



Know Your Rights Workshop
Useful information and contacts

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What are my rights?

Self-directed support and your rights:

- You have the right to an assessment to determine if you are eligible for self-directed support. Your local authority has a legal duty to provide you with an assessment.
- You have the right to have as much involvement as you want in your assessment and when planning your support.
- You have the right to have someone support you throughout the assessment. This could be a friend, family member or someone from an advocacy or support organisation.
- If you are found eligible you have the right to know how much money you have to spend to buy support.
- If you are found eligible you have the right to choose how your self-directed support money is managed.

Personal Independence Payment and your rights:

- You have a right to get help to fill out the form
- You have the right to ask the DWP for an extension if you do not have time before it is due back
- Any existing documents you want to use can be taken into account for the assessment (e.g. prescription lists, medical letters, care plans)
- You have the right to take someone to the face to face assessment with you
- If you are not happy with the decision you have the right to ask the DWP to reconsider, you have 28 days to do this by

Please note that due to the Covid-19 pandemic all PIP assessments are taking place either by phone or video call. You still have a right to ask for a 3rd party to be present during your assessment.

What is the difference between benefits and self-directed support?

Often people get confused about the difference between the benefits that they receive from the Department of Work and Pensions (DWP) and the money and services known as self-directed support they receive from their local authority or support provider. This is not surprising as both systems can be very confusing to navigate without the right support and advice.

Benefits are money that is administered by Department of Work and Pensions and paid from UK Government funds. They are to cover the cost of living and include:

- Universal Credit
- Attendance Allowance
- Carers Allowance
- Disability Living Allowance (DLA)*
- Personal Independence Payment (PIP)**

All these benefits, apart from DLA and PIP are based on your financial circumstances.

**For adults, DLA is being phased out and replaced by PIP*

*** PIP will be replaced by Adult Disability Payment from 2022*

Self-directed support, sometimes known as social care, is administered and paid by your local authority. Self directed support is to cover the cost of your support needs. These might include:

- Personal care
- Support to manage daily living, getting out and about
- Accessing community and social activities
- Respite and short breaks

Self-directed support is not based on your financial circumstances. However, some local authorities have a charging policy and might expect you to make a financial contribution towards the cost of your support. The amount of your contribution is calculated by adding up your income from your benefits, savings and wages and then applying your local authorities charging policy. Although the benefits you receive from the DWP may mean that you have to contribute an amount towards the cost of your support, your self directed support budget **will**

not affect the amount of benefits that you receive. In Scotland the personal care element of support is free to everyone.

About LCiL

Our Background

Lothian Centre for Inclusive Living (LCiL) is a user-led not-for-profit organisation. We work with disabled people regardless of their impairments, people with long-term conditions and older people, parents and carers. We support people in East Lothian, Midlothian, Edinburgh and West Lothian.

Our Aims

Provide a range of services to support Independent Living, developed and managed by and for disabled people.

Support the right for disabled people to live independently and take control of their own lives.

Provide the opportunity for disabled people to further their own personal and professional development.

Challenge the attitudes, and the physical and social barriers that create disability

LCiL can help you with all aspects of Self-Directed Support (SDS), including:

- Preparing for an SDS assessment.
- Providing independent information on all the SDS options available to people in receipt of care/support.
- Helping to organise and manage your support according to the choices you make, for example:
 - to use a particular service provider
 - to use an agency
 - to recruit and employ Personal Assistants (including help with recruitment, contracting, managing all aspects of payroll, managing Direct Payments (DP) finances)

Models of disability

There are two ways of looking at disability – **the medical model** and **the social model**.



The medical model says that the person is the problem

In this model, disability is understood as an **individual problem**. If somebody has impairment – a visual, mobility, or hearing impairment, for example – their inability to see, walk, or hear is understood as **their disability**.

The social model says that society is the problem

In this model disability is understood as a **social problem** – the disadvantage or restriction of activity caused by the way society takes little or no account of people who have impairments and **prevents them gaining equal access** to education, employment, information, housing, public transport, leisure opportunities and so on.



The medical model of disability

The medical model is best summarised using the International Classification of Impairments, Disabilities and Handicaps developed by the World Health Organisation in 1980. This classification makes the following distinctions:

Impairment: 'any loss or abnormality of psychological, physiological or anatomical structure or function'

Disability: 'any restriction or lack (resulting from an impairment) of ability to perform an activity in the manner or within the range considered normal for a human being'

Examples

- I may be a wheelchair user. My disability is regarded as being related to the facts, for instance, that I cannot climb the stairs in my house or walk to the shops.

- I may be partially-sighted. My disability is regarded as being related to the fact, for instance, that I cannot read information in 'standard' size print.
- I may be brain injured. My disability is regarded as being related to the fact, for instance, that I cannot speak as quickly as other people.

From a medical model viewpoint, the societies we live in are just fine so long as the majority of people who don't have significant impairments (identified as 'normal') are able to go about their daily business. It is people who have impairments (identified as 'abnormal') who are identified as being the problem.

This is also why disabled people often experience pressures to undergo treatment or therapy in order to be made 'more normal'. Normality is highly valued and abnormality is thought of as being undesirable.

The medical model can be summed up as:

Impairment – my problem

Disability – my problem

The social model of disability

During the 1960s and 1970s disabled people started to challenge the way that they were treated and regarded in society. They considered having to live in residential institutions, being unable to find paid work or being unable to go on public transport as social injustice.

They looked at the way society was organised and they recognised the ways structures of education, employment, the provision of housing, information, leisure activities, and public transport systems were planned and delivered without taking the needs of people with impairments into account.

The Union of the Physically Impaired Against Segregation (UPIAS) developed their own definitions of impairment and disability which formed the basis of what is known as **the social model**.

The social model was later extended to include people with impairments other than physical impairments. In 1981 the Disabled People's International (DPI) made the following distinctions:

Impairment is the loss or limitation of physical, mental or sensory function on a long-term or permanent basis

Disability is the loss or limitation of opportunities to take part in the normal life of the community on an equal level with others due to physical and social barriers

We are disabled by society because of the inaccessible environments we live in, and by the judgments and assumptions that other people make about us.

When people identify disability as 'our problem' they will respond to us as victims in need of 'special' treatment and requiring 'special' services.

When people identify disability as a problem with the way society is organised, they will work to remove barriers that prevent us from taking part in society.

The social model can be summed up as:

Impairment – part of me

Disability – society's problem

Using the social model all disabled people have a right to be part of society.

The rights of independent living

Independent Living in Scotland (ILiS) is a project that supports the progression of disabled people's human rights. Their job is to raise awareness of disabled people's independent living, equality and human rights amongst professionals, policy and decision makers and politicians.

ILiS says that **Independent living** means...

Disabled people of all ages having the same freedom, choice, dignity and control as other citizens at home, at work, and in the community.

It does not mean living by yourself or fending for yourself.

It means rights to practical assistance and support to participate in society and live an ordinary life.

The rights of independent living are:

- Full access to the environment
- Accessible transport
- Equipment and adaptations
- Accessible housing
- Personal assistance
- Inclusive education and lifelong learning
- Income – enough to live on
- Equal opportunities for employment
- Accessible information
- Advocacy
- Peer support
- Accessible healthcare
- Peer counselling
- Communication support
- Civic, social and judicial participation

What is self-directed support?

Self-directed support is a tool which enables people to have greater choice and control over their support.

From 1 April 2014 – the commencement date of the Social Care (Self Directed Support) (Scotland) Act 2013 – all local authorities have a statutory duty to give people who are eligible for social care more choice about how they receive support – they must offer self directed support.

The Act is one part of the Scottish Government's 10-year self-directed support strategy. The core values of this strategy are: **respect, fairness, independence, freedom** and **safety**.

The statutory principles which underpin the Act are:

- **participation and dignity** – supported people should have the same freedom, choice, dignity and control as other citizens at home, at work and in the community
- **involvement** – supported people must have as much involvement as they wish in assessment and the provision of their support
- **informed choice** – supported people must be given reasonable assistance to enable them to express their views and make choices
- **collaboration** – professionals must collaborate in an equal partnership with supported people in relation to assessment and provision of support

Local authorities should consider these values and principles as part of their social care strategy, policies and practice.

In practical terms self-directed support means a person who has been assessed as eligible for support will:

- Have their needs assessed in terms of outcomes – what they want to achieve with their support. This should be done as a conversation and exploration, rather than a form-filling exercise
- Be told the overall amount of money (in £s, rather than hours of support) available for their support. This amount is called an Individual Budget. The budget will be based on the support needed to fulfil the person's outcomes.
- be offered four options on how their support and budget are managed, and by whom

- be helped to make a plan on how and what to organise as a support package within their budget so that they can achieve their outcomes

The four options

Option 1 – the person receives a direct payment and arranges the support themselves, often with the support of an advice and support organisation

Option 2 – the person chooses how their individual budget is spent while the local authority or a third party (such as a support organisation or service provider) manages the money and arranges the support on their behalf

Option 3 – the person asks the local authority to decide and arrange the services and support they receive

Option 4 – a combination two or all of options 1, 2 and 3. For example, the person may choose to use part of the budget as a direct payment to employ a personal assistant and another part to receive a service decided and organised by their council

Within the values, principles and duties of self-directed support different local authorities will have different processes and tools (for example different ways of carrying out assessments or support planning, different commissioning strategies or processes), and different ways of working with advice and support organisations and providers to deliver the four options, particularly option 2.

However, everyone who is eligible for social care support should have access to independent information and support when considering, choosing or managing any of the four the options.

Personal Independence Payment and passported benefits

If you receive Personal Independence Payment (PIP), you may be entitled to receive other 'concessions' or top-ups if you are already claiming means-tested benefits (i.e. benefits paid in respect of your income, employment status, etc.)

Some of these 'passports', are administered by the Department of Work and Pensions (DWP), others are administered by HM Revenue & Customs (HMRC) and local authorities also have a duty to administer others.

If you are unsure about entitlement conditions or what's involved in claiming these and you live in Edinburgh, please contact Grapevine disability information on:

0131 475 2370 (Mon-Thu, 10am-4pm) or
email: grapevine@lothiancil.org.uk

Please note this is a generic list only and we would recommend getting a full benefit check to ensure you are getting everything you are entitled to.

In Edinburgh Grapevine can provide this over the advice line initially (see contact details above).

Older people living in Edinburgh (aged 65 and above) can make an appointment for a benefit check at our office in Norton Park, 57 Albion Road Edinburgh.

PIP may entitle you to these means tested benefits:

Disability Premium if you receive Housing Benefit (HB), Income Support (IS) or income-based Job Seeker's Allowance (JSA) - any rate or component of PIP will qualify you for this.

Severe Disability Premium in income-related Employment and Support Allowance (ESA), HB, IS, JSA and additional amount for severe disability in Pension Credit - standard or enhanced rate daily living component of PIP will qualify you for this.

Enhanced Disability Premium in income-related ESA, HB, IS, JSA - enhanced rate daily living component of PIP required to qualify for this.

Carer's Allowance - Standard or enhanced rate daily living component required to qualify for this and income of the carer also considered. If Carer's Allowance is awarded, it may affect some of the benefits that you receive.

Carer Premium in the income-related benefits and the additional amount for carers in Pension Credit - standard or enhanced rate daily living PIP component will qualify you for this.

No Non-Dependent Deductions in ESA, HB, IS, and JSA - standard or enhanced rate daily living component of PIP will qualify you for this.

Student Eligibility for income-related ESA - any PIP rate or component required.

Christmas Bonus - Any PIP rate or component required.

Note on Universal Credit

Universal Credit is being introduced in stages across the UK. It may affect the payment of means-tested benefits, depending on where you live and any other benefits you claim. As of publication date of this factsheet (see end of document) it only affects single people who are making a claim for Job Seekers Allowance for the first time in Edinburgh (housing status also affects criteria). When it affects you will depend on where you live and any benefits you currently claim. To find out if you can make a claim, and for the latest information, visit www.gov.uk/universalcredit

Tax Credits:

Contact HM Revenue & Customs (HMRC) for more information at <https://www.gov.uk/qualify-tax-credits> or call 0345 300 3900.

Vehicle related schemes:

Motability Scheme - Enhanced rate mobility component PIP is required for the scheme. Motability is an independent charity. Further information about the Motability scheme can be found at www.motability.co.uk

Vehicle Excise Duty exemption/reduction - Enhanced rate mobility component PIP - full exemption. Standard rate mobility component PIP (50% reduction) - administered by the HM Revenue and Customs (HMRC). Please note the qualifying vehicle has to be primarily used or used for the disabled person. Further information can be found at <https://www.gov.uk/vehicle-exempt-from-car-tax>

In Scotland:

Concessionary Travel Pass, without further assessment:

Any rate or component of PIP daily living. This is administered by local authorities, with each having their own application process. More information available at: <https://www.transport.gov.scot/concessionary-travel>

Blue Badge Disabled Parking Scheme, without further assessment

With regard to Mobility Component of PIP

8 points or more under activity 12 (Moving around) or 12 points under activity 11 (Planning and following a journey). This is also administered by the local authority and you need to complete an application form and pay a fee £20 (in Edinburgh current rate as of 2020). Further information can be found on the Blue Badge Scheme Scotland at <https://www.mygov.scot/apply-blue-badge/>

Disabled Person's Railcard - for a third off most rail fares

Any rate or component of PIP. If you're travelling with another adult they will also get 1/3 off their rail fare. For one year it costs £20, a three year pass costs £54. This is administered by National Rail, For more information visit:

<https://www.disabledpersons-railcard.co.uk/using-your-railcard/the-benefits/>

Making a claim for PIP

Grapevine provides specialist advice and information on disability benefits including the replacement benefit for Disability Living Allowance (DLA) - Personal Independence Payment (PIP).

Specific help is available to people living in **Edinburgh**, with completing a PIP form (called 'how your disability affects you'), which can be pre-arranged on an appointment basis by contacting us on 0131 475 2370, or emailing us at: grapevine@lothiancil.org.uk

New claims:

To start a claim, call the PIP claim number on 0800 917 2222. They will then ask check you meet the basic conditions of entitlement for PIP, these are:

- Aged between 16 and 64 years old (or State Pension Age)
- A full UK resident.
- Pass the 3-month qualifying period – which means confirming that you have been affected by an impairment or health condition for the last 3 months.
- Please note if you are an existing DLA claimant or were receiving DLA but this ended in the last 2 years, you will not have to satisfy the qualifying period at all.

Existing DLA recipients

When you receive your letter asking you to claim PIP you will be given 4 weeks to call the PIP claims number on 0800 917 2222.

Please do not ignore this letter as your DLA could be at risk of ending.

When you phone the number, make sure you have to hand:

- Your GP contact details including address, phone number.
- Your national insurance number.
- Your bank account details.
- Any other health professionals or workers who could provide information if requested about your entitlement to PIP.

What will happen next?

A separate form will then be sent to you called 'How your disability affects you'. You will have 4 weeks from the date of the phone call to complete this form. If you need more time to get the form completed and sent back in time you should call the PIP claim number as soon as possible to request an 'extension' – most people will be granted another 2 weeks for this.

The PIP form:

The claim form covers some background details and then asks about ten Daily Living activities and two Mobility activities. Specific questions ask whether you require any aids/equipment or adaptations to manage these different tasks or whether you require any assistance from another person, including prompting or supervision.

The Assessment:

Points are allocated for each activity based on how you manage these tasks. This includes any aids and adaptations you use. You should consider any objects/equipment that you use on a daily basis which helps due to loss of function as part of a condition or impairment which affects you, e.g. sitting on a bed to dress due to mobility issues or prompts set on your mobile phone to remind you to take medication throughout the day. It also asks about help you receive from another person, which includes physical help as well as prompting, reminding, encouraging and supervising.

Reliability criteria:

It is important that the assessment considers how reliably a task can be carried out, for example:

- Safely (i.e. risk of injuring yourself or stumbling/falls).
- To an acceptable standard (i.e. can you complete an activity independently or would you need to take a break/get help)?
- Repeatedly (i.e. could you do something once but then find it difficult to do it again)?
- In a reasonable time period (i.e. does it take you longer to complete certain tasks because of the effect it has on you)?

Help is available:

It is advisable to get assistance from an independent advice agency with the form who can advise on aspects of the assessment in relation to your personal circumstances.

Grapevine can assist people living in Edinburgh, with completing the claim forms at our offices in Norton Park, 57 Albion Road, Edinburgh, EH7 5QY.

Please contact us as soon as you want to make a claim or the Department for Work and Pensions (DWP) write to you asking you to start a claim so we can book you an appointment (see contact details below).

Face-to-face consultations:

After the PIP form has been sent back to the DWP, most people will be asked to attend a face-to-face assessment with an independent health professional at one of their centres - there will be some exceptions to this and in certain cases home visits can be requested. It may take a while for this date to come through. It is advisable to have a person you trust with you during the assessment, for example an independent advocate, family member/friend or support worker, who can enable you to have your points considered or remind/mention things on your behalf.

Decisions and rates of award:

After the appointment, the independent health professional will send the information they have gathered to the DWP. It will then be up to the DWP to make the decision on your benefit entitlement and write to you with their decision.

There are two rates for each component:

Daily Living Component:

- Standard rate - If you have a limited ability to carry out daily living activities (£59.70/week). Awards of 8 points or more will entitle you to this.

- Enhanced rate - If you have a severely limited ability to carry out daily living activities (£89.15/week). 12 points or more will entitle you to this.

Mobility Component:

- Standard rate - If you have a limited mobility (£23.60/week). Awards of 8 points or more will entitle you to this.
- Enhanced rate - If you have a severely limited mobility (£62.25/week). 12 points or more will entitle you to this.

Mandatory Reconsiderations:

If you feel you should be awarded more points than have been allocated you have one month from the date of the decision letter to request a 'mandatory reconsideration'. You should in the first instance call them but we advise you put this in writing also so that you and they have a record of your request on record and tell the DWP your reasons for this. Grapevine has a template letter you can use – contact us to request a copy or check the Grapevine section of the E-library at: www.lothiancil.org.uk

If the decision of your mandatory reconsideration is successful, your benefit will either be reinstated from the date of the decision if you were receiving DLA previously or backdated to the original date of claim if you are a new claimant.

Appeals:

If you are unsuccessful, you have the option of submitting an appeal to the Courts and Tribunal Service (HMRC). A separate form needs to be sent with your mandatory reconsideration letter to start this process called an SSC1 form. Grapevine can advise further should you need to go down this route. We can represent those we have assisted with the original PIP claim form with an appeal based on our existing resources.

Please note Grapevine is not an advocacy service, which means we cannot represent the person, write letters, or contact agencies on behalf of the person. However, we can refer and signpost people on to other organisations for support and to advocacy services where appropriate.

Contact details:

People living in Edinburgh can get assistance from the Grapevine service with their PIP claim, including appointments, which are available on a first come first served basis, to complete the claim forms at our office.

NOTE:

Please note that due to Covid-19 any face to face assessments are taking place via phone or video call. You are still entitled to have a third party join the call to support you.

Top tips for PIP

- **Get help to fill in the form!**
- If you are not sure about letters from DWP get in touch
- If you need an extension with the form, ask
- Any existing documents **you want to use** can be taken into account for the assessment (e.g. prescription lists, medical letters, care plans, etc).
- Ask someone you know well to go with you to a face-to-face assessment, or request a home visit (see above re: Covid 19)
- Request a mandatory reconsideration within 28 days of the decision letter if you're not satisfied with your award
- Be prepared to persevere and make your case

Still confused? Want some advice or support with benefits?

Get in touch with Grapevine Disability Information Service. We can assist people over 16 living in **Edinburgh** with completing the claim forms at our offices in **Norton Park, 57 Albion Road, Edinburgh, EH7 5QY**.

Appointments are currently taking place via phone/Zoom call due to Covid 19.

Phone Grapevine on 0131 475 2370 (Mon-Thu, 10am-4pm),

Or email them at: grapevine@lothiancil.org.uk

Other Lothian areas:

Due to the Covid-19 pandemic please contact via telephone or email in the first instance as many services are unable to offer in-person appointments.

West Lothian:

Carers of West Lothian is a local disability advice and support service based in Livingston. You can contact them on 01506 448000.

West Lothian Citizens Advice Bureau: provides advice on benefits, including: questions about entitlement, benefit checks, help with completing application forms and advice on how to challenge unfair decisions. You can contact them on 01506 432 977.

Midlothian:

Welfare Rights Team, Midlothian Council: 0131 270 8922

Dalkeith Citizens Advice Bureau: appointments available on: 0131-660-1636 (any morning between 10.00-12.30 or Monday - Thursday afternoons 1pm - 3pm).

They also offer outreach clinics in and around Dalkeith as follows:

- Danderhall Library:, on Tuesday, 10.00 am – 12.00 pm; drop in
- The Orchard Centre, Bonnyrigg, on Tuesday, 2.30 pm – 4.30 pm; by appointment for Orchard Centre members only
- Newbyres Medical Centre, Gorebridge on Wednesday, 9.30 am – 12.00 pm; by appointment registered patients only
- Gorebridge Library, Thursdays 10.00 am – 1.00 pm; drop in.

Penicuik Citizens Advice Bureau: 01968 675259

East Lothian:

Welfare rights in East Lothian can be contacted on 0131 653 5230 They offer outreach surgery across East Lothian over the following times/places (please see below):

Welfare rights surgery - all welfare rights surgeries are operated on a first come first served basis.

- **Brunton Hall**, Musselburgh
Wednesday 10am-12noon
- **North Berwick Library**, School Road, North Berwick
1st and 3rd Wednesday of each month, 2-4pm
- **Bleachingfield Centre**, Countess Crescent, Dunbar
2nd and 4th Wednesday of each month, 2-4pm
- **Aldhammer House**, Prestonpans
1st and 3rd Thursday of each month, 10am-12noon
- **George Johnstone Centre**, Tranent
2nd and 4th Thursday of each month, 10am-12noon
- **John Muir House**, Court Street, Haddington
Thursday 2-4pm

Citizens Advice Bureau East Lothian:

Haddington Citizens Advice Bureau: 016320 824471

Drop in - may not always be able to see you immediately but will try not to keep you waiting or can make an appointment for another time to suit you

Outreach surgeries offered by CAB Haddington:

- GP referrals only: Dunbar Health Centre Outreach, Opening hours: Thursday, 09.30 - 12.00, Dunbar Health Centre, Queens Road, Dunbar EH42 1EE
- Tranent Outreach, Monday, 09.30 - 12.30 Location: The George Johnstone Centre, 35 Winton Place, Tranent, EH33 1AE Tel: 01620 824471. This is a Drop In Service, no appointment required.
- North Berwick Outreach, Wednesday, 10.00 - 12.30 Location: Coastal Communities Museum, School Road, North Berwick, EH39 4JU Telephone: 01620 82447

Musselburgh Citizens Advice Bureau: appointment line: (0131) 653 2748 / 2544

Musselburgh Citizens Advice Bureau Outreach clinics in East Lothian: By appointment only and there are a limited number of appointment times available. If you would like to make an appointment at any of the outreach sessions, please phone 0131 665 1141.

- Prestonpans Library, West Loan, Prestonpans, East Lothian, EH32 9NX Benefits Monday 12-3pm
- Aldhammer House, High Street, Prestonpans EH32 9SH Debt 1st and 3rd Friday of the month 10am-1pm
- George Johnstone Centre, 35 Winton Place, Tranent, EH33 1AE Benefits Tuesday 10am-1pm and Friday 10am-1pm

Housing and your rights

1. Whether you Own or Rent your home, you have the right to adapt it for your needs. If you are assessed by your local authority as needing these adaptations, you can get help to pay for some or all of this.
2. By law, you cannot be discriminated against as a disabled person in housing. E.g. A landlord cannot refuse to rent to you because you have a disability.
3. If you find yourself in a situation where you are homeless, your local authority will provide advice and assistance. It also has a duty to provide you with emergency accommodation.
4. If you rent from your council or a housing association, you have what is known as a "Scottish Secure Tenancy". These usually have no end date and have strong tenancy rights.
5. If you rent from a private landlord, you will most likely have either an "assured" or "short assured" tenancy. These usually last for 6 months to a year. Private renting has the least security out of all tenures of housing.
6. Buying a home is possible if you are a disabled person and there are several shared ownership and shared equity schemes out there that make it more affordable.
7. If you are helping your son or daughter to access housing to live independently and they lack legal capacity, you need to make sure you apply for legal guardianship. This is because they will be unable by law to sign legal documents such as tenancy or mortgage agreements.
8. If you require 24-hour care or support in your home, you rent and receive housing benefit, you are allowed an extra bedroom for your carer and you will be exempt from the bedroom tax.

For more information contact Housing Options Scotland on 0131 247 1400 or email info@housingoptionsscotland.org.uk

How to complain

It's always best to resolve things you're not happy about by discussing problems as they arise, with the person or their manager. If that isn't possible, or doesn't work, then you may need make a formal complaint.

Remember, you don't have to do it alone – you can use advocacy if you need to.

What to do....

If possible:

Keep any letters, emails or other documents

Write down who did and said what and when – for example:

'Phoned Fred at the council on 10 Feb. He said he would look into it and call me back by 20 Feb'

Check websites or leaflets so that you know what service you were supposed to get, for example:

'we promise to explain all treatment to patients in simple English and support them to make informed choices'

Check what your rights are – ask for help to find out if you need to – for example, by getting in touch with Grapevine.

Find out what the complaints procedure is – you may have been given information on this, but more likely you'll need to phone or go on the organisation's website to find out. This will normally tell you exactly what to do and how long it will take to reply to you.

You may want to think about writing to someone senior (like the Chief Executive, or Chair) as well as using the complaints procedure – sometimes this will have more effect.

Be clear what you want, and ask for it – for example:

'I want my case reassessed and my support increased'

Back this up with reasons why you believe you should have that –

'The assessment didn't take into account the change in my condition' or 'the SDS Act says I should be offered the chance to have a direct payment and I wasn't told about this.'

Keep copies of anything you send, and any replies you get (see above).

What if I do all that and I'm still not satisfied?

For public services (councils or NHS) if you've been through the complaints procedure and you still don't think you've got what you should, you can go to the Scottish Public Services Ombudsman. The ombudsman will investigate your complaint and make a decision. He has the power to make councils and NHS make changes. You can only go to the ombudsman if you have completed the complaints process of the council or NHS.

Contact details

City of Edinburgh Council

Social Work Advice and Complaints

Level 1:7

Waverley Court

4 East Market Street

Edinburgh

EH8 8BG

socialwork.complaints@edinburgh.gov.uk

0131 553 8395

Social Care Direct: 0131-200-2324

Midlothian Council

Freepost SC05613

Dalkeith

Midlothian

EH22 0BR

feedback@midlothian.gov.uk

0131 561 5444

East Lothian Council

Customer Feedback Team

John Muir House

Haddington

EH41 3HA

feedback@eastlothian.gov.uk

01875 824304

West Lothian Council

Social Work Head Office
West Lothian Civic Centre
Howden South Road
Livingston

01506 280000

NHS Lothian

NHS Lothian Patient Experience Team
Waverley Gate
2 – 4 Waterloo Place
Edinburgh
EH1 3EG

feedback@nhslothian.scot.nhs.uk

0131 536 3370

Note – GP practices and dentists will all have their own complaints procedures

Scottish Public Services Ombudsman

FREEPOST EH641

Edinburgh

EH3 0BR

<http://www.spsso.org.uk/>

0800 377 7330

What is advocacy?

Advocacy is when you receive support from another individual (an advocate) or a group of people (collective advocacy) to support and assist you to express your opinions and make your views heard in order to get what you need.

Advocacy supports and enables people to:

- express their views and concerns
- access information and services
- protect and promote their rights and responsibilities
- explore choices and options

An advocate might help you access information you need or go with you to meetings or interviews, in a supportive role. You may want your advocate to write letters on your behalf, or speak for you in situations where you don't feel able to speak for yourself.

What can advocacy support me with?

The advocate will support you in most areas of your life and decision making about issues that are important to you such as:

- Your home
- Your support needs
- Your health and wellbeing
- Your finances
- Your education
- Your employment
- Your relationships

Jargon Buster – what does it all mean?

Assessment

This is a process for working out what your support needs are.

Broker

An independent person or service who can help you to find out about support, work out what support is best for you and help you to arrange it.

Co-production

When you work together with the council and other agencies to assess your support needs and plan your support.

Direct Payment

Money from the council paid to you directly which you can use to buy support.

Eligibility Criteria

The council's rules for who can receive social care services.

Financial Assessment

The council's process for working out what you might have to pay from your own money towards your support.

Independent Advocacy

An independent service that can help you to get information, make choices and express your views.

Independent Living

This is not about living on your own, but about having choice, control and freedom in your daily life and support.

Indicative Budget

This is an estimated budget that gives you an idea of how much money you have to spend on your care and support.

Individual Budget

This is the amount of money allocated for your support following an assessment of your support needs.

Outcomes

An outcome is a description of what you want to achieve from your support and the positive effect that support will have on your life.

Personal Assistant (PA)

A person you employ using your direct payment to meet your support needs.

Personalisation

A way focusing support on your individual needs.

Resource Allocation System (RAS)

The process used by the council to decide how much money you will get for your support.

Self-directed Support

Your individual budget used to pay for your support, which you can choose and control as much as you want.

Support Plan

A document that shows how you will use your individual budget to get the support you need.

Mandatory reconsideration

Asking the DWP to relook at the decision they have made about your benefits.

Grapevine disability information advice topics

Grapevine provides free, confidential and independent disability information and advice for disabled, long-term sick persons over 16 years and to over 65 people living in Edinburgh.

Telephone advice is available Mon-Fri 10am-4pm: **0131 475 2370**

You can also email advisors securely, in a confidential way, at any time: grapevine@lothiancil.org.uk

Please note that face to face appointments are not available when Covid-19 restrictions are in place

Grapevine offer specialist expertise to empower disabled/long-term sick people to take up their rights and entitlements. They provide up to date, accessible, independent and locally based information and advice in a confidential way.

Advice topics include:

- Benefit checks
- Personal Independence Payments (PIP)
- Attendance Allowance (AA)
- Employment and Support Allowance (ESA)
- Universal Credit (UC)
- Support to navigate life with disability/illness by providing advice and information about...
 - - Transport and access
 - Rights at work and equality (hate crime reporting)
 - Signposting to inclusive learning opportunities
 - Accessing care and self-directed support.
 - Info about emotional support and self-management classes
 - Grants and trust searches
 - Respite opportunities and holiday planning
 - Housing and adaptations
 - Mobility tools and aiding equipment signposting

Grapevine also produce publications and factsheets available to download in our resource library:

<http://www.lothiancil.org.uk/our-services/grapevine/>

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Call on 0131 475 2370 to request a paper copy and they will pop it in the post for you.

Where to get more help – useful contacts

Self-directed Support

Lothian Centre for Inclusive Living (LCiL) is a user-led organisation which supports disabled people and people with long-term conditions to live independently in their communities. LCiL specialise in providing information, advice and support on SDS for people living in Edinburgh, East Lothian, West Lothian or Midlothian.

Phone: 0131 475 3350

Email: lcil@lothiancil.org.uk

Website: <http://www.lothiancil.org.uk/>

Self Directed Support Scotland (SDSS) is a national membership organisation which promotes Independent Living by supporting, working with and championing the aims of Self Directed Support people's organisations. SDSS can advise who your local SDS support organisation is if you live outside LCiL's area.

Phone: 0131 475 2623

Website: <http://www.sdsscotland.org.uk/>

Advocacy

Scottish Independent Advocacy Alliance (SIAA) promotes, supports and defends the principles and practice of Independent Advocacy across Scotland. To find out who can provide you with independent advocacy in your local area contact SIAA.

Phone: 0131 556 6443

Email: enquiry@siaa.org.uk

Website: <http://www.siaa.org.uk/>

Benefits

Grapevine disability Information service for disabled people over the age of 16 in Edinburgh. Grapevine can advise on benefits you can access, benefit decisions, and if unsuccessful how to lodge an appeal with Her Majesties Courts and Tribunal (HMCT) service.

Phone: 0131 475 2370

Email: grapevine@lothiancil.org.uk

Website: <http://www.lothiancil.org.uk/our-services/grapevine/>

Department for Work and Pensions (DWP)

To make a new benefit claim for ESA or JSA call 0800 055 6688

To make a new claim for PIP call 0800 917 2222

To find about an existing claim call 0345 608 8545

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LCiL works with disabled people, people with long-term conditions, older people and parents and carers in Edinburgh and the Lothians.

We support people to:

- live more independently
- be more in control
- use self-directed support

We are a user-led disabled people's organisation, and a registered charity. We're part of the Independent Living Movement and we work with disabled people to take control of their own lives, support their choice to take up their rights and enable their full participation in society.

Our services are designed and delivered by disabled people.



Information and one-to-one support for people in Edinburgh, Mid Lothian, West Lothian and East Lothian, to manage your own self-directed package.

Free, confidential disability information and advice to
Lothian Centre for Inclusive Living
Norton Park
57Albion Road
Edinburgh
EH7 5QY

(our offices are fully accessible, with parking available)

Phone: **0131 475 2350** (10am – 4pm)

Email: lcil@lothiancil.org.uk

Website: www.lothiancil.org.uk

