on **0800 319 6789** to arrange to speak to an adviser.

Getting legal advice

You may be able to get free legal advice under the Legal Aid scheme. This is means-tested, which means it depends on your finances whether or not you qualify. The rules around who qualifies are complicated, so speak to a legal adviser who specialises in this area or contact Civil Legal Advice (**0345 345 4345**, [gov.uk/civil-legal-advice](https://www.gov.uk/civil-legal-advice)).

You can search for a specialist legal adviser who does legal aid work at [find-legal-advice.justice.gov.uk](https://www.find-legal-advice.justice.gov.uk). Put in your postcode and select 'community care' as the category of law.



Good to know

If you don't qualify for legal aid, you might be able to get free initial legal advice through a Law Works legal advice clinic ([lawworks.org.uk](https://www.lawworks.org.uk)) or from the Disability Law Service (**020 7791 9800**, [dls.org.uk](https://www.dls.org.uk)).

Judicial review

A judicial review is a type of court proceeding where a judge looks at whether a public body, such as a council, has applied the law correctly and followed the right procedures when making its decision. In other words, you can apply for a judicial review if you want to challenge the way a decision was made about your care, rather than what happened as a result of the decision.

For example, if the council decides it will only spend a fixed amount of money on your care, this could be unlawful because the council must meet the needs that have been identified in your social care assessment, however much it costs. Or, it may be unlawful if your council has assessed you as needing support in a certain area of your life, but it does not provide suitable support to meet your needs in that area.

A judicial review can be an effective way to get a public body to reconsider a decision or take action. However, it's not appropriate in every case and it's expensive. You should get legal advice first to see if you have a good case or whether you should use the complaints procedure instead.



Good to know

If you're considering judicial review, you need to act quickly. If court proceedings are necessary, they must be started within three months of the decision or action you want to challenge. The court will sometimes give you permission to bring a later claim.

Getting started with a judicial review

If you have grounds to start a judicial review claim, the first stage is to send a 'letter before action'. This sets out the details of the decision or action that you want to challenge and the reason why you think it is unlawful. The council should respond within a set time limit. In some cases, a letter before action is enough to sort it out.

If your case is urgent, you can apply to the court to fast track it. You can also ask the court to order the council to act (for example, to put services in place) while you're waiting for the case to go through the court process.



To do

The Public Law Project has produced an Introduction to Judicial Review, which explains how the process works and can help you find a specialist solicitor (**020 7843 1260**, publiclawproject.org.uk/resources/an-introduction-to-judicial-review-2/).

11. Step-by-step summary to make a complaint

Step one: Check who to make your complaint to

Who you need to complain to depends on which social care service your complaint is about.

- If your local council arranged your care, you should complain to them.
- If you arranged your care yourself, you should complain to the home care agency or care home.
- If you're complaining about a social worker, you should complain to Social Work England ([see chapter 6](#)).

Step two: Ask the service you're complaining to for a copy of their complaints procedure

This will tell you how to make your complaint and how it will be handled.

Step three: Get help to make your complaint if you need it

If you need help at any stage of the complaints process, you can:

- call our Helpline on **0800 319 6789** to arrange to speak to an adviser
- speak to an independent advocate, who may be able to provide practical help
- get in touch with organisations that offer information and resources, such as Healthwatch.

For more information on where you can get support, [see chapter 3](#).

Step four: Make your complaint as soon as possible

When making a complaint, you should:

- give a clear account of what happened
- include all the relevant facts (for example, dates, times and names) but try to keep it to the point
- explain what you'd like to happen as a result of your complaint.

For more tips on what to do when making a complaint, [see chapter 2](#).

Step five: If you need to take your complaint further

If you're unhappy with the response you get, or you feel the problem hasn't been solved, you can contact the Local Government and Social Care Ombudsman ([0300 061 0614](tel:0300 061 0614), lgo.org.uk) – [see chapter 9](#) for more information.

You could also report your concerns through the Care Quality Commission ([03000 61 61 61](tel:03000 61 61 61), cqc.org.uk) – remember that they don't investigate individual complaints.

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The sources used to create this publication are available on request. Contact us using the details below.

Thank you

Independent Age would like to thank those who shared their experiences as this information was being developed, and those who reviewed the information for us.

How did we do?

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If you would like to be involved in helping us to develop our information products, you can join our Readers' Panel. For more information visit independentage.org/readers-panel or call us.

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If you need this information in a different format (such as large print or audio CD), please contact us.

Contact us

Call **0800 319 6789**

Email advice@independentage.org

Visit independentage.org