This letter relates to concerns about an assessment.

Please do note that you may wish to seek legal advice on these issues now and certainly once you receive a response if it is not favourable, or if no response is forthcoming within 7-14 days, depending on how urgent this is

DELETE THIS BOX BEFORE SENDING THIS LETTER

[Director of Adult Social Services]

[insert address of the person you are writing to]

[insert your name]

[insert the date of the letter]

Dear [insert name of the person you are writing to] ,

**Assessment for [insert name of the person you are writing about]**

I am writing to you to raise a concern about my carer’s assessment.

On [insert date], [insert name of assessor] carried out an assessment of my needs as a carer.

My concerns are as follows:

* The assessor did not understand learning disability and was not suitably qualified to assess my needs
* The assessor did not consider that I am no longer willing and able to discharge my caring role
* The assessor did not consider how my caring role has impacted upon my wellbeing. My caring role has had an impact upon my wellbeing, and I require support in order to effectively care for [individual]. For example, [give a few examples where there has been an impact upon you, e.g. any difficulties socialising, accessing work/training, difficulties accessing the community/going shopping etc].
* The assessor did not consider the outcomes that I want to achieve in life or my wish to participate in work, education or training
* The assessor did not consider the following support needs [insert] and they were not included in the report

[delete/amend as appropriate]

**Legal Framework**

You will be aware that under s.10 of the Care Act, the local authority has a duty to assess a carer’s needs where they “appear to be” in need of support, and that it must do so within an appropriate and reasonable timescale. Having regard to the results of that assessment, the local authority must then decide whether they have a duty to meet the identified needs by applying eligibility criteria. The assessment is not dependent on other considerations, for example whether the local authority thinks that the affected carer may be ineligible for state funded support, or whether the local authority thinks that the carer’s needs may not meet the eligibility criteria.

The local authority will be aware that under the Care and Support (Assessment) Regulations 2014, the needs assessment must have regard to the wishes and preferences of the carer, the outcomes that are sought by the assessment, and the severity and overall extent of the carer’s needs. The local authority must also actively promote the carer’s wellbeing under section 1 of the Care Act. The Care and Support Statutory Guidance also states that the assessment process must be “person centred throughout, involving the person and supporting them to have choice and control”. The Guidance emphasises that the individual is best placed to judge their own wellbeing.

Section 10(5) of the Care Act also states that the following must be assessed:

* Whether the carer is able to, and is likely to continue to, provide care for the adult;
* Whether the carer is willing to provide care;
* The outcomes that the carer wishes to achieve in day-to-day life;
* Whether the carer works or wishes to do so;
* Whether the carer is participating in, or wishes to participate in education, training or education.

I would therefore welcome an opportunity to speak to a social worker or other professional as soon as possible in order to discuss my needs, and to be given further information on what the assessment process will involve.

I believe that either the assessor did not understand [insert name or person with care needs]’s needs, or my needs, or the assessor made a decision about eligibility before carrying out the assessment. This means that the assessment was unlawful.

As you will be aware, unless I am adequately and appropriately assessed, the assessment and care planning process must be repeated.

Please could you confirm that Iwill now receive a lawful assessment and that [arrangements will be made to appoint a new assessor.]

I look forward to hearing from you within 7 days given the urgency of ensuring that I am now lawfully assessed.

Yours sincerely

[insert your name]