



What to do if your disabled brother or sister doesn't receive the care that they should

A brief guide to **making a complaint** for adult siblings of people with lifelong learning disability and/or autism

Sibs is the UK charity for brothers and sisters of disabled children and adults
Registered charity number 1145200. Limited company number 7834303.

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SAFEGUARDING

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

1. If there is immediate danger, report this to the police straight away
2. 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

<https://www.sibs.org.uk/support-for-adult-siblings/safeguarding-concerns/>

What's in this guide about making a complaint?

This guide is for adult siblings of someone with a lifelong learning disability and/or autism. It briefly explains how siblings can make a complaint to an organisation (such as a local authority or NHS trust) about their brother or sister's care.

Things to think about before you begin your complaint

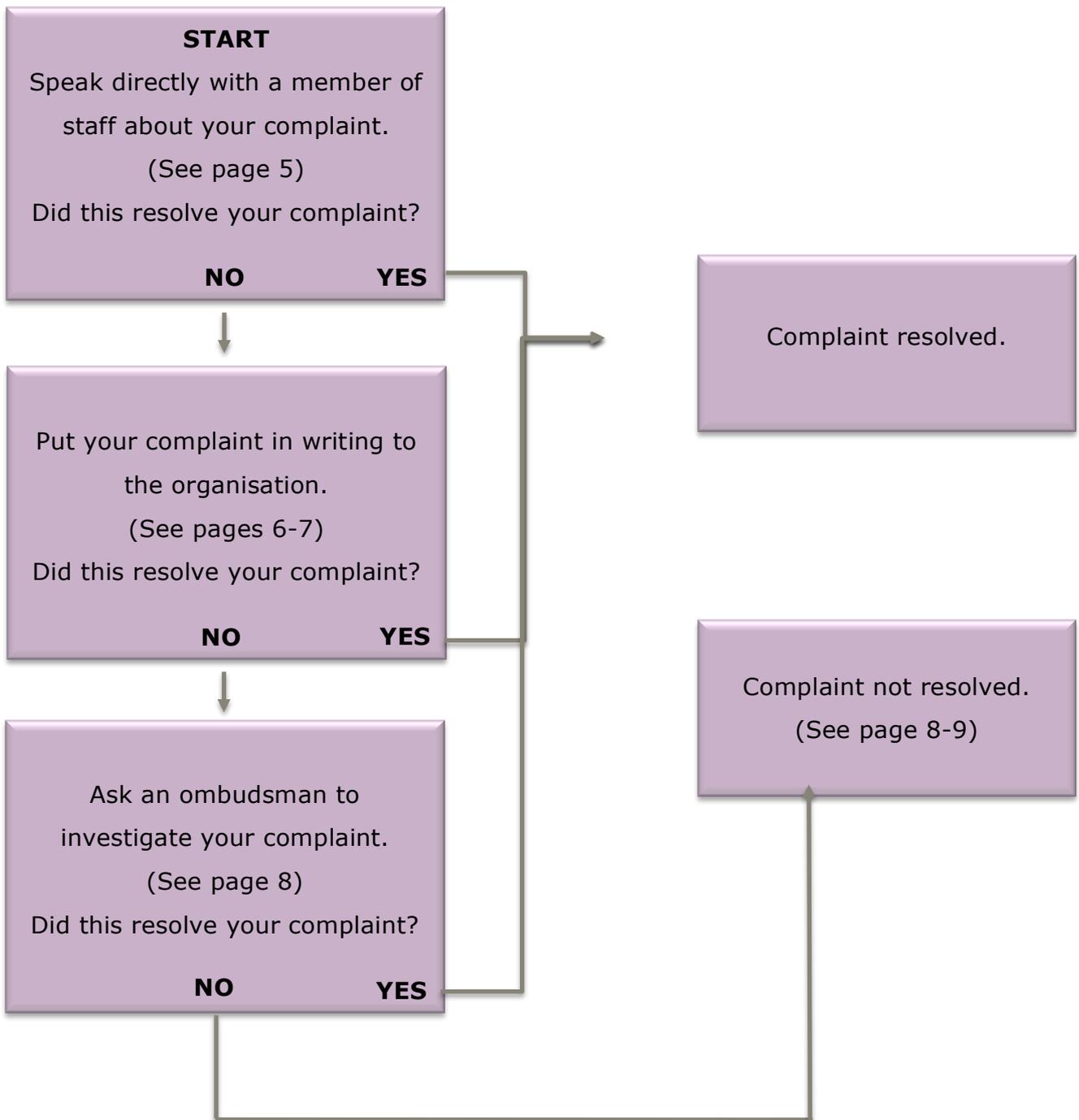
1. What you want to achieve by complaining (e.g. a change in service; an apology; a promise of better care for others in future)? Keep this clear throughout your complaint.
2. What time, energy and resources you have to spend on this complaint (e.g. time around your other commitments such as family and work; emotional energy spent discussing a potentially very upsetting situation; money spent on phone calls, postage, parking fees and support for yourself)?
3. Who can support you with this (e.g. friends and family; local carers associations and citizens advice; a support broker)? Visit the links at the end of this document.

Considering these things in advance can help you to look after yourself during the process of making a complaint, and achieve a better outcome for you and your disabled brother or sister.

Being a sibling can be a complex and challenging experience. You are not alone – visit www.sibs.org.uk to meet other siblings at a support group or become a volunteer support group facilitator yourself.

The information in this guide was accurate at the time of writing - March 2018.

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. You do not need to be the main carer for your brother or sister in order 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. Visit www.sibs.org.uk to meet other siblings at a support group or become a volunteer support group facilitator yourself.

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, when it happened and what impact this had. 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 has not 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.

Ask the organisation for a copy of their formal complaints procedure. The organisation will have a duty to respond in line with this, for example, within a certain number of days. Some large organisations will have a dedicated complaints and complaints service, for example, many NHS trusts have a Patient Advice and Liaison Service (PALS), who are there to support individuals making a complaint and listen to them directly. Alternatively, address your letter or email to the head of the service or organisation.

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. Visit the links at the end of this document for more information on support brokerage.

Look for local charities (e.g. specific to your brother or sister's disability) and carers organisations and contact them to ask if anyone has had experience making a similar complaint before. 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 moral and practical support.

When putting your complaint into 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 do not 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.
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 complaints 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 where your brother or sister lives, as they vary in the different UK countries. 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 - visit the links at the end of this document for more information.

Ask an ombudsman to investigate your complaint

If you are unhappy with the response following the formal complaint, you can take the issue to an ombudsman.

An ombudsman is an impartial organisation, which can investigate the complaints of individuals against organisations, such as local authorities and NHS trusts. An ombudsman will usually only become involved with a complaint after you have received a final response from the organisation that the complaint is against.

Visit the links at the end of this document for more information.

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 does not 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.

Some siblings think about getting legal advice at this stage. 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 sisters care. You can search for a solicitor via the Law Society website – visit the links at the end of this document.
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 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.

If you are significantly distressed at seeing your brother or sister experience the issue you have made a complaint about, it is important that you seek professional help. Go to your GP and ask to be referred for counselling or find a local therapist privately – visit the links at the end of this document.

Further reading on making a complaint

Disability Law Service

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

Disability Rights UK

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

Citizens Advice

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

Carers UK

www.carersuk.org

A guide to support brokerage

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

National brokerage network

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

NHS complaints advocacy

<http://nhscomplaintsadvocacy.org/>

Directory of private therapists and counsellors

<https://www.bacp.co.uk/>

Taking action on safeguarding concerns

<https://www.sibs.org.uk/support-for-adult-siblings/safeguarding-concerns/>

England

Care Act 2014

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

Local Government Ombudsman – for complaints about local councils

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

Parliamentary and Health Ombudsman – for complaints about NHS services

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

Wales

Social Services and Wellbeing Act 2014

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

Public Services Ombudsman for Wales

<http://www.ombudsman-wales.org.uk/>

The Law Society – find a solicitor (Wales and England)

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

Legal aid (Wales and England)

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

Scotland

Public Bodies (Joint Working) Act 2014

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

Scottish Public Service Ombudsman – for complaints about local councils and NHS services

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

Care information Scotland

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

The Law Society – find a solicitor

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

Legal aid

<https://www.slab.org.uk/public/civil/eligibility/>

Northern Ireland

More information on the laws which underpin community care in Northern Ireland

<http://www.lawcentreni.org/EoR/community-care/introduction-to-community-care.html#Framework>

Northern Ireland Ombudsman

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

The Law Society – find a solicitor

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

Legal aid

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

Next steps in supporting yourself and your disabled brother or sister

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

1.
2.

Further support

Being a sibling can be a complex and challenging experience. You are not alone – visit www.sibs.org.uk for more information, to talk to someone about sibling issues, or to meet other adult siblings at a support group.

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.

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Twitter [Sibs_uk](#) Facebook [SibsCharity](#)

Sibs relies on donations and grants to support siblings – please consider making a donation through our website.