

# Complaining about the Care Quality Commission

## About the Care Quality Commission

The Care Quality Commission (CQC) is the independent regulator of health care and adult social care services in England. We also protect the interests of people whose rights are restricted under the Mental Health Act.

Whether services are provided by the NHS, local authorities, private companies or voluntary organisations, we make sure you get better care.

### We do this by:

- ▶ putting people first and standing up for their rights
- ▶ acting quickly to stop bad practice
- ▶ gathering and using knowledge and expertise, and working with others.

When we use the term 'social care', in the booklet, we mean adult social care for people of 18 years or more.

When we use the terms 'care provider' and 'provider', we mean organisations or individuals who provide health care or social care services that we regulate. These services may be in the public sector – for example, NHS services – or in the private sector.

## **Introduction**

We welcome your comments and suggestions about how well we are doing our job. We value your feedback and use it to develop and improve our work, and how our staff carry out their roles.

This booklet explains what to do if you think we have got something wrong and want to complain to us. It also explains how we will handle your complaint.



# Our standards of service

**If you complain to us, we will:**

- ▶ be polite and helpful
- ▶ deal with your complaint fairly and efficiently
- ▶ tell you how we are getting on with your complaint
- ▶ admit any mistakes we have made and put matters right whenever possible, and
- ▶ try to help you to find the right organisation to talk to if we cannot deal with your complaint.

## Complaints we can deal with

We **can** deal with complaints about how we carry out our work, including complaints about members of our staff or people working for us.

### This includes:

- ▶ something that we may have done, or should have done
- ▶ how well we have carried out our work as the regulator of health care and adult social care, and
- ▶ how we have treated you.

## Complaints we cannot deal with

We **cannot** deal with complaints about:

- ▶ changes to the law, government standards or guidance which we have no direct control over (please contact your Member of Parliament in this instance)
- ▶ something we are already investigating or taking action over (see opposite), and
- ▶ providers of health care or social care services that are registered with us (see opposite).

## Complaints when we are already taking action

If we are already taking action over what you are complaining about, we cannot look into your case until we have finished doing this. Examples of actions that could be under way are:

- ▶ an action by us against a care provider to make them improve their services
- ▶ an action by us to protect a child or vulnerable person
- ▶ an investigation by us to help protect adults
- ▶ a Care Standards tribunal, or
- ▶ a criminal investigation by the police.

We will tell you if we cannot deal with your complaint immediately because we are already taking action on the same matter.

## Complaints about providers registered with us

As the regulator, we are responsible for checking that every care provider that is registered with us meets important standards of quality and safety. However, the duties that we've been given by Parliament do not include dealing with individual complaints about providers' services.

We have published a separate leaflet and a web page that explains how to complain about a care provider. It explains the different procedures you need to follow, depending on whether you are complaining about health care or social care and who is providing it.

For more information, visit our website at **[www.cqc.org.uk](http://www.cqc.org.uk)**.

## Who can complain about us?

### We will deal with your complaint if:

- ▶ you have been directly affected by something we have done, or not done, while carrying out our work, or
- ▶ you represent a local authority or a provider of health care or social care – in either the public or private sector – that has been directly affected by something we have done, or not done, while carrying out our work.

If these definitions do not apply to you and we decide that we cannot deal with your complaint, we will explain our reason promptly and efficiently.

If you are not satisfied with our explanation, you can ask the Parliamentary and Health Service Ombudsman to look into your complaint (see page 12).

## Complaints from children and young people

We do not regulate social care services for children and young people, as Ofsted does this. However, we have a special duty to look after the rights and welfare of children when they use the services that we do regulate. This includes dealing with any complaints they have about the following services:

- ▶ agencies that provide care in the home
- ▶ nurse agencies
- ▶ hospitals
- ▶ primary care trusts
- ▶ specialist further education colleges registered as care homes, and
- ▶ some rehabilitation services.

## How to complain about us

We handle complaints in two stages.

### Stage 1

#### Making your complaint

We recommend that first of all you talk to the person you have been dealing with at CQC, as they will often be the best person to sort out your complaint. If you feel you cannot do this, or if you have tried and not been successful, you should contact our national contact centre by phone, letter or email, using the contact details on the back cover of this booklet.

If you would like help to complain, please tell us. And, if you agree, another person or organisation can make the complaint for you.

We will acknowledge your complaint within three working days and tell you who will be dealing with it.

We will discuss with you how we will handle your complaint and whether we need more information to help with our enquiries. We may offer to meet you to discuss your complaint.

Once we fully understand what you are complaining about, and what you would like to see happen, we try to reply in writing within 15 working days. We will tell you everything

we have done, or plan to do, to put things right. If we cannot reply within that time, we will tell you about the delay and explain the reason for it.

We sort out most complaints at this stage. But if you are not happy with the result, you can ask us to formally review how we dealt with your complaint and the decision we reached (stage 2).

## Stage 2

### Asking us to look at how we dealt with your complaint

If you want to ask for a formal review of how we handled your complaint, please contact our complaints review service using the contact details on the back cover of this booklet. Please explain why you are not happy with our reply after stage 1 and what you would like to see happen. You must ask for the review within 20 working days of receiving our decision, unless there are very unusual circumstances.

We will acknowledge your request within three working days. A member of our complaints review service will then look at all the information about your complaint and check that we have dealt with it properly.

This person will either write to you about your complaint or arrange for another member of our staff to look into it further. In some cases, they may arrange for an investigator who does not work for us to look into your complaint

further. If there is a better way to sort out the matter, they will discuss this with you.

We try to finish a stage 2 investigation within 30 working days. During this time, we will tell you how we are getting on with your complaint. If we need longer than 30 days to deal with it, we will tell you why and agree more time with you.

When we have finished looking into your complaint, we will send a report to the relevant director within CQC. They will:

- ▶ decide how we should respond to our findings
- ▶ tell you what we have done or plan to do, and
- ▶ send you a copy of the report.

## The Parliamentary and Health Service Ombudsman

You can refer your complaint to the Parliamentary and Health Service Ombudsman at any time. The ombudsman may encourage you to go through our two-stage procedure before they look into your complaint.

If you want to refer your complaint to the ombudsman, you must do so through a Member of Parliament. To find out how, visit the Ombudsman's website at **[www.ombudsman.org.uk](http://www.ombudsman.org.uk)** or ring their helpline on **0345 015 4033**.

## Recording complaints

We keep a record of all the complaints about us so that we can:

- ▶ monitor the types of problems people have
- ▶ decide the best way to sort the problems out, and
- ▶ look at how long we are taking to deal with them.

This helps us to improve our customer service.

## Data protection and freedom of information

We will handle your information in line with the law.

The Data Protection Act 1998 gives you the right to see some of the information that we hold about you, such as letters or emails. Under the Freedom of Information Act 2000, you can also see other information, such as our policies and procedures.

If you are not satisfied with the way we respond if you ask for information, you should contact our information access team by emailing **information.access@cqc.org.uk** or by calling our national contact centre (see the back cover of this booklet). If you are still not happy with the way we have dealt with your request, you can complain to the Information Commissioner (see page 14 for contact details).

## Useful contacts

### ▶ Parliamentary and Health Service Ombudsman

Millbank Tower  
Millbank  
London  
SW1P 4QP

Phone: 0345 015 4033

Email: [phso.enquiries@ombudsman.org.uk](mailto:phso.enquiries@ombudsman.org.uk)

Website: [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

### ▶ Information Commissioner's Office

Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

Phone: 08456 30 60 60

Website: [www.ico.gov.uk](http://www.ico.gov.uk)

▶ **Ofsted**

Royal Exchange Buildings  
St Ann's Square  
Manchester  
M2 7LA

Phone: 08456 40 40 40

Email: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

Website: [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

▶ **Local Government Ombudsman**

PO Box 4771  
Coventry  
CV4 0EH

Phone: 0300 061 0614

Fax: 024 7682 0001

Website: [www.lgo.org.uk](http://www.lgo.org.uk)

▶ **Department of Health**

Customer Service Centre  
Richmond House  
79 Whitehall  
London  
SW1A 2NS

Phone: 020 7210 4850

Website: [www.dh.gov.uk](http://www.dh.gov.uk)

## **CQC National Contact Centre**

CQC National Correspondence

Citygate

Gallowgate

Newcastle upon Tyne

NE1 4PA

Phone: 03000 616161

Email: [enquiries@cqc.org.uk](mailto:enquiries@cqc.org.uk)

Website: [www.cqc.org.uk](http://www.cqc.org.uk)

For enquiries about stage 2 complaints only:

## **CQC Complaints Review Service**

Finsbury Tower

103-105 Bunhill Row

London

EC1Y 8TG

Phone: 03000 616161

Email: [cqc.complaints@cqc.org.uk](mailto:cqc.complaints@cqc.org.uk)

Please contact us if you would like to receive this publication in other formats or languages. If you need help to make a complaint, we can arrange for an interpreter, translator or signer to support you.

