

## Fact Sheet 6

# Having Your Say

### Complaints

You have the right to make comments and complaints about all care services. If you can, it is a good idea to talk in the first instance to the person directly responsible for delivering the service you want to complain about e.g. a day centre manager, charge nurse etc. Usually problems can be resolved quickly in this way. But you might feel more comfortable taking your complaint straight to a complaints officer. Either way, it is a good idea to take some time to think about the problem and consider any evidence that you can use to back up your complaint. This might involve writing problems down as they occur so that you have a record of exactly what has gone wrong and how often it has happened.

### Comments and Complaints about Council Services

East Lothian Council has a Feedback Policy which invites comments and complaints. They state that your rights to services from the council and to fair and courteous treatment will not be affected if you make a complaint.

Comments and complaints can be submitted by phone, letter or a pre-printed card available from all council offices. In every council department, there is a Feedback Co-ordinator who is responsible for monitoring complaints and making sure that they are dealt with properly. They can also give you confidential advice and assistance about making a complaint. If your complaint is about social work services, ask to speak to their complaints officer.

### Comments and Complaints about NHS Services

The NHS complaints system is run on a "local resolution" basis. This means that you must first make your complaint to the manager of the service you are unhappy with. If the matter

cannot be resolved at this level, you will need to go through the formal complaints procedure. All health services i.e. hospital or health centre, have their own complaints officer. To find contact details of all of the complaints officers in Lothian and for useful advice, get a copy of the leaflet "Making a Complaint about the NHS". It is available from hospitals and health centres or from the NHS Lothian website – [www.nhslothian.scot.nhs.uk](http://www.nhslothian.scot.nhs.uk).

### The Mental Welfare Commission for Scotland

The Mental Welfare Commission for Scotland is an independent organisation set up by Parliament to protect the welfare of people with mental health problems, learning disabilities and dementia.

The Commission regularly carries out both announced and unannounced visits to hospitals and other places where people with mental health problems are being cared for. They also investigate any cases where it appears that someone with a mental disorder is not being cared for properly or is being ill-treated or detained improperly.

The Commission is keen to hear from service users and carers regarding their experiences of using services and they can also offer advice and information regarding mental health provision. Their services are free and confidential.

The Mental Welfare Commission for Scotland  
K Floor  
Argyle House  
3 Lady Lawson Street  
Edinburgh  
EH3 9SH  
Tel: 0131 222 6111  
[www.mwscot.org.uk](http://www.mwscot.org.uk)

## **The Public Guardian**

The Office of the Public Guardian was set up under the Adults with Incapacity (Scotland) Act 2000. This Act aims to protect the welfare, property and finances of adults who cannot take all or some decisions for themselves due to mental disorder or inability to communicate by any means. It allows carers and other people to make decisions on behalf of these adults, subject to safeguards. The Public Guardian keeps a register of the people who can make decisions on behalf of a person protected under the Act and can investigate cases where decisions may have been made improperly.

If you want to plan ahead for a time when the person you care for can no longer make decisions for themselves or if this is already the case, you will need to apply for “power of attorney” or “guardianship” respectively.

For more information, contact your local social work office. The Scottish Executive website, [www.scotland.gov.uk/justice/incapacity/](http://www.scotland.gov.uk/justice/incapacity/) has a lot of information on it. You can also contact the Public Guardian directly at:

The Office of the Public Guardian  
Hadrian House  
Callendar Business Park  
Falkirk  
FK1 1XR  
Tel: 01324 678300

## **The Care Commission**

The Care Commission was set up under the Regulation of Care (Scotland) Act 2001. Its aim is to improve the quality of care services in Scotland. The Care Commission registers and inspects care services such as care homes for older people, day services for older or disabled adults, services for offenders and childcare services etc. They do not register or inspect services provided by the NHS. The Care Commission has published care standards for each of the different types of care and these are used when assessing care services. You can buy copies of the standards or download them free from the Care Commission website. The Care Commission can give you a lot of help when complaining about care services.

Their local office is:

The Care Commission (South East Region)  
Stuart House  
Eskmills  
Musselburgh  
EH21 7PB  
Tel: 0131 653 4100  
[www.carecommission.com](http://www.carecommission.com)

## **Advocacy**

Sometimes it is difficult to assert your rights when you or the person you care for are in contact with services. It can be good to have support from someone who is not directly involved in the service but who can understand your point of view.

Professionals or volunteers who can help you in this way are called advocates. Advocates can help you with things like writing letters or can write letters on your behalf. They might also attend meetings with you. In a meeting, you might want them to speak on your behalf or you might just want them to make sure that the meeting is run properly and that you get a chance to state your point of view. An advocacy project specifically for carers has been set up by VOCAL – Voice of Carers Across Lothian.

VOCAL  
Carers Advocacy Project  
8 Johnston Terrace  
Edinburgh  
EH1 2PW  
Tel: 0131 622 7625  
[www.vocal.org.uk](http://www.vocal.org.uk)

EARS is a free and independent advocacy service to older people who have been assessed as ready to move on from hospital but are having to wait for suitable accommodation. They make sure that older people's wishes and opinions are listened to and acted upon.

They are based in Edinburgh but they have a member of staff who works with older people in East Lothian.

EARS  
9B Bonnington Road Lane  
Ashley Place  
Edinburgh  
EH6 5BJ  
Tel: 0131 467 2222

CAPS (Consultation and Advocacy Promotion Service) is an independent voluntary organisation for people who use mental health services or who have used them in the past. CAPS helps people to speak up for their rights and to have a say in how services are provided.

CAPS  
The Drying House  
Eskmills Park  
Station Road  
Musselburgh  
EH21 7PQ  
Tel: 0131 665 9698

### **The Public Service Ombudsman**

If you are not satisfied with the outcome of a complaint, you can contact the Public Service Ombudsman who can investigate complaints about services provided by the council, the NHS or any private services arranged by them. You need to go through the relevant organisation's complaints procedure before you can make a complaint to the Public Service Ombudsman.

The Public Service Ombudsman  
23 Walker Street  
Edinburgh  
EH3 7HX  
Tel: 0870 011 5378

### **Consultation**

As a carer, you may be consulted about the community care services you have contact with or any services that you would like to see in place. Your views are important and could help to improve current and future services.

In order to inform people about community care services, a Community Care Plan has to be produced by each local authority. Currently, Community Care Plans cover a three-year period and are used by Social Work, Health and Housing agencies. Representatives from the voluntary sector, people who use services and carers can contribute to the Community Care Plan through the Community Care Planning Groups which meet monthly to discuss developments.

If you would like a copy of the Community Care Plan contact:

The Public Information Officer  
East Lothian Council  
Social Work and Housing Department  
9-11 Lodge Street  
Haddington EH41 3DX  
Tel: 01620 827199

If you would like to find out more about the Community Care Planning Groups or you have an issue that you would like a member to present on your behalf, please contact:

Carers of East Lothian  
149 North High Street  
Musselburgh  
EH21 6AN  
Tel: 0131 665 0135

### **The Community Care Forum**

The East Lothian Community Care Forum is an independent organisation set up to represent the views and interests of local people who use community care services. It works in partnership with East Lothian Council and the East Lothian Community Health Partnership. The Forum has representation on all the community care planning groups where decisions about service provision are made. It consults with people who use services and their carers through discussion groups, surveys, attending local meetings and Forum meetings.

Your opinions and ideas as a user of community care services or as a carer are very important and you would be made very welcome at any of the Forum's regular meetings. You can also become a member of East Lothian Community Care Forum and receive newsletters and other information on developments in community care. Membership is free.

To find out more, please contact:

East Lothian Community Care Forum  
c/o Tynepark House  
Poldrate  
Haddington  
East Lothian  
EH41 4DA  
Tel: 01620 822212

### **Carers' Groups**

Joining a carers' group, or getting involved in starting a new one, can be a good start in having your say on local community care issues. The information you gain from listening to other carers' situations might be of help to you personally and it will certainly give you a wider understanding of community care issues. Talking to other carers can also help you to feel more confident about attending and participating in meetings in general. For information about carers' groups in your area, contact Carers of East Lothian (details as before).