[Your Name]

[Address]

[Date]

Dear [Name]

**REQUEST TO CONSIDER ELIGIBILITY FOR COMMUNITY CARE SUPPORT**

**NAME**:

**ADDRESS**:

**D.O.B**:

I am writing to you in respect of my [son/daughter/brother/sister/family friend etc], [their name and address].

He/she has [summary of their disabilities and care needs]. On [date] a care assessment was carried out. An assessment of his/her eligible needs has been undertaken and his/her needs in respect of [insert details] have subsequently been categorised as [substantial/moderate/low] under the Fair Access to Care Services (“FACS”) criteria. In accordance with [insert name of relevant local authority]’s policy to only provide services in order to meet needs which fall into the [insert relevant FACS category] or above, this means that [name] is not receiving any help from the local authority in order to meet their needs in this area. I am writing to you because I disagree with the decision that [name]’s needs are only [insert relevant category] and I believe that [name]’s needs are [critical/substantial/moderate] within the FACS framework. As such he/she should be receiving care and support to meet his/her needs.

As you will be aware, the FACS framework (2003) and the *Prioritising Need in the context of Putting People First* guidance (2010) aims to establish a consistent and uniform approach throughout the country in assessing how people’s needs should be met by the local authority. Under the FACS framework, an assessment of somebody’s eligible needs should be as a result of a consideration of the following four areas:

1. Autonomy (the choice and control people have over their lives);
2. Health and Safety, including freedom from harm, abuse and neglect, taking into account wider issues of housing and community safety;
3. Management of daily routines;
4. Involvement in family and wider community life.

Once each of the above areas has been assessed they are each categorised in accordance with the FACS guidelines as either critical, substantial, moderate or low. [Name]’s needs have been assessed as [give details]. I believe that the assessment of [name]’s needs in respect of [give details] is wrong and that it should have been categorised as [give details] instead of [give details]. [Give summary of why you feel that their needs, in line with the four criteria for assessment as listed above, are significant and why they should be given higher priority).

In addition, the FACS framework sets out many guidelines which councils should consider when making their assessments and the following are of particular note to [name]’s assessment: [Insert which ever of the following are relevant]:

1. Councils should consider whether the individual’s needs prevent the following outcomes from being achieved:

• Exercising choice and control;

• Health and well-being, including mental and emotional as well as physical health and well-being;

• Personal dignity and respect;

• Quality of life;

• Freedom from discrimination;

• Making a positive contribution;

• Economic well-being;

• Freedom from harm, abuse and neglect, taking wider issues of housing and community safety into account. (*Prioritising Need in the Context of Putting People First,*  paragraph 60)

1. Councils should be aware that the risks to independence and well-being relate to all areas of life, and that with the exception of life-threatening circumstances or where there are serious safeguarding concerns, there is no hierarchy of needs. For example, needs relating to social inclusion and participation should be seen as just as important as needs relating to personal care issues, where the need falls within the same band. A disabled person who is facing significant obstacles in taking up education and training to support their independence and well-being should be given equal weight to an older person who is unable to perform vital personal care tasks – and vice versa (*Prioritising Need,* paragraph 61).
2. Councils should ensure that a person’s needs are considered over a period of time, rather than at a single point, so that the needs of people who have fluctuating and/or long-term conditions are properly taken into account. Before final decisions are taken about longer-term needs for support, and whether those needs are eligible for local authority support, councils should always consider whether a period of re-ablement or intermediate care should be made available, in order to maximise what people can do for themselves before further assessment of needs is undertaken. This should also minimise the risk of premature decisions being taken about people’s long-term needs (*Prioritising Need,* paragraph 63).

[Give details of how the above considerations apply to your son/daughter/sister/brother/family friend etc’s needs and why they should therefore be reassessed]

As a result of the above, I do not consider that [name]’s needs have been accurately assessed in accordance with the legal framework. I would be grateful if you could contact me on [insert contact details] as soon as possible in order to arrange for a review of his/her assessment to be undertaken and to ensure that his/her eligible needs have been correctly assessed.

I have written this letter using a guide that has been published by Headway. That guide was based upon legal advice.

I look forward to hearing from you shortly.

Yours sincerely

[Name]