

Introduction

Scotland's National Care Service (NCS)

The NCS is working to make sure that consistent and high quality community health, social work and social care support is available to everyone in Scotland who needs it.

The NCS covers a wide range of practical and personal support such as:

[Placeholder: list of key services and support]

If you are not sure whether you need community health, social work or social care support you can speak to your Local Authority, the NHS or access NCS information and advice services [Placeholder: details of multi-channel information and advice services].

If you are a refugee living in Scotland you can get care support if you need it. You may also be able to get care support from the NCS if you are seeking asylum, even if you don't get support from the Home Office or if you have been refused asylum. You can get more information on accessing support as a refugee or asylum seeker on [NHS inform](#) or by [Placeholder: details of multi-channel information and advice services].

About this charter

This charter aims to support good relationships between you and those providing your support under the NCS. It gives you information on your rights and how to work in partnership with the NCS to get the right support for you.

This charter was created by:

- people with experience of accessing or delivering community health, social work and social care support, including unpaid and young carers
- organisations who support them
- the Scottish Government

It sets out your legal rights and what you can expect from your support.

How to use this charter

The charter aims to summarise your legal rights in a way that is easy to understand. It does not include as much detailed information as the law does.

Where the charter says 'you have rights to' this means that there are laws in Scotland that say that the NCS must deliver on these rights at different times or in different situations. You can get more detailed information about your rights in the charter in the Legal Underpinning of the NCS Charter document [insert link once available].

Everyone that works under the NCS must uphold your rights in the charter where they apply.

As well as your legal rights, you can also reasonably expect that the NCS will deliver everything set out in this charter, even if the law doesn't say we have to.

You can make a complaint if any of the rights or expectations in the charter are not met. This charter includes information on how to make a complaint.

You can also find out more about what to expect from your support in the national [Health and Social Care Standards](#) or, for community health, you can look at the [Charter of Patient Rights and Responsibilities](#). The Care Inspectorate and Health Improvement Scotland inspect care support providers to check that they are delivering the Health and Social Care Standards.

Who this charter is for

This charter is for anybody who is accessing or waiting to access NCS support.

This includes children and young people transitioning to adult support services or young carers, who also have some extra rights. Read the child-friendly version[s] of the charter [insert links when available].

This charter is also for anybody with a personal interest in the wellbeing of someone accessing a NCS service. For example, if you are:

- an unpaid, kinship or young carer
- a friend or family member of a person accessing NCS support
- a guardian or someone who holds power of attorney
- an independent advocate
- a voluntary or charitable organisation

People providing support as part of the NCS will also use the charter to help them to deliver your rights.

[Placeholder – information on how to access different accessible formats of the charter]

Your rights

The NCS will do all that we can to make sure you get support that ensures your safety, promotes your wellbeing and respects your human rights. This page is a summary of your rights when you access support under the NCS. These are explained in more detail in later sections of this charter.

Equality, dignity and respect P4

You have rights to be treated without discrimination and in a way that supports you to have equal opportunities to other people.

This part of the charter explains how you can expect staff to treat you with dignity, respect, warmth and compassion.

Your support network, community and independent advocacy P6

You have rights to:

- get support in a way that respects your private and family life
- involve your support network in your NCS support
- get information on how to access independent advocacy services

You can expect us to support you in a way that looks after the relationships that are important to you and help you to be part of your community.

This part of the charter explains how you can involve your support network in decisions on your support and how to access independent advocacy.

Involvement, participation and choice P9

You have rights to:

- be listened to and have your views respected and responded to
- be given relevant information to make informed decisions about your support in a way that you can understand and that meets your needs
- be involved in planning and decisions about your support and how it is delivered
- easy access to the personal information we hold about you
- be informed about how your information will be processed

We know that you are the expert on your strengths and needs. This part of the charter explains how you can expect staff to work with you to help you get the best support available to you.

Upholding your rights: feedback and complaints P12

You have rights to:

- give the NCS positive or negative feedback about your support and have this listened to
- make a complaint

Your views are important to us. This part of the charter will tell you how you can give us feedback or make a complaint if your rights are not met.

Equality, dignity and respect

You have rights to be treated without discrimination and in a way that supports you to have equal opportunities to other people.

This means that in you must not be treated unfairly by the NCS or support provider due to your:

- age
- disability
- race
- sex
- sexual orientation
- gender reassignment status
- marriage or civil partnership status
- religion or belief

You can expect us to treat you with dignity, respect, warmth and compassion. This means different things to each of us. It can include respect for your:

- medical condition(s)
- background
- identity
- opinions
- choices
- lifestyle
- views on how you want your support to be delivered

There are lots of things you can expect us do to make sure you are treated fairly and your support meets your needs. For example:

- ensuring your support enables you to observe religious, spiritual or cultural practices
- supporting you to express your sexual orientation or gender identity by respecting your choices and how you want to be addressed
- giving you information in other languages or providing accessible versions of documents, such as Easy Read or child friendly versions, so that you can understand your support
- making places where NCS support is provided accessible

Make sure you tell us what you need so that we can get the best support available for you.

People living in a rural area or on a Scottish island can have different challenges accessing support to people living in cities. You can expect your support to be delivered in a way that helps address these challenges and get you the support you need.

Some people have been through experiences that are traumatic (harmful or life threatening). Most people recover, but trauma can affect you for a long time and make your life harder. Trauma can make it hard to trust people, even if they are

trying to help you. We will work with you in a way that makes you feel safe and in control, and avoids re-traumatising you.

Sometimes people who use or have used drugs or alcohol can be treated unfairly and may find it harder to get help. You can expect to be treated with dignity and respect, and helped to get the support you need.

Mutual respect

Staff providing community health, social work and social care support under the NCS are very important to us. We expect them to treat you with dignity, respect and empathy and we ask that you treat them in the same way.

Where you can, some ways that you can help staff feel respected are by:

- attending appointments on time or cancelling appointments in advance
- giving us up to date information
- showing staff kindness and patience

While we know that there are some illnesses and conditions that make this more difficult our staff have the right to be safe from abuse and violence. Abusive, aggressive or violent behaviour towards staff or other people is not okay.

If you are abusive, aggressive or violent we may have to change how you are supported so that everyone is safe.

Your support network, community and independent advocacy

You have rights to:

- get support in a way that respects your private and family life
- involve your support network in your NCS support
- get information on how to access independent advocacy services

You can expect us to work to support you in a way that looks after the relationships that are important to you and helps you to be part of your community.

Your support network might include trusted members of your community. These could be:

- people that are involved in providing your support
- friends and neighbours
- family members
- spiritual or religious representatives
- an independent advocate
- an unpaid carer including kinship carers, young carers or young adult carers

Community means different things to different people. Community might include:

- a spiritual or religious community
- a cultural, ethnic or national community
- a local or island community
- a prison community
- an LGBTQI+ community
- a community of people experiencing similar conditions or support

If you receive support in your own home or in a residential setting such as a care home we will respect your right to a private and family life.

We will make sure that we respect the needs of other people that live with you or visit you as well as your own.

We will respect your privacy. You can tell us who you want or do not want to be involved in conversations about your support. Sometimes people with legal authority will be involved in conversations about your support too. You can also tell us who you do or do not want to visit.

If you live in a care home, we know that this is your home and we will support you in way that provides privacy and facilitates visitors of your choice, including people to sometimes stay over.

Sometimes care homes need to decrease the number of visitors allowed to stop illness and infections. This will only happen if necessary and for as short a time as possible. If this happens you can choose people who will be supported to visit you day to day and be directly involved in providing your care and support if that is what you want. In exceptional situations it may be necessary to limit visiting to 'essential visiting' only. You can find more information on essential visiting in the Public Health Scotland [guidance](#).

Unpaid carers

The rights in this charter apply to unpaid carers including young carers. Unpaid carers and young carers also have rights to:

- a support plan (this can be an adult carer support plan or a young carer statement)
- carer support (including breaks)
- involvement in decisions
- information and advice

All unpaid carers, including young carers, have the right to a support plan or young carer statement to identify what is important to carers and what support they need. It also takes into account how much care they are willing and able to provide.

If unpaid carers are not getting enough breaks from caring they have rights to be assessed for support that will let them take breaks. Carers also have rights to be involved in decisions about their own support and assessing the needs of the person being cared for.

All carers have access to locally-based information and advice on issues such as carers' rights, income maximisation and local carer support. You can find out more in the [Carers' Charter](#).

Independent advocacy

Independent advocates can help you understand your rights, your situation and how to access support.

Independent advocacy can help anyone but it can be very important for people who feel like their voice is not being heard when decisions are being made about their care and support. This includes people with support needs and unpaid carers.

An independent advocate can help you:

- understand your rights and any information about your support
- express your views before, during and after an assessment for support
- raise concerns about your support and help you make a complaint
- be more involved in the process if your support is being reviewed or changed

Independent advocates are separate from the organisations that provide your support. This means that their only responsibility is to represent you and help you express your views, wishes or concerns about your support.

There are many different types of independent advocacy:

- **a professional or issue-based advocate** is someone with independent advocacy training and has knowledge to support you with a specific issue
- **a citizen advocate** is someone that is not trained but uses their skills and talents to provide advocacy support
- **a peer advocate** is someone with experience of needing or accessing similar support to you. They may or may not have trained to be an advocate but they can use their personal experiences to help you with your support

- **collective (or group) independent advocacy** can help a group of people with similar experience or shared interests to express their views on decisions that impact them

There are some times when independent advocacy must be made available, for example, in some mental health settings. Children and young people also have rights to be provided with an independent advocate in some situations.

[Placeholder: Signposting to further information on independent advocacy and how to access available independent advocacy.]

Involvement, participation and choice

You have rights to:

- be listened to and have your views respected and responded to
- be given relevant information to make informed decisions about your support in a way that you can understand and that meets your needs
- be as involved as possible in planning and decisions about your support and how it is delivered
- easy access to the personal information we hold about you and be informed about how your information will be processed

Information

You have rights to relevant information about the support that is available to help you make the best decision for you.

If your support has to change for any reason you can expect us to give you information about the change.

You can expect to have information given to you in an accessible way that you can understand. This may include getting information:

- in plain language with no jargon
- in a language you can understand, including British Sign Language
- in an audio format
- in large print
- in braille
- in Easy Read
- through an interpreter or communication support worker where appropriate

[Placeholder – contact info for alternative formats]

How you should be involved in assessing your needs and planning your support

Staff will work with you to understand your needs, strengths and how we can support you. This is called your assessment.

You can expect to be able to express your views and have them listened to and taken into account when decisions are being made. This is true for everyone including children and young people. We will advise you about the different options available for organising your support and you will have the chance to ask questions.

You can expect to be able to choose the right support for you from relevant options available to you. There may be times when your independence, control or choice are restricted to protect your safety or the safety of others but this must be:

- kept to a minimum
- justified
- compliant with relevant legislation
- carried out sensitively
- explained to you so that you know why the decision has been made

You can involve a member of your support network in your assessment, reassessments and planning discussions. With your consent, we will consider their views about the best way to support you.

You can find out more about what to expect from a social care assessment on the [Care Information Scotland website](#).

Social care support choices – Self-Directed Support

Self-Directed Support (SDS) is the way social care is delivered for everyone in Scotland who needs it. This includes children, adults and unpaid carers.

You can choose to have lots of control over your support, leave most of the decisions and work to your local authority, or choose a mix of these.

We will explain what each of the SDS options are and what your choice could mean. If your circumstances change, please tell us as soon as possible. Your support options might change and you will be given updated information.

Find out more about [Self-directed Support](#) on the Care Information Scotland website.

Supported decision making

There may be times when you need support to make a decision about your care and treatment. Decisions on your support will be based around your views and your legal rights.

You can expect to get help to make decisions about the support available to you and what those decisions mean. This is called supported decision making and can come from:

- a trusted person – this can include professionals as well as family and friends
- peer support – from friends or other individuals with similar lived experience
- independent advocacy
- community and neighbourhood support
- assistance with communication
- technology support such as ipads and talking mats
- what you have said in the past about how you want to be treated, for example in a future care plan
- the views of anyone who has the legal authority to make a decision for you like a guardian or power of attorney

Guardians and people with power of attorney have an important role to make sure they help the person they support to work in partnership with staff, or to do so themselves where appropriate.

A power of attorney allows someone, with your consent, legal authority to make decisions on your behalf, including about support and personal welfare. If you have not appointed anyone as your power of attorney but need this support to make decisions, a guardian can be appointed by the court.

You can find out more about power of attorney and guardianship on mygov.scot:

- [Setting up power of attorney - mygov.scot](#)
- [Setting up guardianship - mygov.scot](#)

The NCS information and advice services

Sometimes you might need more information and advice to help you make a choice. For that support, you can speak to your Local Authority, the NHS or access the NCS information and advice services.

[Placeholder: **NCS information and advice services**

- what the NCS information and advice services are and what sort of advice and information it can provide
- what it means for information and advice services to be multi-channel and fully accessible
- how to access the information and advice services
- what information you should expect to receive from the NCS about independent advocacy (e.g. details of local organisations etc.)]

Your rights over the information we hold about you

You have rights to easy access to the personal information we hold about you. You also have rights to be informed about how your information will be processed.

Your personal information could include:

- your name, age, gender or other characteristic
- your address or contact information
- health conditions or test results

Sometimes we can't give you all the information you ask for, for example to protect the privacy or safety of you or someone else. If this happens we will explain this to you.

We need to hold personal information about you in order to give you the best support available to you. We will only ask you for information that we need to know and the information you give us will be kept safe.

[Placeholder: Detail on how to request access to the personal information that we may hold as well as signposting to further information on General Data Protection Regulations (GDPR)]

Upholding your rights: Feedback and Complaints

You have rights to:

- give the NCS positive or negative feedback about your support and have this listened to
- make a complaint

Your views are important to us and you can give us feedback or make a complaint if your rights are not met.

Members of your support network - like family, friends or an independent advocate - can also give feedback or make a complaint for you with your consent.

Giving feedback

You can give us feedback about your support. This feedback can be positive or negative.

You can make suggestions about how we could do things better and tell us when things go well. Telling us about your experiences helps us make sure you and everyone else that we work with are getting the best support possible.

We will listen to the feedback that we get and use it to improve how you and others experience support.

[Placeholder: information on how to give feedback]

Making a complaint

You can make a complaint if you are unhappy with your support.

You can complain for any reason, including if:

- your rights in the charter are not being upheld
- your support does not meet the national [Health and Social Care Standards](#)

The NCS is committed to listening, learning and improving. We will always aim to provide the support that is right for you. But if something goes wrong, we will try to help you right away and to make sure we do better next time.

[Placeholder: Information on the complaints and redress service including:

- advice about what to do if you feel frightened about making a complaint
- an explanation of the complaints process, the different bodies involved and who to go to with image/diagram/visual representation
- how to make a complaint including different accessible options
- how to make a complaint on someone's behalf if they need support to do so
- timescales for how long it should take to deal with complaints
- how we will keep you updated while we look into your complaint
- how we will work to resolve and remedy your complaint
- what to do if you are not content with the outcome of the complaints process

- how complaints and feedback will be used in continuous improvement.]

Legal advice and judicial review

This charter summarises your legal rights about NCS support in Scotland.

If you think your rights are not being upheld, you may have the option to apply to go to court and ask a judge to decide on your case. This is called a judicial review.

Judicial review is a way to challenge a decision or action in some situations because you think it is unlawful. A judicial review mainly looks at **how** a decision was made, rather than **what** was decided.

You can ask for a judicial review at the same time as making a complaint but judicial review can cost money and take a long time. You should get independent legal advice if you want a judicial review. See the [Help with a legal problem](#) advice on mygov.scot to:

- find out if you can get legal aid
- find a solicitor

[END]