

Easy Read

Equality and
Human Rights
Commission

Challenging adult social care decisions in England and Wales

What we found out



This document was written by the **Equality and Human Rights Commission**. It is an easy read version of our inquiry into challenging adult social care decisions in England and Wales.

February 2023

How to use this document



This is an easy read document. But you may still need support to read it. Ask someone you know to help you.



Words in **bold blue writing** may be hard to understand. They have been explained in a box below the word.

Where the document says **we**, this means the **Equality and Human Rights Commission**. For more information check our:

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Introduction



Equality and
Human Rights
Commission

We are the **Equality and Human Rights Commission**.



It is our job to make sure **equality** and **human rights** ideas and laws are followed in England, Scotland, and Wales.



In July 2021 we started an **inquiry**.

An **inquiry** is a formal investigation. We gathered information to find out what was going on.



We looked at how:

- older people
- disabled adults
- and unpaid carers

can challenge their local councils' decisions about social care and support.



We looked at local councils in England and Wales.



Your local council has a duty to promote:

- equality
- human rights
- your wellbeing



Your local council should think about your views and wishes when making decisions.



You have the right to challenge the decisions your local council makes about social care.



Social care is under a lot of pressure. There is less money and more people who need support.



And COVID-19 has made problems worse.



Some people have said that local councils are offering less care and support now. And are not always meeting people's needs.

What we did



We gathered information from:

- people who have already challenged a decision about social care
- and from people who want to challenge a decision.



We did a survey with 153 local authorities.



We heard from 332 adults who use social care. And their carers and people who support them.



We interviewed 41 people and carers who use social care or want to use social care.



We also heard from social care staff. Like **advocates**, older and disabled people's organisations, and legal experts.



An **advocate** is a person with special training who can speak up for you. And make sure your views and wishes are listened to.



We looked at research and policy papers.



And we checked complaints reports from some local authorities to see what they learnt.

What we found out



We learnt that there are some very common complaints – a lot of people have had the same problem.



They wanted to challenge a decision about their care or support.

A lot of people challenged decisions because:



- They feel their views and wishes were not listened to.



- Some health conditions and disabilities that are not visible, or that can sometimes be worse and sometimes be better, are not thought about as much.



- The local authority started to provide less care or support. Even when a person's needs had not changed.



- They found it hard to pay for the care and support the council said they had to pay for.

Information



People are not given information about how to challenge decisions in a clear and easy to understand way.



It is hard to find information that is easy to understand.

Complaints processes



The way you complain is different across different local councils. Especially in England.



This can be confusing. And it means that people are dealt with differently depending where they live.



People told us that making a complaint is difficult and stressful.



It can be hard for people to follow a complaints process when they do not understand the law.



And when their feelings are involved. For example, they may feel stressed, angry or upset about their complaint which makes things harder.



It takes a long time to make a complaint. We heard about some complaints that had taken 2 years to solve.



People are not given the information they need about how to challenge a decision. And they are scared that if they complain, their care may be affected or they may lose their care.



Some people are worried that their local council does not have an independent way of dealing with complaints.



This means having someone who is not managed or controlled by the council dealing with complaints. So people find it harder to trust the complaints process.



Local councils can improve things if they collect information about:

- how many complaints they get
- the reasons for the complaints
- and any trends or common reasons for complaints.



But local councils are not collecting and using this information often enough. So they cannot understand common problems and how to improve things.



Some processes for how people can make complaints and challenge decisions are not good enough.



This means some people are not getting help. People feel ignored and like they have no choice and control.

What needs to change



Local councils are under pressure, but they must still protect the rights of people.

We have some suggestions for how things can improve in England and Wales:



- Local councils must improve their information. It must be easy to find, use and understand for everyone.



- Local councils must make it clear how people can complain. And they must support people to make a complaint.



- Local councils should collect information to understand common problems. And use it to improve their services.

Local Government &
Social Care
OMBUDSMAN



- The UK Government must give the **Local Government and Social Care Ombudsman** the powers to oversee adult social care complaints. And to set standards for complaints processes in England and Wales



- The UK Government should give the Local Government and Social Care Ombudsman the power to start investigations on their own when there are problems.



- The Welsh Government should improve their guidance for local councils on how to meet their duties under the law.



- Other organisations that check adult social care should use their powers. For example, the Care Quality Commission and the Care Inspectorate Wales.

Find out more



You can read our full report and all our suggestions on [our website](#).



This report is not in easy read.