

## Twelve tips for using letters to set out a case and ensure there is a paper trail

At whatever level you work – as a member of staff or as a manager - there will be occasions where it is important that you set out your views, proposals or concerns in writing.

Letters have a number of advantages over phone calls or conversations but they should not be a substitute for them. A good letter can be:

- a positive way to clarify issues and make progress when there are problems.
- an audit trail confirming you did raise issues and confirming the response (or lack of it) you got.
- circulated – by you or others – without your being embarrassed about its contents.

Here are a few suggestions that you may find helpful:

1. **Always try first to raise the issues that you want to raise face to face.** This may not always be possible, but if you can sort out a problem informally then that is generally better. If you do so, make sure there is something in writing confirming what has been agreed – either a letter to you or from you.
2. **Always do a rough draft first, and if possible show it to someone you trust before sending it.** Never send a letter in anger, sleep on it overnight! Don't just rely on Microsoft spell check to check your spelling, grammar and punctuation! Print off your letter and read it carefully. If in doubt, get a good friend to read it for you as well. Correct spelling, grammar and punctuation are essential.
3. **Always use an understated tone.** Assume your letter will be read by others and that it may surface in other contexts – in a supervision session, in a team meeting, as evidence in a grievance, or even in court. Speak softly, even if you carry a big stick.
4. **Asking questions is often much better than making assertions.** So, asking for clarification as to why a decision has been made (or not made), may be much better than denouncing the decision, especially as you can always make a further response –which may draw attention to any failure to credibly explain why a decision has been taken (or not taken).
5. **If you make an assertion, be sure it is correct.** If there are qualifications to what you state, qualify your statements in the letter rather than be put on the defensive by their absence. For example, it is generally better to say "it is widely believed" that "I know" unless you are absolutely certain, and can reveal your source.

6. **If you have evidence to back up your claims, then make sure you refer to it even if you don't include it all in the letter.** If you do have evidence use your judgement and training to determine how sound the evidence is, whether it can be relied upon, how it might be challenged and whether it does actually support or prove your case. Be extremely careful about service users' confidentiality.
7. **If you quote someone else in support of what you say, be sure they will support you if things get tough.** Make sure they know you are referring to them and that they are happy with what you say. There is nothing worse than a "witness" letting you down.
8. **Get the length and layout of the letter right.** Too short and it can sound rude or abrupt. Too long and it may not get read or the points you want to make may get lost. Think carefully about your layout use short paragraphs and sentences. Where appropriate use numbered paragraphs. Make clear what you hope your reply will elicit by way of reply.
9. **Emails are generally better than letters.** You can be sure they have arrived and you always have a copy. It is also easier to copy them to other people where that is appropriate. This is true even though the letter may be an attached Word document rather than something written in the body of an email itself
10. **Think carefully about who you are sending it to.** If your concern is a matter which should be raised in the first instance with your line manager, don't send it to the Director. The manager will feel undermined and the Director will tell you to discuss it with your own manager first. On the other hand if your concern is an employer-wide one (such as lack of resources, or unlawful policy) then it may sometimes be appropriate to send it further afield, but if so tell your manager that is what you are doing. Remember that generally the lower down the management chain issues can be sorted, the better and quicker it will be. Clearly, if the letter is complaining about your manager it may well not be appropriate to send it to him or her, especially if there is any element of bullying or harassment by them involved.
11. **Think carefully about who you are copying it to.** If you are raising a matter fairly informally with your own line manager, don't copy it to all your mates unless you are sure you want them all to know, and you don't mind your manager knowing that is what you have done. It is not a smart idea to claim a letter is private and confidential and then be confronted with evidence that it is circulating to all and sundry. On the other hand there will be circumstances where you will want your manager to know it has been copied to others – such as your union representative, team members and so on. If you are not sure take advice before you send it, not after.
12. **Above all, make sure your letter is clear about the points you wish to make and what you want to achieve by sending it.** There

is nothing worse than a long and rambling letter which gives even a sympathetic recipient no idea what you want them to do.

If you are writing to make **positive proposals**, then it is important that your letter makes clear what you are writing about, and what you are suggesting should be done.

If you are writing to **raise concerns** in accordance with the Code of Practice then the letter should refer to the relevant parts of the Code.

If you are writing letters to commence a **grievance or a formal complaint** then you should take advice. The first letter needs to set out very clearly what the complaint is and what action you are seeking in response.

A letter from a **trade union or health and safety representative** should follow similar guidelines but be especially aware that it should be written in the knowledge it is likely to be shared with members. If union reps or full time officials are writing to management on their behalf, then members should normally know what is being said unless there are exceptional reasons (such as confidential matters about an individual member of staff). In such circumstances the authors should make it clear that they are writing in that capacity.

**The following draft letters are suggested formats which should be adapted to local circumstances. Always date them, set out a clear subject heading, and say who you have copied them to.**

## **Sample pro forma letters**

**These are suggested formats which should be adapted to local circumstances.**

## **1. Individual letter raising concerns about the impact of excessive workloads**

Date

Dear (Manager)

### **The impact of my workload**

I am writing, following our last supervision session, to draw your attention to concerns regarding the impact on both myself and service users of my current workloads I face. At that meeting I indicated that as preparation for our next meeting I would set out my concerns. I believe I may not be the only person in this situation within our team/home/area.

The letter is written in accordance with the General Social Care Council for Social Care Workers Code of Practice Para 3.4. which requires me to bring "*to the attention of your employer or the appropriate authority resource or operational difficulties that might get in the way of the delivery of safe care*" and in the knowledge that the Local Authority has its own responsibilities under the Employers Code of Practice Para 2.3.

The concerns arise from the following facts:

1. List the important facts in respect of your own hours, stress/health, etc.
2. List the impact on the work you do or need to do to meet service needs in a safe manner, and on your ability to do the work that needs doing. Where possible give dates, statistics, references from local and national policies or standards and caseload and workload management data.

As a result of these concerns, I am writing to formally record my concerns about the impact on the work I am responsible for, and upon my own ability to ensure I always comply with the Code of Practice and my duty of care. I do so in accordance with Para 6.1. of the Code of Practice which requires me to be able meet "*relevant standards of practice and (work) in a lawful safe and effective way*".

As a result I would appreciate our discussing this in a comprehensive manner at our next supervision meeting to consider how this situation can be addressed in a manner that enables myself and those with whom I work most closely to work safely in everyone's interest.

I would appreciate a written response to this letter as soon as possible after our supervision meeting.

Yours sincerely

## **2. Letter from a social worker about skill mix and delegation**

Date

Dear

### **The allocation of work to social care staff who are not registered social workers**

I write to raise concerns regarding the delegation of work within my caseload. I believe similar concerns may be shared by some of my social worker colleagues.

My concerns are that it is not always clear that, in the arrangements for delegating work, the support worker has the necessary skills and knowledge required to carry out the work safely without further training or closer supervision and support. In particular:

#### 1. List concerns)

Given my own heavy workload, as discussed at our last supervision session on (date), it is not possible for me to give the level of supervision and support that it would be appropriate to provide to these staff. Nor am I always clear that the work delegated falls easily into established protocols and job descriptions within the authority. The members of staff (names) to whom this work has been delegated are committed members of staff but I understand some of these colleagues may themselves be uneasy about these new responsibilities.

I note that in accordance with Para 6.6. of the GSCC Code of Conduct that those staff delegating work

*"remain responsible for the work that you have delegated to other workers."*

I am obliged by the Code of Practice to draw your attention to these concerns as I believe that were it to continue there is a risk in the future that, despite the commitment of my colleagues,

*"the practice of colleagues may be unsafe or adversely affecting standards of care." (Para 3.5.)*

I would therefore appreciate an early additional supervision meeting to discuss my concerns so we may discuss how best to address them.

Yours sincerely

### **3. Letter from a manager to her own manager drawing attention to concerns raised with him/her**

Date

Dear

#### **Concerns regarding (name them)**

I write to draw your attention to concerns which have been raised within my (team, home, area) regarding (name the issue).

The issues were first raised with me by (name) at our last supervision session on (date). I then met (name) again on (date) to clarify precisely what the concerns were and to see how best they could be addressed.

I attach my note of that meeting and the original letter from (name). I also attach my initial response, which seeks to address some of the concerns but also promises to respond further on the outstanding issues.

I am concerned that the outstanding matters raise issues which impinge on the duty of care which the Local Authority and I have to service users and to the staff I manage. In particular I would draw your attention to:

1. Summarise issues of concern)

In respect of these issues I am aware that we are required to respond positively to the concerns raised in accordance with our responsibilities as an employer to comply with the GSCC Code of Practice for Employers of Social Care Workers, in particular Para 2.3. which requires the Local Authority to have:

*"systems in place to report inadequate resources or operational difficulties which might impede the delivery of safe care and working with (social care workers) and relevant authorities to address these issues."*

The members of staff in the (team, home, area), whilst appreciative of the fact that I have met with him/her/them and listened to their concerns, has/have made it plain that he/she/they intend to pursue these matters until the risks he/she/they believe have been identified are addressed.

I should add that I believe I may personally be at risk of being in breach of my own Code of Practice (Para 3.4.) if I do not respond fully to these concerns since the Code requires me to bring:

*"to the attention of (your employer) or the appropriate authority resource or operational difficulties that might get in the way of the delivery of safe care."*

I would appreciate our discussing this correspondence at our next supervision meeting (or earlier if that is not imminent) so that we may

tackle these matters now rather than await a potential grievance and a continuing potential risk.

Yours sincerely

#### **4. Collective letter raising concerns about the impact of the current assessment criteria and thresholds on the provision of services**

Date

Dear (manager)

##### **Assessment criteria and thresholds**

We are writing to seek clarification about the combined impact of the council's assessment criteria and eligibility thresholds. In particular we are concerned that the current financial pressures on the service may be leading managers to inappropriately question assessments done by social workers. Should that happen it could risk staff allowing budgetary pressures to not only influence what consequences flow from a particular assessment, but to significantly influence the assessment process itself.

We are aware of concerns expressed by both the CSCI as the CQC's predecessor, by and the second Laming report of 2009, concerning the influence of budgetary pressures on assessments, and a number of staff have been approached by service users or their carers querying decisions made on this basis. Some have made formal complaints.

We are aware of our responsibilities under Para 3.7 of the GSCC Code of Practice to help

*"service users and carers to make complaints, taking complaints seriously and responding to them or passing them onto the appropriate person".*

We believe that a number of the complaints made relate to real needs that should have been appropriately assessed and addressed, but may not have not been.

We have informed the service users and carers that we will be forwarding the complaints to you to seek clarity. In many cases we share their concerns. Since this is an Authority wide issue, which a number of staff have raised individually at supervision sessions, we believe it would be appropriate to have a meeting at Director level to share our concerns and alert you to the complaints received. If it is possible, we would also appreciate the opportunity to share our concerns with the lead council member for Adult Social Services since we believe the Local Authority's budgetary decisions may be placing your (and their) following statutory duty at risk:

*"delivering services to relevant national and local standards, including monitoring the resource levels for adults' social services needed to maintain standards."*

We are copying this letter to our trade union representatives.

Yours sincerely

## **5. Letter from a social worker about excessive stress levels.**

Date

Dear

### **Stress levels at (location)**

I/we write to raise concerns regarding the high levels of stress at the (name location). I/we believe similar concerns exist amongst our colleagues.

In particular I/we wish to draw to your attention the following:

1. List concerns e.g. sickness, ill health, backlog of work due to workloads, impact of bullying or unsupportive management, or challenging residents or relatives or carers).

As a result of these pressures I believe that I/we may be at risk of breaching Para 5.7. of the GSCC Code of Practice which requires me/us to

*"not put yourself or other people at unnecessary risk".*

I/we also note that we may also be at risk of breaching Section 7.a. of the Health and Safety at Work etc Act which states:

*"It shall be the duty of every employee while at work to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work".*

I/we believe that the high stress levels are placing our health at risk, and are likely to adversely affect our ability to provide the best possible support to (the residents at location/ our caseload etc).

I understand that notwithstanding the sympathy expressed for my/our situation, there is apparently no immediate likelihood of the additional staff cover that is the most important measure needed to reduce stress levels.

I have been advised by our safety representative that the appropriate step to take would therefore be to request an urgent risk assessment, using the HSE Management Standards, which cover key areas of work design that, if not properly managed, are associated with poor health and well-being, lower productivity and increased sickness absence.

The safety representative will therefore be requesting such an assessment which we hope will alleviate the stress levels, ensure the Authority's observes its duty of care to staff, and thereby also assist those we are responsible for.

Yours sincerely

Cc Union safety representative

## **6. Pro forma letter if no effective supervision in place**

Date

Dear (manager)

### **Provision of effective and supportive professional supervision**

I am writing to request that, in accordance with the Authority's supervision policy, and as required by the GSCC Code of Practice for Employers of Social Care Workers Para 3. I have access to regular, time protected, professional supervision.

The Authority's supervision policy states (quote, stating all social workers must have regular professional supervision).

Government policy, independent inquiries, research and the collective bodies for social care employers have all made clear the importance of such supervision to those who use services, and to those like myself who provide them.

Whilst I appreciate the workload pressures that both of us are under, I am writing to request that, in accordance with good practice and the Authority's procedure, we meet formally to ensure regular, planned, time protected supervision takes place which can provide the support I need, give time for reflection on my practice, provide an opportunity to discuss professional judgements and workload pressures, consider Authority policy and draw your attention to any concerns I may have. Such meetings will also provide a positive opportunity for you to discuss my work, help develop my skills, and respond to any concerns I may raise.

I would appreciate it therefore if you would confirm an early date at which we can agree an agenda and commence these supervision meetings in accordance with Authority policy.

Yours sincerely

## **7. Letter from a trade union representative seeking information and assurances regarding consultation on service changes arising from contracting out of (adult services)**

Date

Dear

### **Consultation on proposed service changes**

I/we are writing to seek clarification arising from the proposed changes to (name of adult service) which have just been announced.

Social care staff working in (name of service) have a number of concerns about the published changes. My/our purpose in writing to you at this stage is to seek assurances that the following will take place prior to any final decision to proceed with the proposed changes:

1. The Authority will ensure there is proper consultation with staff and their recognised trade unions on such matters as is provided for in the recognition agreement and in the TUPE Regulations.
2. The Authority will consult service users at a time and in a manner that allows them to influence any final decision on the proposed service changes and the process of contracting.
3. You will conduct and publish an impact assessment on the proposed changes, prior to finalisation of any proposal, in accordance with your statutory equality duties since the proposed changes will almost certainly impact in specific ways on the services and advice provided to service users with disabilities, from ethnic minorities and who are women. The proposed changes may well also affect particular groups of staff in a disproportionate manner. In conducting that impact assessment please clarify how you will consult as is required with both users and staff from particular groups as is required by your statutory equality duties under the Disability Discrimination Act 2005, the Race Relations (Amendment) Act 2000 and the Equality Act 2006.

As social care staff our members will be alerting users and their appropriate representative organisations to the potential impact on local services they use in accordance with Para 3.1 of the GSCC Code of Practice which requires social care staff to assist with:

*"promoting the independence of service users and assisting them to exercise their rights".*

Government policy both in statute and in policy frameworks emphasises the importance of service users in determining provision, though practice often falls short of policy. As you will know the statutory guidance on the role of Directors of Adult Services (Para 25) states the Director:

*"shall also be made responsible for ensuring appropriate involvement of, and consultation with, service users, their families, carers and the wider community in the planning, design and provision of adult social care services and for considering how accessible services are to services users, their families, carers and the wider community."*

I/we would appreciate it, therefore, if you could clarify who will be consulted, in what way, and when, in accordance with the above consultation requirements. I/we would also appreciate by return of email a copy of the documents which sets out:

1. Precisely what is proposed
2. The evidence that this will either improve services or not adversely affect them
3. The considerations that have taken place with regard to the impact of these proposals on staff compliance with the GSCC Code of Practice and their duty of care
4. The arrangements currently proposed to consult staff and service users

For the avoidance of doubt this a request made both for the purposes of collective bargaining under Section 181 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA) and under the provisions of the Freedom of Information Act

Yours sincerely

Cc All social care staff affected by the proposals

Relevant service users and carers organisations

Regional official trade union