Information to obtain in order to complete this letter:

* + Has an assessment taken place? If so when?
  + Have meetings taken place that they have not been invited to – provide details
  + Consider whether there are any specific documents you want eg assessment, capacity assessment, care plan… do include a specific request for these

Please do note that once you receive a response, or if no response is forthcoming within 14 days you should seek further legal advice on your rights

DELETE THIS BOX BEFORE SENDING THIS LETTER

Director of Adult Social Services

[Address]

[date]

Dear Sirs,

**[Name of person with learning disability]**

**Dob: [of person with learning disability]**

**Address: [of person with learning disability]**

I write in relation to the above named person. I am [person with learning disability]’s [mother/father/brother/ sister/ etc] and I am very much involved in [name of person with learning disability]’s day to day life.

One of the main principles of the Care Act 2014 (the Care Act) is that a person centred approach to care must be taken. As I know and understand [name of person with learning disability]’s needs well it is important that I am provided with all the information and reports that you hold in relation to [name of person with learning disability]’s, and that I am included in all meetings relating to his/her care planning to ensure that appropriate decisions are made in relation to his/her care, in accordance with the person centred approach set out in the Care Act.

**Background**

[Briefly explain the person with the learning disability’s condition and how it affects them. What is the issue with their care assessment/ plan and are you being provided with relevant information/ being included in significant meetings?]

**Legal Framework**

One of the key principles of the Care Act is to take a person centred approach when deciding the best course of action to take for an individual.

Paragraph 10.49 of the Guidance states:

“*10.49 In addition to taking all reasonable steps to agree how needs are to be met, the local authority must also involve the person the plan is intended for, the carer (if there is one), and/or any other person the adult requests to be involved. Where the person lacks capacity to ask the authority to do that, the local authority must involve any person who appears to the authority to be interested in the welfare of the person and should involve any person who would be able to contribute useful information. An independent advocate must be provided if section 67 of the Act applies (see chapter 7). The person, and their carers, will have the best understanding of how the needs identified fit into the person’s life as a whole and connect to their overall wellbeing (see chapter 1). They are well placed to consider and identify which care and support options would best fit into their lifestyle and help them to achieve the day to day outcomes they identified during the assessment process…”*

[As [name of person with learning disability] has complex needs and communication difficulties it is particularly important that individuals who know him/her well and who are able to put across his/her point of view are involved in the planning process, as he/she is unable to do so himself/herself.]

I am concerned that I am not being provided with all relevant information and that important decisions are being made about [name of person with learning disability]’s future without due regard to their views, and the views of their family. This is contrary to the principle of the person centred approach to care, as set out in the Care Act and the Care and Support Statutory Guidance (the Guidance). [Therefore, I have concerns that the approach that the local authority is currently taking may be unlawful.]

**Next Steps**

It is not clear to me what the authority are doing to ensure that [name of person with learning disability]’s needs are being met.

Please can you ensure that I am provided with copies of all documentation that you hold relating to [person with learning disability].

Please can you ensure that I will be invited to meetings and involved in all future care planning relating to [person with learning disability].

Please reply to me within 14 days addressing the concerns raised above.

I look forward to hearing from you.

Yours sincerely

Your name