

MULTI-AGENCY SERVICES FOR ADULTS WITH FASD



WHAT is this Factsheet about?

If you are reading this factsheet, it's likely you or an adult you know has or might have FASD and you have questions about the types of services and support available.

This factsheet has information about:

- the types of care and support that are available for adults with FASD;
- who is eligible;
- what to do when you wish to complain.

There are helpful links throughout this factsheet.

KEY POINTS:

- You do not need a medical diagnosis to access care and support from your local authority.
- Local authorities must provide information about the services and support available locally and you will find this on the local authority website.
- The local authority must provide a needs assessment to anyone who might need support.
- If you then meet the threshold for help, the local authority must provide you with support.
- You may be entitled to an advocate to help you to understand what care and support is available and to help you to access it.

UNDERSTAND your rights

What are the duties of my local authority?

It is the responsibility of your local authority (LA) to provide information about:

- the types and range of care and support that are available including local providers and their services;
- what process to go through to get care and support;
- where and how to access independent financial advice about care and support; and
- how to raise concerns about the safety or wellbeing of someone who has care and support needs.

Most LAs have a website that sets out local services and this is usually the best way of finding information that is specific to your local area. If you are not sure who your LA is, you can find out by typing in your postcode [here](#), then look for a section titled "Health and social care", or similar.

Do I need a diagnosis or a disability to get help?

No, you do **not** need a diagnosis of FASD (or any other disability) to take an assessment or to be eligible for care and support from your LA but you will need to meet the 'eligibility criteria' set out below.

First step to getting help – a needs assessment

The first step is to [apply for a needs assessment](#) or for a [carer's assessment](#) (if you need help caring for an adult). Anyone can ask for a needs assessment. The LA **must** carry one out if it appears that you or someone you care for **may** have care and support needs because of a physical or mental condition or impairment and you are aged 18 or over or are moving from children's services to adult services.

At the needs assessment the LA will use the eligibility criteria set out in [The Care and Support \(Eligibility Regulations\) 2015](#) to determine whether your (or the carer's) needs meet the threshold for help.

Eligibility for support – meeting the threshold

Individuals must meet three conditions to receive support:

1. The individual's needs must arise from, or be related to, a physical or mental impairment or illness. [The Care and Support Statutory Guidance](#) defines physical or mental impairment or illness as a result of physical, mental, sensory, learning or cognitive disabilities or illness, substance misuse or brain injury. Individuals with FASD are likely to fall into one or more of these categories.

2. As a result of the individual's needs, they must be unable to achieve two or more of the specified outcomes. Examples are specific to the individual but might include :

-managing and maintaining a healthy, balanced diet.

-managing personal hygiene or toilet needs.

-being able to dress appropriately.

-accessing home safely and keeping it clean and safe.

-developing and maintaining personal relationships.

-accessing education, employment or volunteering opportunities.

-safely accessing and using local community services.

3. As a consequence of being unable to achieve these outcomes, there is, or is likely to be, a significant impact on the individual's wellbeing.

UNDERSTAND your rights

If you are a carer, the conditions are:

1. The needs must arise as a consequence of providing necessary care for an adult.
2. The effect of the carer's needs is that their physical or mental health is, or is at risk of, deteriorating, or the carer is unable to achieve any of the specified outcomes.
3. As a result, there is, or is likely to be, a significant impact on the carer's wellbeing.

What if the needs assessment concludes I do not meet the eligibility criteria?

The LA must give you or your carer a written copy of their assessment and their decision.

If none of your assessed needs meet the eligibility criteria, the LA must give you written advice and information about what can be done to meet or reduce your needs, and what can be done to prevent or delay the development of your needs in the future.

Care and support plan

If you have needs that are eligible for care and support, the LA will check whether you are ordinarily a resident in your local area, and will put together a personalised care and support plan which explains:

- what your needs are;
- how those needs will be met;
- how this plan meets your needs and wishes;
- how the support will help you do the things you want to do;
- details of your personal budget;
- information and advice about how you can reduce your needs; and
- if you are using direct payments for your support, what you will use them on and how much this will cost.

If you are already receiving support, or have other plans in place (such as an EHC plan), the LA will need to take those other plans and support into account, and look to combine plans where that is appropriate for you and you agree to it.

How will support be funded?

Care and support is not a free service. The LA will carry out a financial assessment by looking at your income and any assets you have (such as a house). They will then calculate how much you will need to pay. If you qualify for council help with costs, you will be offered a personal budget.

Personal budgets can be managed in several ways. You

can choose how the budget is paid to you, such as by direct payment into your bank account each month, or have the Council organise your care and receive a regular bill to pay towards it. The Council will regularly review your finances, usually once a year, to ensure you only pay what you can afford.

Is there a lead professional appointed to help if people have complex and diverse needs?

If your plan records you as having a mental impairment or lacking capacity to make decisions, a lead professional will be appointed in your plan, such as a social worker, who can help decide when the next review of your plan should take place.

Is there support to access services?

If you think you will need help when attending appointments and assessments you can bring a friend or family member to support you. If they know your needs well, are willing to support you, and can help you to put forward your views they may be an **'appropriate person'**.

If they live very far, only have occasional contact with you, or have their own strong opinions about your needs, they are not an 'appropriate person' and you may be entitled to an independent advocate.

Independent Advocates

The Care Act 2014 says that local councils need to involve you in decisions about your care and support needs. The LA has to arrange a 'Care Act Advocate' if you have "substantial difficulty" taking part in assessments and reviews of your care needs and you have no other 'appropriate person' to support you.

"Substantial difficulty" is defined in the Care Act as having problems with one or more of the following:

- understanding relevant information,
- retaining information,
- using or weighing information, or
- communicating views, wishes and feelings.

To find an advocate, contact social services at your local council and ask about advocacy services. Click on [this link](#) to find your local services.

An independent advocate can help you in different ways – see [this NHS site](#) for more information.

Transport services

Many areas have community transport services if you have difficulty using public transport. The details will be on your local council's website. Find out about what is available in your area [here](#).

MYTHBUSTERS

“I have been told that because I don’t have autism/ a learning disability/physical disability I am not eligible for any services.”

You have a right to ask for an assessment and if you are an adult and you **may** have care and support needs, the LA **must** carry out an assessment. You do not need a diagnosis to obtain an assessment from your LA.

When the LA carries out the assessment they must apply the national eligibility criteria to determine whether you meet the threshold for support.

“I have been told that I can’t have a disability service because I have a mental health issue but mental health

teams say they can’t help as I have a disability.”

The focus should be on need rather than any particular physical or mental health diagnosis and the first step is to obtain a needs assessment. If you need to complain, please see the section below.

“I was told that I can’t have therapy because having FASD means I won’t benefit from it.”

No two people with FASD are the same. You cannot be ruled out for therapy just because you have FASD.

If you are not receiving diagnosis or support from your doctors or NHS Trust let them know that NICE has a Quality Standard on FASD. They need to consult the Quality Standard to show that they are improving quality of care for FASD.

HOW can I enforce my rights?

(see key resources if you need an advocate to help you challenge your rights):

If you are refused a needs assessment

- Write to your LA asking them to provide written reasons why they are not carrying out an assessment. Make them aware of your situation, and give details about your challenges.
- If you are still not happy with the decision, you are entitled to complain to your local council.

If you are told you do not meet the threshold for help.

- Ask your LA to provide a written explanation of the assessment. Tell the assessor why you are unhappy about their decision and why.
- If you cannot resolve the issue informally, ask your assessor / check your LA website for information on making a formal complaint.

Independent review, monitoring officer

- If a complaint does not work, write to your LA to ask for independent review or contact your LA’s monitoring officer.

Local Government and Social Care Ombudsman

- If you have already done all the above, contact your Ombudsman.

Legal services

- If you think that your LA is acting unlawfully, you could get legal advice from a solicitor who is experienced in community and social care. They can tell you if you can get legal support and what to do next. Check if you are eligible for legal aid.

KEY RESOURCES:

If you are an adult with FASD:

- Hft: supports learning disabilities and other needs. See what services they offer in your area here.
- Turning Point: if you have drug or alcohol issues, mental health concerns, or a learning disability, they can support you.
- Scope has guidance on how to write a complaint if you are unhappy with an assessment decision: Social care assessment appeal.
- If you need legal advice to understand your rights, Citizens Advice can help you.

If you are a carer for someone with FASD:

- This NHS article links to more resources for dealing with challenging behaviour in adults.
- The Carers UK guide to the Care Act 2014 provides more detailed information about the various topics discussed in this factsheet.

If you are struggling to find an advocate:

- VoiceAbility gives advocacy support. Helpline: 0300 303 1660 or use VoiceAbility's online referral form.
- The Advocacy People gives advocacy support. Call 0330 440 9000 for advice or text PEOPLE to 80800 and someone will get back to you.
- POhWER is a charity that helps people to be involved in decisions being made about their care. Call 0300 456 2370 for advice.