

Get your rights: What to do if your service is cut?

An overview of cuts

Local authorities are under great financial pressure, with the reduction of state funding and increasing demand on services. Many councils are arguing that they are faced with no choice but to cut social care services for people with a learning disability.

Local authorities are using various methods to make efficiency savings and cut spending on adult social care. This includes:

- tightening eligibility criteria
- ending grants to services e.g. closing Saturday clubs
- introducing charges for services
- closing day care centres without putting alternative services in place
- reassessing individuals and dramatically reducing the level of services needed by the individual
- giving personal budget which cover a substantially less amount of social care.

What to do if your service is cut?

You can challenge any cut to the care and support that you receive. Whether it is writing a letter to the council, using the complaints process or taking legal action you can stop cuts to the care and support you receive. We are aware of many individuals and carers who have disputed the cuts and have won! This is some ideas for you to consider.

1. Gather information

It will be important for any future complaints processes to understand the reasons behind the Councils decision to cut your services. You need to find out the formal reasons why they have made the decision - get this in writing.

You should ask for all paperwork relating to the decision, including the assessment forms filled out by the commissioner or service manager.

Find out whether the council are not replacing your service with something else.

2. Ask for a reassessment

If you believe that the cut in services will fail to meet your needs or you believe the assessment process was unfair, you should request a reassessment.

All Community Care assessments and reassessments should be done face to face, unless you decide that you want to use a self assessment form. If the local authority only offers a self assessment form – they are breaking the law.

When being reassessed, we recommend that you ask family and friends to write a letter of support to the council, outlining what they think will happen to you if you lose the care and support you need. For example ask your family to write saying that you will be at risk of harm if you do not get the care that you need or a letter from your Doctor which says that you are likely to get depressed and lonely if you do not get to attend your day service. Make sure the assessor sees the letters and attaches it to the paperwork of your assessment.

3. Follow your Council's complaints procedure

Every local authority has their own complaints procedure, which is different to others.

However we advise that the following action is taken.

- **Complain informally**

The first thing to do in all cases is to raise the matter informally. Speak to staff or the manager of the service, or your social worker. This may provide the opportunity to understand why the decision has been made as well as find out what you can do to challenge the decision.

- **Write to the local authority – letter before action**

Many individuals have seen their social care packages reinstated as a result of a letter to their local authority. In your letter, you should say how you think the cut is illegal. For example if you believe that the cuts will prevent the council from meeting your assessment needs tell them!

- **Take formal procedures**

If you are not successful using informal methods, you should then begin the formal complaints procedure. You can either write to the local authority outlining your complaint or begin the local authority's complaints process. You can find out about your local authority's policy and procedures by either visiting their website or telephoning the Council's customer service department.

Some local authorities offer mediation services. This provides an opportunity for you, social services, and an independent person, to discuss how to move on. You may wish to participate.

We recommend that you follow the process as it is set out, should you not follow the processes you may find that your case is dropped and you would have to start again.

4. Local Government Ombudsman

If the matter has not been resolved, you should take your case to the Local Government Ombudsman. Further details can be found on www.lgo.org.uk or call 0300 061 0614.

The Ombudsman can advise at any stage of a complaint, but usually does not deal with it if the individual making the complaint has not gone through the local authorities. Complaints process and may pass the complaint back to the local authority in this instance.

If the process has been followed, the Ombudsman will look at the complaint and decide whether to investigate.

The Local Government ombudsman is a free service and is independent from Government.

5. Get Legal Advice

If you believe that you have exhausted all routes you may wish to consider legal advice. By getting legal advice, a solicitor or legal professional will look into the background of your case, offer advice and talk to the Council on your behalf.

This is not necessarily free, therefore you may wish to visit your local Citizens Advice Bureau (CAB) to find out what local solicitors acts on Community Care Law and offers advice under the Legal Aid scheme. Some CABs are also able to offer some legal advice, but are unlikely to act on your behalf.

Campaigning against cuts

It is very likely that you are not alone in challenging cuts! There will be many more individuals who are going to lose the care and support that they need. By coming together and campaigning, your voice will be louder and you will become a serious opposition.

Along with the Learning Disability Coalition, Mencap is campaigning to protect frontline services. Lobbying councils, holding demonstrations and sharing information are some of the ways Mencap is assisted with local campaigning.

Take part and stand with others to stop the cuts! Find out if there is anyone campaigning already or consider setting up your own campaign group. Mencap's Don't Cut us Out! campaign guide has been designed to offer inspiration and guidance for local groups on campaigning against cuts to social care.

We'd also like to hear your stories of how the cuts are affecting you - local stories can become national campaigns to attract the attention of Whitehall policy makers- but only if you let us know what's happening to you. You can share story using the form on this link: <http://intranet.mencap.org.uk/displaypagedoc.asp?id=16419>

The Learning Disability Helpline

The Learning Disability Helpline is an advice and information service for people with a learning disability, their families and carers. It also provides information and advice to anyone wanting to know about learning disability issues and services.

The Helpline can offer advice and support on what to do if your social care service is being cut. To speak to the helpline please call 0808 808 1111.

Further information

Mencap has a number of fact sheets which you may find useful, these include:

- Community care – an overview
- Eligibility Criteria – Know your rights
- Charging - Know your rights

To request a *Don't cut us out! campaign guide* contact the publications team at publications@mencap.org.uk or 0207 696 6900.