

An introduction for people with autism

Community care assessments are designed to establish the needs of an individual. These needs must then be met by the local authority of the person in question. They are available to any adult at risk of harm (vulnerable adult) including those with disabilities and mental health issues.

What is a community care assessment?

A community care assessment is carried out wherever there is an 'apparent' need - autism constitutes an apparent need. Furthermore, the Autism Act 2009 states that all local authorities have a statutory duty to provide an assessment to any person with autism. However, this does not necessarily mean that the person being assessed will be entitled to any support; this is up to the assessor and depends on the services and resources available in that area.

Normally, an assessment is carried out before a service can be provided by the social services department of a local authority. However, if the services are needed urgently, the local authority can provide a service without carrying out the assessment. The local authority uses the community care assessment to decide whether a person needs a community care service and, if they do, whether it can be provided by the local authority.

The guidance laid out in the Autism Act 2009 is statutory. This means that local authorities have a legal duty to carry out that guidance. According to this law, adults with autism should expect to be offered a community care assessment, regardless of their IQ and where they are on the spectrum - this means that people with a diagnosis of Asperger syndrome or high functioning autism cannot be denied an assessment. Local Authorities are also required to provide any care that the assessor says is necessary, within the boundaries of their available services and resources. However, this does not mean that all adults with autism will be entitled to care. If the assessor does not think their need is significant enough for care then the authority is not required to provide anything. The law also says that carers can expect to be informed of their right to a carer's assessment, in which their own needs are considered by the Local Authority.

How do they work?

An assessment is usually carried out by a social worker from the local authority. The assessment should consider the following needs:

- Personal/social care
- Health
- Accommodation
- Finance
- Education/employment/leisure
- Transport/access
- Any communication, psychological or other needs associated with the individual's autism.

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The assessor should try to understand the person's likes and dislikes as well as any particular difficulties and interests. For example, the assessor should take note if the person being assessed struggles with a lot of noise. In this case they should not be sent to a day centre near a main road.

The person with autism can bring an advocate if they feel they may struggle to discuss their likes and dislikes or to express themselves fully.

The government document "*Prioritising need in the context of Putting People First: A whole system approach to eligibility for social care*" sets out four bands of need: low, moderate, substantial and critical. Local authorities may be constrained by their budgets as to the level of support they can provide. It is possible that a local authority will only provide support to those people who fall within the substantial and critical bands. Social services departments will usually refer to this as a person 'meeting the eligibility criteria'. If the person's needs do not meet the eligibility criteria set by the local authority, they will not receive community care services. However, this decision can be challenged through the complaints procedure.

What happens next?

Once a local authority has established that there is a need to provide a community care service and the service user meets eligibility criteria, they have a duty to provide that service. The local authority should not refuse to provide the service on the grounds of cost, although if there is more than one option it is allowed to choose the most cost-effective one. The authority should draw up a document known as a person-centred plan (PCP), which is sometimes called a Care Plan, or Support Plan. The plan lays out the areas in which the person being assessed requires support and recommendations for this provision.

There are many sorts of help that can be offered to an individual when the assessment is completed. This could include information, advice and services provided by the local authority. Particularly when the person being assessed is an adult with mental health needs, community support may be provided through the health services. Community care does not include services such as educational provision (whether it is for children or adults), welfare benefits, healthcare or employment services. It is not the responsibility of social services departments to fund or provide these services themselves.

Local authorities can sometimes charge people for the services that they provide. This will always be means tested. However, the means testing must only be based on income; the income of carers and the value of any owned property should not be considered in this means testing process. Each person should also only be assessed for financial status once a decision has been made about the person's eligibility for care. This should have no bearing on the assessment. The authority should also be prepared to answer any questions about financial assessment, and to pass on written information about their criteria for assessing financial resources. All authorities will have slightly different processes and criteria to meet but the above is true regardless of the authority.

What if I don't agree with the decision?

It is possible to make complaints and appeals if it is felt that the case has not been handled properly or the wrong decision has been reached. If this course of action is taken it is best to keep copies of all correspondence to make the progress of the complaint easier to track.

If there are problems with the process there are organisations that can provide help and support:

Citizens Advice Bureau can advise you on your rights and help you write letters to your local authority. If you need legal advice they can often give details of solicitors in your area who specialise in the type of advice you need.

www.citizensadvice.org.uk

The **Disability Law Service** is able to provide legal advice on community care law.

www.dls.org.uk

Tel: 020 7791 9800

Email: advice@dls.org.uk

Opening hours: Monday to Friday, 10am-5pm.

Carers UK

www.carersuk.org

Tel: 0808 808 7777

Opening hours: Monday to Friday, 10am to 4pm.

Advocacy Matters

www.advocacymatters.co.uk

Tel: 0121 321 2377

Email: info@advocacymatters.co.uk

The **Transition Information Network** provides information for parents and professionals who support young people in transition to adulthood. The website also has a section for young people that discusses the transition process with useful links and resources.

www.transitioninfonetwork.org.uk

Tel: 020 7843 6006

Email: tin@ncb.org.uk