

Sibs

For brothers and sisters
of disabled children and adults



Making a complaint

A guide for adult siblings of people with lifelong disabilities

- What should you include when you make a complaint?
- What happens after your complaint is submitted?
- Where to get legal advice

Sibs is the UK charity for brothers and sisters of disabled children and adults
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Disclaimer

We have made every effort to ensure that the information in this guide is accurate and up-to-date. Sibs cannot be held responsible for the outcome of any actions you may take as a result of reading this guide. This guide does not replace legal advice. Written March 2024.

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Welcome

Welcome to Sibs, the UK charity for brothers and sisters of disabled children and adults. Growing up with a brother or sister who has a lifelong disability and/or who is autistic can be a complex and challenging experience. Siblings often juggle multiple responsibilities and rarely receive recognition for their role. We've written this guide specifically with you in mind and we hope that it helps guide you through your questions. The guide assumes that your brother or sister is aged 18 or over, and lives in England, Wales, Scotland or Northern Ireland. If you're reading this, it's likely that you give emotional or practical support to your brother or sister. Siblings are used to coming second (or third, or fourth...) to the needs of another, so make sure that you seek support for yourself too. Go to www.sibs.org.uk/adultsiblings to find out more.

More guides from Sibs

Other guides available in this series include:

- Behaviours that challenge
- Coping with managing care
- Decision-making
- Future planning
- Getting a care needs assessment
- Managing money
- Savings, wills and trusts
- Talking to parents

Download at www.sibs.org.uk/guides

More support from Sibs

You're not alone! Did you know there are over 1.7 million adult siblings in the UK?

- Meet other siblings at a support group www.sibs.org.uk/groups
- Chat with other siblings on our private Facebook community www.sibs.org.uk/sibliffe
- Download our eBook 'Self-care for siblings' www.sibs.org.uk/ebook

SAFEGUARDING

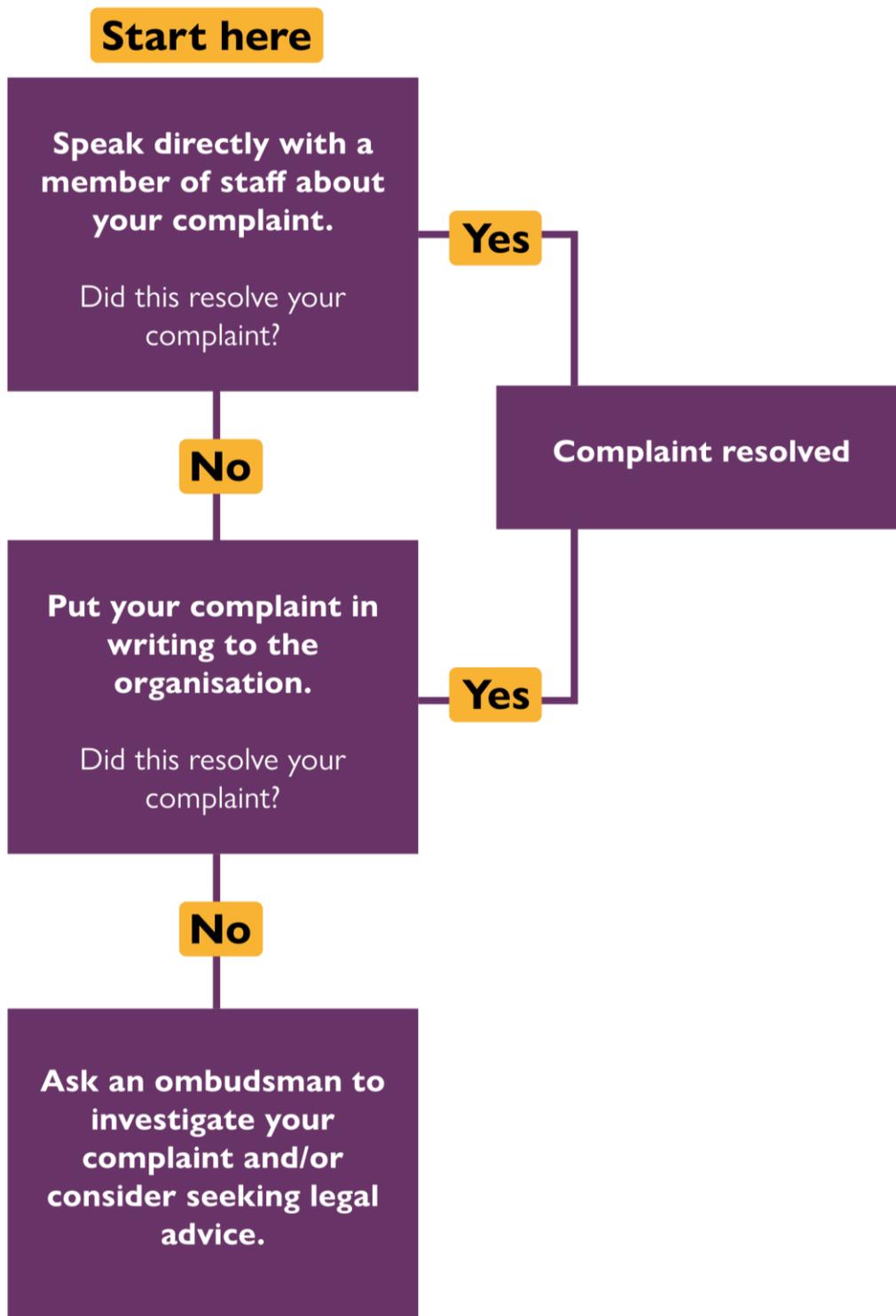
If you are concerned that your disabled brother or sister is experiencing abuse or neglect:

- **If there is immediate danger, report this to the police straight away**
- If there is no immediate danger, report your concerns to the local authority where your brother or sister lives

For more information on taking actions on safeguarding concerns, visit

www.sibs.org.uk/safeguardingadults

How to complain - a flowchart



Speak directly with a member of staff about your complaint

The first step when making a complaint is to try and resolve it informally first. Find the member of staff who is most closely connected with the issue your brother or sister has experienced and speak to them face to face or over the phone.

Don't let somebody tell you that you are not allowed to complain. As a close family member with an active interest in your brother or sister's wellbeing, your opinions on their care should be heard and you have the right to make a complaint. You do not need to be the main carer for your brother or sister to complain.

It can be really upsetting to see your brother or sister receive poor care, unfair treatment or direct discrimination. Many siblings experience this – you are not alone. It can help to talk to others who really understand what you're going through. If you have strong emotions such as anger or sadness around the issue, then talk these over with a trusted friend first. Processing some of these emotions in advance will help you to stay calm when making your complaint.

When you make your complaint, remember to:

1. **Stay calm and speak clearly.** This will help the person to focus on what you are saying. They will be unlikely to listen if you raise your voice.
2. **Stick to the facts.** State what happened and when, as well as the impact this had on your brother or sister. Stick to the issue(s) that you would like resolved.
3. **Be clear about the outcome you would like** e.g. a change in service; an apology; a promise of better care for others in future.

Whilst an issue may feel obvious to you, it may not be obvious to a staff member or service provider. Gently and clearly bringing it to their attention in this way may be all that is needed to improve the situation.

Put your complaint in writing to the organisation

If speaking to someone informally hasn't resolved the issue your brother or sister has experienced, put a formal complaint in writing. Sometimes, just the knowledge that you are planning to make a formal complaint may be enough for a service to change their mind about the issue. Address your letter or email to the complaints manager or head of the service or organisation that either provides the service directly, or the organisation that commissions it, but you cannot complain to both at the same time. For example, a local charity may have been commissioned by the local authority to provide a day care service that your brother or sister attends. You could complain to the charity or the local authority but not at the same time.

Ask the organisation for a copy of their formal complaint's procedure. This should clearly detail who is responsible for investigating complaints, the steps involved and the timescale they must follow. The person making the complaint may also have to observe time limits such as making it within a year of the incident or issue it concerns.

Some large organisations will have a dedicated complaints and complaints service, for example, many NHS trusts have a Patient Advice and Liaison Service (PALS), which offers confidential advice and information on health-related matters and can support individuals making a complaint. In England and Wales, local authorities should have a monitoring officer – a person who is responsible for ensuring that duties are being followed. It can be helpful to make PALS or the monitoring officer aware that you have placed a complaint, in addition to sending your letter directly to the head of service.

Many siblings juggle multiple responsibilities within their lives – for example, caring for their own children as well as their disabled brother or sister – and they may seek help from a support broker to outsource certain care tasks such as making a complaint. A support broker has experience of the health and social care system and can carry out tasks on your behalf, such as making phone calls or writing letters. People may use a support broker on a one-off or continuous basis.

Look for local charities (e.g. specific to your brother or sister's disability) and carers organisations and contact them to ask if they can provide support with your complaint. They may have experience of services specific to your brother or sister's local area or particular level of need and may be able to offer valuable expertise as well as emotional and practical support.

When putting your complaint in writing, remember to:

1. **Stick to the facts.** State what happened, when it happened and what impact this had. Stick to the issue(s) that you would like resolved.
2. **Use unemotional language.** It is OK to say if you are angry or upset about an issue, but don't write long paragraphs about your feelings – it distracts from the issue itself.
3. **Be clear about the outcome you would like** (e.g. a change in service; an apology; a promise of better care for others in future) and keep this clear throughout your complaint.
4. **Include evidence** to support your complaint (if relevant) such as photos and emails, or witness statements.
5. **Ask a friend to read your complaint** before you send it. It's always helpful to have a second opinion – does it read clearly, and does it stick to the point?
6. **Keep a copy** of your complaint and keep records of any responses you receive.
7. **Follow up** your complaint if you do not receive a response from the organisation within the timescale stated in their formal complaint's procedure.

Many aspects of care and support provided to your brother or sister are based on legislation. It may help you to read about the relevant health and care laws and statutory guidance where your brother or sister lives, as they vary in the different UK nations. Knowing what organisations (such as local authorities) 'should' do and 'must' do by law may help you to structure your complaint. [Disability Law Service](#), [Disability Rights UK](#), [Citizens Advice](#) and [Carers UK](#) provide some useful guides around certain laws.

It can also be helpful to find out if other complaints or concerns have been raised about the organisation or service. Each of the UK nations has an independent regulator of health and/or social care. The [Care Quality Commission \(CQC\) England](#), the [Healthcare Inspectorate Wales](#), [Care Inspectorate Scotland](#) and the [Regulation and Quality Improvement Authority in Northern Ireland](#) all publish the findings of inspections online.

What should happen after I send my complaint letter?

Your letter should be acknowledged by the complaints manager or head of the service and information should be given about what they will do next. Keep a note of the date the investigation should be completed so that you can go back to them if they do not stick to the official timescale.

They may ask you for further information and invite you to meet to discuss your complaint.

Taking a friend or supporter with you will help if you feel anxious about this and they can support

you by making notes of what is discussed or helping you to explain your concerns. Take all your original notes and a copy of your complaint with you so you can refer to it during the meeting. Remember to stay calm, stick to the facts and be clear about your preferred outcome. As time may have passed since you made your complaint, let them know if there have been any changes following the situation or incident you originally complained about.

The outcome of the complaint should be put to you in writing and include a description of the complaint, how they investigated it and the decision that was made as a result. At this point you may be satisfied with the outcome and any follow up action to be made. Your complaint will then be closed.

My complaint hasn't been resolved. What else can I do?

It can be devastating when a complaint you have made about your brother or sister's care doesn't get resolved. It can be frustrating and exhausting to put time and energy into advocating for your brother or sister in this way, only to be met with such a poor outcome.

If you have undertaken the formal complaint process for the organisation involved and are unsatisfied with the response, you can complain to the ombudsman. An ombudsman is an impartial organisation, which can investigate the complaints of individuals against public bodies such as local authorities and adult social care services.

There is no charge for the ombudsman service. In order to take your complaint to the ombudsman, you must:

- Have received a final response from the organisation that the complaint is about
- Contact them within 12 months of the incident or issue you complained about

You can also complain to the ombudsman if you have made a formal complaint to the organisation but not received a response at all. The ombudsman states that a response within 12 weeks is reasonable, but some statutory services may allow for longer.

The ombudsman can decide that the organisation was at fault and can make recommendations for how to put things right for your brother or sister as well as make changes to prevent the same thing happening again.

Depending on the nature of your complaint, you may want to seek legal advice to identify whether the organisation or service provider has broken the law. A judicial review can be undertaken to consider the lawfulness of a decision or action made by a public body. It cannot, however, consider whether the decision was right or not, only whether the correct procedures were followed.

You may be able to access free legal advice through a local [Law Centre](#). In some cases, having legal representation changes the outcome of a complaint. In other cases, it does not. We advise siblings to think about their own needs and to consider how much time and energy they can put into enlisting legal support before they begin. If you do decide to go ahead with seeking legal representation, remember to:

1. Find a solicitor who has experience of the health, social or education laws that are relevant to the issue around your brother or sister's care. You can search for a solicitor via the Law Society website.
2. When you view a solicitor's website, look for examples of their work in this area and read case studies. Solicitors have different areas of expertise, and it is important to get someone who has the appropriate experience from the outset.
3. Your brother or sister may be eligible for legal aid. If they do not have the mental capacity to instruct a solicitor, you may be able to act as a 'litigation friend' to do this on their behalf. A solicitor should be able to discuss this with you.
4. If legal aid or a free service through an organisation such as a Law Centre is not available, consider how you would pay the solicitor – ask about their fees and all the expected costs, as they can quickly add up throughout the process.
5. When you discuss your complaint with the solicitor remember to stick to the facts (what happened, when it happened and what impact this had) and the outcome you would like for yourself and your brother or sister.
6. Look after yourself. If you are significantly distressed at seeing your brother or sister experience the issue you have made a complaint about, it's important that you seek professional help. Read our advice on how to find a counsellor at www.sibs.org.uk/findacounsellor

Find out more

Disability Rights UK

<https://www.disabilityrightsuk.org/>

Disability Law Service

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

Citizens Advice

<https://www.citizensadvice.org.uk/>

Carers UK

<https://www.carersuk.org/>

Law Centres Network

<https://www.lawcentres.org.uk>

NHS Complaints

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

NHS Complaints advocacy

www.voiceability.org/support-and-help/making-a-complaint-about-your-care

A guide to support brokerage

<https://www.disabilityrightsuk.org/resources/short-guide-brokerage-and-role-brokers-relation-social-care>

Taking action on safeguarding concerns

<https://www.sibs.org.uk/safeguardingadults>

How to find a counsellor

<https://www.sibs.org.uk/findacounsellor>

England

Care Act 2014

<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>

Care Quality Commission (CQC) - independent regulator of health and social care

<https://www.cqc.org.uk>

Local Government & Social Care Ombudsman – for complaints about local councils and adult social care providers

<http://www.lgo.org.uk/>

Parliamentary and Health Service Ombudsman – for complaints about the NHS

<https://www.ombudsman.org.uk/>

Healthwatch - Useful guide to making a complaint about NHS and social care services in England.

<https://www.healthwatch.co.uk/help-make-complaint>

Legal aid

<https://www.gov.uk/legal-aid>

The Law Society – find a solicitor

<https://solicitors.lawsociety.org.uk/>

Scotland

Public Bodies (Joint Working) Act 2014

<http://www.legislation.gov.uk/asp/2014/9/contents/enacted>

Carers (Scotland) Act 2016

<http://www.legislation.gov.uk/asp/2016/9/contents>

Care information Scotland

<http://www.careinfoscotland.scot/>

Care Inspectorate Scotland

<https://www.careinspectorate.com>

The Law Society – find a solicitor

<https://www.lawscot.org.uk/find-a-solicitor/>

Legal aid

<https://www.mygov.scot/legal-aid>

Scottish Public Services Ombudsman – for complaints about public services, including local councils and the NHS

<https://www.spsso.org.uk/>

Wales

Social Services and Wellbeing Act 2014

<http://www.legislation.gov.uk/anaw/2014/4/contents>

Healthcare Inspectorate Wales - independent inspectorate and regulator of healthcare in Wales.

<https://www.hiw.org.uk>

Legal aid

<https://www.gov.uk/legal-aid>

The Law Society – find a solicitor

<http://solicitors.lawsociety.org.uk/>

Public Services Ombudsman for Wales – for complaints about public services and independent care providers

<https://www.ombudsman.wales/>

Northern Ireland

Law Centre - more information on the several laws which underpin community care in Northern Ireland and free, independent, legal advice

<http://www.lawcentreni.org>

Legal Aid

<https://www.justice-ni.gov.uk/topics/legal-aid>

Northern Ireland Public Services Ombudsman

<https://nipso.org.uk/>

Patient and Client Council Northern Ireland – provides advocacy if you have a concern about any part of Health and Social Care.

<https://pcc-ni.net>

Regulation and Quality Improvement Authority – independent body responsible for inspecting health and social services in NI

<https://www.rqia.org.uk>

The Law Society of Northern Ireland – find a solicitor

<https://www.lawsoc-ni.org/solicitors>

Next steps

What two actions will you take this month as a result of reading this guide?

1.
2.

Feedback

We would love to hear what you thought of this guide. Drop us a line at info@sibs.org.uk

About Sibs

Sibs is the only UK charity representing the needs of siblings of disabled people. There are over half a million young siblings and at least 1.7 million adult siblings in the UK, who have grown up with a disabled brother or sister. Sibs aims to enhance the lives of siblings by providing them with information and support, and by influencing service provision throughout the UK.

Being a sibling can be a complex and challenging experience. You are not alone. Visit our website, follow us on social media, and sign up to our mailing.

Website www.sibs.org.uk

X [Sibs_uk](#)

Email info@sibs.org.uk

Facebook [SibsCharity](#)

Tel 01535 645453

LinkedIn [company/sibs_2](#)

Mailing list sibs.org.uk/subscribe

Instagram [SibsCharity_uk](#)

Sibs relies on donations and grants to support siblings. If this guide has helped you, please consider [making a donation](#) or become a [Friend of Sibs](#).