

Information sheet for care providers – No.1

Premature adult social care complaints – frequently asked questions

Why have you sent this complaint to me as the registered care provider?

The Local Government and Social Care Ombudsman (LGSCO) has powers¹ to deal with complaints made by people who self fund their care or have arranged it themselves. This means they are in a direct contractual arrangement with you as their care provider.

If, instead, their adult social care provision has been commissioned and paid for by a council's social services department, their complaint is against the council. Please tell us if you think that is the position. The LGSCO has dealt with complaints against councils for many years.

This complainant wants to take their complaint straight to the Ombudsman, why can't you deal with it straightaway?

The law says that, before investigating a complaint, the Ombudsman must be sure that the care provider knows about the complaint and has had a reasonable opportunity to investigate and reply to it. Our investigator has concluded from what we have been told that this hasn't happened yet, so we have sent this complaint back to you as the registered care provider.

The LGSCO can, in exceptional circumstances, waive this requirement and take on a case for investigation earlier. If we do this, we will always explain why to all concerned.

If you are not the registered care provider for the service in question, please let us know immediately.

How long can we take to investigate the complaint?

We give you 12 weeks to try to resolve the complaint. However, you should aim to resolve all complaints as soon as you can.

If absolutely necessary, you can ask the complainant to agree to an extension of time.

¹ Health Act 2009 amended the Local Government Act 1974 with a new part 3A. This widened the Ombudsman's jurisdiction.

What should our complaints procedure cover?

By law care providers of adult social care services have to operate complaints procedures according to CQC's regulations set out in Regulation 16 in the publication "Regulations for Service Providers and Managers". See www.cqc.org.uk/content/regulations-service-providers-and-managers

Your arrangements should be easily accessible to all your service users. You should tell people that they can go to the LGSCO if they remain unhappy after you have considered their complaint.

What happens if we don't progress the complaint in a reasonable time?

If you need longer than three weeks to investigate this complaint, you should explain why and agree an extension with the complainant. Please keep the complainant informed of what is happening. If you do not, and no progress is being made, the complainant may contact the LGSCO and ask us to take the case on now. We may decide the care provider has had enough time to deal with the complaint and that we should consider it for investigation.

What happens if we have put this complaint right through the complaints procedure and the complainant is still unhappy with the outcome?

The LGSCO offers a free and independent service. When closing a complaint you should tell the complainant about the LGSCO so they can decide whether they want an independent review of the outcome.

This complaint is about our plan to change someone's service provision in the next few weeks. Can the LGSCO stop that happening?

The LGSCO can't stop you from going ahead with your plans, but may ask you whether you can preserve current arrangements while the complaint is dealt with. If the change is unjustified, continuing with the plan may increase the injustice to the service user or complainant, and affect any eventual remedy that is needed.

How long will it take the Ombudsman to investigate complaints once the care provider has responded to it?

We aim to complete the investigation of 65% of complaints made to us within 13 weeks and 85% within 26 weeks. But complex social care complaints do tend to be among those that take us longer to investigate.

If the complainant is still unhappy – what happens next?

The complaint will go to one of our investigation teams. They will decide whether it is a suitable case for the LGSCO, and if so how best to pursue enquiries. Most cases start with written enquiries, but investigators will make arrangements to view records and interview relevant people, if that is the best way to get a full understanding of the issues.

I am using this complaint to review how good our current complaints procedures are. What should I think about?

[CQC Regulations for Service Providers and Managers, Regulation 16](#) sets out the expectations. We will look to that as a benchmark when deciding how effective your arrangements have proved to be. Useful information for providers on handling complaints can be found on the '[Resources for care providers](#)' section on the LGSCO website.

We also know that what matters most to people is the commitment providers show to listening to complaints openly, investigating issues thoroughly and resolving justified complaints as soon as possible.

When revising your complaints procedures, or telling people about the LGSCO in your closing letters, you may find the insert below helpful. We aim to provide a seamless service to complainants, who may not always be clear whether they should go to the council that did their care needs assessment, or to the provider. We will redirect any cases if necessary.

Insert for use by adult social care providers in complaints documentation

Once your complaint has been fully dealt with by [name of care provider], if you are not satisfied with the outcome you can refer your complaint to the **Local Government and Social Care Ombudsman (LGSCO)** and ask for it to be reviewed. The LGO provides a free, independent service.

You can contact the LGSCO for information or to register your complaint:

T: 0300 061 0614

W: www.lgo.org.uk/adult-social-care/ (there is a link to a complaint form on this page)

Or write to: The Local Government Ombudsman, PO Box 4771, Coventry CV4 0EH

The LGSCO will not usually investigate a complaint until the provider has had an opportunity to respond and resolve matters.

Our service is registered with and regulated by the Care Quality Commission (CQC). The CQC cannot get involved in individual complaints about providers, but is happy to receive information about our services at any time. You can contact the CQC at:

Care Quality Commission National Correspondence
Citygate
Gallowgate
Newcastle upon Tyne NE1 4PA

T: 03000 616161

W: www.cqc.org.uk/contactus.cfm

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