Meeting the challenge

Easy Read

Guide 1:

# Your rights when you are living in the community

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# Know your rights guides for people with a learning disability

## Introduction

**Guide 1: Your rights when you are living in the community**

This is about your rights when you are living in the community. This might be with your family, in supported living or in a care home.

**Guide 2: Your rights if you are in an Assessment and Treatment unit**

This is about your rights if you are in an Assessment and Treatment unit. This is a special type of hospital where you might go for treatment if you have a mental health problem or if people are worried you might hurt yourself or someone else.

**What are the guides for?**

These guides are to help you understand your rights.

We hope these guides will help you speak up for your rights and get good support.

**This is Guide 1.**

Meeting the challenge

# Your rights when you are living in the community

## Guide 1: Easy Read

**Guide 1:**
**Your rights when you are living in the community**

Guide 1 is about your rights when you are **living in the community**. This might be with your family, in supported living or in a care home.

Rights are things you should get or things that should happen.

This guide should help you:

- Understand your rights and what they mean for you
- Understand what you can do when you are not happy about where you live or the support you are getting.

**What is this guide about?**

In 2011 Winterbourne View was closed down after a television programme showed staff hurting the people staying there.

Winterbourne View was a special type of hospital called an **Assessment and Treatment unit**.

Too many people with a learning disability are being sent to Assessment and Treatment units.

They are staying there too long.

They are often far from home.

This is happening because there is not the right support available in the community.

The Government and NHS have said this must change.

The right support must be there for people in the community.

People must only be sent to **Assessment and Treatment units** if they **really need** to be there.

If they get sent to one, they should not be there for a long time.

## Your Human rights

The Human Rights Act is a special law.

It says what rights every person should have. This includes things like:

- The right not to be hurt by people or treated badly

- The right to a family life – like being able to talk to your family, write letters to them and see them

- The right to be able to be yourself and make decisions for yourself
- The Human Rights Act should be followed by the people who support you and look after you.

## What other laws do I need to know about?

### The Mental Capacity Act

The Mental Capacity Act is another important law.

It says you should get the support you need to make your own decisions.

This might mean getting easy read information or someone explaining something to you in a different way.

People should always support you to make your own decision if you can.

If a decision is too big or difficult for you to make, then a **best interests** decision will be made for you.

**Best interests** means a decision that is best for you.

The person making a best interests decision for you must listen to you, your family and supporters.

If you or your family are not happy with the decision, there are different ways you can challenge it.

## Good support

Good support means you are getting the support you need to live a safe and healthy life.

## How do I get support?

Talk to a social worker or someone else at the local council.

They must carry out an **assessment** to look at your needs.

An assessment is when people find out about you and your needs.

You must get the support you need to be involved in the assessment.

You should get the assessment questions before the assessment. The questions should be given to you in a way you understand.

If there are people who know you well and understand your needs - ask for them to be included.

At the end of the assessment the social worker will tell you if you can get support for your needs.

## Care and support plan

Your social worker will work with you on a **care and support plan**. This is a plan about what support and services you will get and who you will get them from.

At the bottom of the plan there will be a personal budget which is the amount of money you can spend.

This must be enough money to pay for what is in your plan.

There are different options for what could happen next:

- The local council could provide your services
- Another group could provide services for you
- You could get a direct payment to buy the support or services that you want.

## Who can give me support to speak up?

An **advocate** is someone who helps you to speak up for yourself.

If you need support to help you in the assessment or when the care and support plan is made and:

- It would be very difficult for you if you don't get support
- And you don't have family or a friend to support you

Then the local council must give you an advocate.

## Other things that can make sure you get good support:

### A person centred plan

This can help show others what is important to you, your hopes and wishes and what you might need support for.

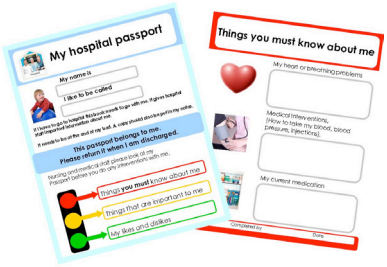
### A communication passport

This is a document which explains how you communicate and some of the things that are important to you.

### A health check every year with your GP

This is where you see your GP ever year and they do a full check of your health.

If you are not getting one, ask your GP for one.




## A health (hospital) passport

This explains important health information about you, for example if you take medicine or if you have diabetes. It also says how you communicate.

It can be used in places like hospitals to help make sure you get good support.

## A health action plan

A health action plan tells you what you need to do to keep healthy. It tells you what services and support you need to live a healthy life.

If you haven't got these things, ask your family, advocate, social worker or GP to help you get them.

## Support for behaviour

Ask your social worker or GP if you think you need support with your behaviour. There should be professionals, like special doctors or nurses in the community who can help you.

The special doctors and nurses should draw up a **behaviour support plan** which explains what support you need to help manage your behaviour.

You should be involved in making this plan and so should other people who know you well.

Sometimes a person's behaviour can get challenging because:

- They are not living in the right place

For example, they are living in a place that is too noisy.

- They are not being supported by someone with the right skills

For example, someone who doesn't understand their way of communicating.

## How do I know if the support I am getting is good?

Good support will help keep you happy, healthy and safe.

If you don't feel safe, happy or healthy something might need to change.

If you are worried about not getting the right support you can talk to:

- Your family
- Your advocate (if you have one)
- Your social worker.

They should be able to help you with what should happen next. For example:

- asking for another assessment – this may mean you get more support or different support that suits you better

- making a complaint if necessary or getting some advice from a lawyer.

**I have been told I must go to an Assessment and Treatment unit**

You should ask if all the other choices about your support have been looked at first.

You should only have to go to a unit if you really need to.

If you are told you have to go into a unit this is called **Detention** or **being sectioned**. If you or your family don't think you need to go, get advice from a lawyer.

## What should I do if I am abused?

**What is abuse?**

Abuse is when you are treated badly by someone. This could happen anywhere.

There are different types of abuse. For example:

- Being hit or hurt

- Being called names

- Being forced to have sex with someone

- Having your money or things that belong to you taken away without asking
- Having your health or care needs ignored by people who are meant to be caring for you.

## How can I get help?

**If I am being abused now:**

- Talk to **someone you trust**. This could be a family member, your advocate, a service manager or social worker or someone else
- Explain what has happened and ask them to help
- They should call social services and speak to someone who works in the **Safeguarding** team or support you to do this. This team is there to make sure people are safe.
- Remember if you are in **danger right now** you should contact the police.

**If you have been abused before:**

- Talk to **someone you trust**. This could be a family member, your advocate, a service manager or social worker or someone else.
- You could talk to your GP about seeing a **counsellor** who you can talk to you
- You could talk to a charity called **Respond** who could help to get you the right support

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- You could report it to the **police**
- You could talk to a **lawyer**.

## Do my rights ever change?

Your rights can change at some times like if you are sent to an **Assessment and Treatment unit**.

Look at Guide 2 to see what is different.

## Always remember:

You have the same human rights as everyone else and should always be treated in the right way.

**You can read Guide 2 here:**

**www.mencap.org.uk/meetingthechallenge**

For more information visit
**www.mencap.org.uk/meetingthechallenge**

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