



Complaints

- what to do if you're not happy with a service

Introduction	1
Before you make a complaint	2
Help with making your complaint	2
How to make a complaint direct to an organisation	2
If you're not satisfied with the response to your complaint	3
Complaining about Alzheimer Scotland ..	3
Complaining about care services or care homes	3
What services are covered?	3
Local authority complaints procedures.....	4
The Care Commission	4
How soon do I need to complain?	4
The Care Commission's complaints procedure	4
Complaints about NHS services	5
What is covered?	5
What is not covered?	5
Can I complain on someone else's behalf?	5
How soon do I need to complain?	5
How to complain – local resolution.....	5
Scottish Public Service Ombudsman	6
When can the Ombudsman deal with a case? ..	6
How do I appeal to the Ombudsman?.....	7
What doesn't the SPSO deal with?	7
Problems with the property or finances of someone with dementia	7
Further contact details	7

Introduction

This information sheet is for people with dementia and for carers of people with dementia who may be considering complaining about a service that they have used. It is intended to be for reference – most people won't need to read it all the way through, as

you're unlikely to need to complain about every service you use!

There are many reasons why you might want to complain about a service, or about the way you or the person you care for has been treated. It might be that someone has done something wrong, or acted unfairly or rudely. It might be that somebody has failed to do something they should. It might be that the service you are using is of a poor standard.

Whatever your reason, it's a good idea to make your concerns known. Complaints can not only help to solve your own problem – improve the service you or the person you care for is getting – but also help the service provider not to make the same mistakes again, and to improve their service.

It's often best to speak directly to the person you want to complain about, or to the service they represent. They may be unaware that they or their staff are acting in a way that is causing difficulties. Often if you speak to them informally they may be able to sort out the problem for you quickly. Or you can make a formal complaint direct to the service.

You might not feel able to complain directly to the people involved. Perhaps their behaviour has made you too uncomfortable, or you are afraid that your complaint will affect the way they treat you or the person you care for. You may also feel that your complaint is too serious to be dealt with by the service involved. In this case, there are several

organisations set up to oversee different types of services, and you can approach them with your complaint.

Before you make a complaint

Before you approach a service with your complaint, you should think about exactly what your complaint is, and what outcome you want.

Do you want a change in the way the service operates, so that what has happened will not happen again, to you or to someone else? Perhaps you would like to have the service provided by a different person. Perhaps you feel you are not getting all the services you need. Do you want an apology from the person or service involved? Do you want action to be taken against a specific person?

The result you want might affect the way you need to complain.

Before you make your complaint, you should make sure you have all the information you need to explain yourself clearly. Write down the dates of any incidents, and the names of the people involved.

Help with making your complaint

If you need help with making your complaint, there are a several organisations who can help you prepare a written complaint, or go with you to talk to the people involved. These organisations can provide advocacy for people with dementia and carers, to enable them to prepare and present what they want to say as clearly as possible. Someone from an advocacy service might come to a meeting with you, and perhaps speak for you if you don't want to speak yourself.

Call the Dementia Helpline on 0808 808 3000 to find an advocacy service near you. The Citizen's Advice Bureau may also help (address in the phone book), or see their website: www.cas.org.uk.

Of course, you can always ask family and friends to help you, and you can usually bring a representative with you to meetings for support.

How to make a complaint direct to an organisation

Many services have a complaints officer, and any member of staff should be able to tell you who that is. If they don't have a complaints officer, ask who you should complain to instead. That person should be able to give you details of the complaints procedure, which will tell you things like whether you need to complain in writing, and how long you will have to wait for a response.

Make sure that the member of staff you speak to is actually employed by the service that you want to complain about. Often, care services and care homes employ agency staff, and they may not know about procedures or pass your complaint on to the right person.

Sometimes, you will not need to complain in writing – you can visit the complaints officer in person, or telephone them. However you approach them, you should expect the person you have complained to respond, usually in writing, within a few days or a week. This response will usually just acknowledge your complaint, and give you more information about the procedure the organisation intends to follow in responding to it. It should also tell you when you will be contacted again, and how long it should take to resolve your complaint.

For most people, the initial complaint is all that's needed to resolve the problem. Services are usually keen to sort out any problems, and want to do their job well. They should take action to address your complaint, check that what they have done is satisfactory for you, and, usually, make a written record of the whole process, a copy of which should be given to you.

If you're not satisfied with the response to your complaint

If your complaint isn't dealt with to your satisfaction, you can either make an appeal to the same organisation, or complain to a body which oversees the service in question.

If you choose to appeal to the same organisation, they will often have a mechanism for dealing with appeals about complaint resolution. Often, they will provide information about what to do next when they tell you the result of their investigation into your complaint. If they don't, ask them what kind of appeal procedure they have.

If you approach a different body with your complaint, make sure you give them all the details of how your first complaint was handled. Some of these organisations, like the Care Commission and the Mental Welfare Commission, have powers to investigate the same kinds of complaints. If you're not sure which organisation is most suitable, just ask their staff, and they will tell you who is best suited to handle your complaint.

Complaining about Alzheimer Scotland

Anyone who is currently using our services, is planning to use our services, or who is no longer using our services can make a complaint. You can also complain if you are directly affected by someone using our services.

Often the quickest way to deal with something you're unhappy about is to talk informally to the staff member or service involved. If that doesn't work, or you don't feel comfortable about doing this, you can make a formal complaint.

A formal complaint should be made in writing to the Regional Manager where the service is based or to the appropriate National Office Manager. The relevant names and addresses are listed in our leaflet *Do you have a*

comment, suggestion or complaint? Available from your local service or via the Dementia Helpline on 0808 808 3000.

We will write to acknowledge your complaint within 5 working days, and send you our full Complaints Procedure document. After that, we will investigate your complaint and contact you to tell you the outcome, and any further action you can take.

Depending on what your complaint is about, there are other organisations you can complain to. You can do this as well as complaining to us, or instead.

If you are complaining about the Dementia Helpline, you can speak informally to the Helpline Manager, or follow the procedure above. If your complaint is not resolved locally, you may complain to the Telephone Helplines Association, 4th Floor, 9 Marshalsea Road, Borough, London SE1 1EP; telephone 020 7089 6321 or 0845 120 3767; email: info@helplines.org.uk

If you are complaining about our local services, such as day care or home support services, you can complain to your local authority social work department, or to the Care Commission (see below).

Complaining about care services or care homes

What services are covered?

If the service is provided by your local authority's social work department, or is provided by another organisation but funded by the social work department, you can use the local authority's complaints procedure.

If you have been paying for a service from a private or voluntary organisation yourself, the local authority cannot deal with complaints about it through its normal complaints procedure. However, if they placed the person with dementia with the service, or if they pay

for other people to use the service, they might support you in your complaint.

You should first consider complaining to the service itself, then to the organisation or company providing the service. If you don't want to do that, or the outcome is not satisfactory, you can complain to the Care Commission (see below).

Local authority complaints procedures

Complaints procedures differ from one local authority to another. Some authorities have only one complaints procedure for all the services they provide, while others have a specific procedure for social work services. If you telephone your local social work department, they will tell you what you need to do to make a complaint, and who to contact, and should send you further information if you need it.

The Care Commission

Whether a service is provided through a local authority, a voluntary organisation or privately, it will be regulated by the Care Commission. The Commission inspects care services, and creates and enforces standards for different types of care services, including those provided by Alzheimer Scotland. They publish care standards for different types of care, including *Care at home*, *Care homes for older people* and *Short breaks and respite care services*. It might be useful for you to look at these published standards to see what a service should be doing.

You can get a copy of the National Care Standards for care homes for older people free from the Scottish Executive website (www.scotland.gov.uk/Topics/Health/care/17652/9328) or from Blackwell's Bookshop, 53 South Bridge, Edinburgh EH1 1YS (0131 622 8283). The Standards are also available through your public library.

Details of the Care Commission's complaints procedure are available from:

Care Commission
Compass House
11 Riverside Drive
Dundee
DD1 4NY
Phone: 0845 603 0890 (lo-call)
Fax: 01382 207289
www.carecommission.com

To use the Care Commission's complaints procedure, you don't need to have complained directly to the service itself first, though they are likely to encourage you to do that. If you make a complaint through the Commission, you can request that the service is not told who has made the complaint. However, it is not normally possible to complain to the Commission anonymously – that is, without telling them your name.

How soon do I need to complain?

The Care Commission will not investigate complaints more than 12 months after the incident you are complaining about, other than in exceptional circumstances.

The Care Commission's complaints procedure

If you are happy to raise your complaint direct with the service provider, the Care Commission will not investigate further unless you report that the matter has not been resolved to your satisfaction. If you do decide to complain to the Care Commission, their complaints procedure involves four stages.

The first stage (Level 1) involves the Complaints Resolution Officer (CRO) who will talk to you about your concerns, try to clarify the outcome you are looking for, and try to resolve the complaint informally without needing to visit the care service or holding formal interviews. This stage will be completed in no more than three working days of your complaint being recorded.

If the matter is not resolved at Level 1, the complaint will move to the next stage. The CRO will allocate a Complaint Investigation Officer (CIO) to investigate your complaint and conduct formal interviews with you and the care provider. The CIO then prepares an investigation report which is passed to the CRO within 28 working days, unless you have agreed a longer timescale. You should be sent a letter telling you what the outcome of the investigation was, and what action will be taken.

If your complaint is not resolved at Level 1 or 2, the next two levels involve review by a senior manager or by a Review Committee.

Complaints about NHS services

What is covered?

The NHS complaints procedure deals with complaints about any service provided by the NHS, for example hospital treatment, GPs, community psychiatric nurses, dental treatment, opticians and pharmacists.

What is not covered?

The NHS cannot deal with complaints about medical treatment paid for privately. These can be made to the organisation providing care, the General Medical Council (GMC) or another professional body (see below), or the Mental Welfare Commission.

NHS complaints procedures can't deal with any complaints about which you are taking legal action, or which require investigation by a professional disciplinary body, like the GMC for doctors. This applies to complaints about a medical professional's ability to do their job, or where they are accused of misconduct. If the complaints officer thinks that this is the case, they should advise you to contact the professional body, and tell you how. You can also complain direct to the GMC, without going through the NHS procedures. The GMC also deals with complaints about doctors in private

practice.

Can I complain on someone else's behalf?

Normally, the patient him or herself will make the complaint. You can complain on behalf of someone else, if you have their permission or you have a welfare power of attorney or a welfare guardianship order which gives you the power to make a complaint about health care. If the person with dementia is "incapable" – unable to understand enough to give their permission – you do need to be a person with a "reasonable interest" in the person's care. Rarely, the complaints officer might decide that you do not have a "reasonable interest", and will nominate someone else to deal with the complaint on behalf of the person with dementia. However, this will not normally happen when the person complaining is a relative or carer.

How soon do I need to complain?

Normally, the NHS will only consider complaints made within 6 months of the incident you're complaining about. However, if it took you some time to realise that you had something to complain about, you can make a complaint within 6 months of the time you realised, as long as this doesn't mean you make your complaint more than 12 months after the original incident. The staff member you complain to can extend these time limits if they think it would have been "unreasonable" for you to complain earlier, and you can appeal if you think the time limit should have been extended, but wasn't. You can also complain to the Scottish Public Services Ombudsman about a decision by the NHS not to accept your complaint because it was outwith the time limit. See page 7 for contact details for the Ombudsman.

How to complain – local resolution

The NHS complaints system is based on "local resolution", which means that you must first complain to the organisation (GP's surgery or

hospital, for example) that you are complaining about. You are encouraged to speak informally to somebody close to the source of your complaint, for example a doctor, nurse or receptionist. If you don't want to do this, every NHS organisation and primary care services practitioner (GP surgery, dentist and so on) must have a designated complaints officer. Any member of staff should be able to tell you who that is. If the complaints officer is someone involved in your care, or you do not feel comfortable complaining direct to the person or organisation involved, contact the complaints officer at your local NHS Board (contact details will be in the phone book under Health Services).

If you need some help with making your complaint, the NHS Board will provide you with details of local sources of support, information and advice. Your local Citizens Advice Bureau (address in the phone book or see their website: www.cas.org.uk) should also be able to help.

Once you have complained, you should receive a letter acknowledging your complaint from the complaints officer of the NHS body concerned within three working days of the date on which you made the complaint. The letter should tell you what action will be taken to look into your complaint, offer you the chance to speak to a member of staff about the complaint, give you information about independent advice and support, and information about conciliation if this might be helpful. An independent conciliator can try to help you and the person or body you have complained about come to an agreement about what should happen to resolve the complaint.

You should then receive a full response within 20 working days of the complaint being received (or within 10 working days if the complaint is about a GP surgery, NHS dental surgery, NHS optician or pharmacy). If this is not possible, they should inform you of what

progress has been made, and when they expect to resolve your complaint.

If your complaint is about NHS 24 or the Golden Jubilee National Hospital, you should speak first to the person who was dealing with you. If you'd rather not do so, contact the complaints officer at either of those organisations. (See **Further contact details** at the end of this information sheet).

If your complaint is about the Scottish Ambulance Service, contact their headquarters. If your complaint is about the State Hospital, Carstairs you should complain to the complaints officer there. See **Further contact details** below.

Scottish Public Service Ombudsman

If you have been through the complaints procedure of the NHS or a local authority, but you still feel your complaint has not been settled, you can take your complaint to the Scottish Public Service Ombudsman (SPSO). The Ombudsman has taken over the duties of the Mental Welfare Commission and the Health Service Commissioner in dealing with complaints.

When can the Ombudsman deal with a case?

The SPSO can deal with complaints about the NHS, and about services provided by local authorities. They can also deal with complaints about private or voluntary sector services if you had those services paid for by the NHS or your local authority. The rules are much the same as for those organisations' complaints procedures; for example, if the complaint could be taken to court or a tribunal, the SPSO cannot deal with it.

The SPSO will only look at your complaint if you have already been through the complaints procedure at a local level – either the NHS local resolution procedure, or your local authority's complaints procedure. The SPSO

does not have to investigate your complaint if they don't think it is justified.

How do I appeal to the Ombudsman?

The SPSO normally expects you to put your complaint in writing, and to provide proof that you have already used the appropriate local complaints procedure – usually, letters to and from the authority concerned.

Scottish Public Services Ombudsman
Freepost EH641
Edinburgh EH3 0BR
Tel: 0800 377 7330
Fax: 0800 377 7331
Text message: 07900 494 372
Email: ask@spsos.org.uk
Web: www.spsos.org.uk

What doesn't the SPSO deal with?

The only part of the Mental Welfare Commission's former complaints role that the SPSO has not taken over is dealing with complaints from people who feel they have been wrongly detained under mental health legislation. These should be directed to the Mental Welfare Commission.

Mental Welfare Commission for Scotland
Thistle House
91 Haymarket Terrace
Edinburgh, EH12 5HE
Tel: 0131 313 8777
User and carer advice line: 0800 389 6809
Fax: 0131 313 8778
Email: enquiries@mwscot.org.uk
Website: www.mwscot.org.uk

Problems with the property or finances of someone with dementia

Sometimes, people with dementia who are unable to manage their finances or property have made someone they know able to make their decisions in this area for them (a "power of attorney"). People can also apply to have access to the bank account of someone with

dementia in order to pay their bills ("Access to Funds"), and can do this with evidence that the person with dementia cannot manage their own finances, even if they don't have the person's permission.

If you feel that a person with these powers is not exercising them in an appropriate way – perhaps he or she is acting fraudulently, or not in the best interests of the person with dementia – you can complain to the Office of the Public Guardian, which holds records of everyone who has these powers, and is in charge of supervising them.

The Public Guardian also holds records of welfare attorneys – people who have been nominated to look after the welfare of a person with dementia when they become unable to do so themselves – but complaints about welfare attorneys should be directed to the complaints department of the local authority social services department, and appeals should be made to the Mental Welfare Commission (see above).

The Office of the Public Guardian
Hadrian House
Callendar Business Park
Callendar Road
Falkirk
FK1 1XR
Tel: 01324 678 300
Fax: 01324 678 301
E-mail: opg@scotcourts.gov.uk
Website: www.publicguardian-scotland.gov.uk

Further contact details

Patient/Customer Relations Department
NHS 24
Caledonia House
Cardonald Park
Glasgow
G51 4ED
Tel: 0141 337 4501

Complaints – what to do if you're not happy with a service

Complaints Officer
Golden Jubilee National Hospital
Beardmore Street
Clydebank
G81 4HX
Tel 0141 951 5000

Complaints Officer
The State Hospital
Carstairs
Lanark
ML11 8RP
Tel: 01555 840293

Corporate Affairs Manager
Scottish Ambulance Service
National Headquarters
Tipperlinn Road
Edinburgh
EH10 UU
Tel: 0131 446 7000



Alzheimer Scotland

22 Drumsheugh Gardens, Edinburgh EH3
7RN

Telephone: 0131 243 1453

Fax: 0131 243 1450

Email: alzheimer@alzscot.org

Alzheimer Scotland - Action on Dementia is a company limited by guarantee, registered in Scotland 149069. Registered Office: 22 Drumsheugh Gardens, Edinburgh EH3 7RN. It is recognised as a charity by the Office of the Scottish Charity Regulator, no. SC022315.

Find us on the internet at
www.alzscot.org