Use this letter if the local authority has refused to carry out an assessment of your family’s needs. You may have requested the assessment using our template letter “we want to ask for an assessment of our family’s needs”. Local Authorities are under a legal duty to assess the needs of disabled children (and children “in need”) and parent carers. It is therefore unlawful for local authorities to refuse to carry out an assessment.

**Cerebra** [**LEaP**](http://w3.cerebra.org.uk/help-and-information/legal-help/ask-for-legal-help/) **Project template letter - This letter applies to Wales**

**“We want to make a complaint about the local authority’s** **refusal to carry out an assessment”**

Please change or delete the green text as appropriate.

[Your name]

[Address]

[Tel]

[E-mail]

(Date)

Complaints Officer

[Address]

Dear Complaints Officer

**My son / daughter: [name e.g. Alex Smith]**

**Date of birth: [e.g. 12th March 2007]
Formal complaint regarding the refusal to carry out an assessment of our family’s needs**

I ask that you treat this letter as a formal complaint for investigation under the formal procedures you are required to have in place. I require the complaint to be investigated at the earliest opportunity.

My complaint is as follows:

*[here set out as precisely as possible*

1. *what it is that is being complained about. For example, “I first contacted the council on [date] to ask for an assessment of Alex’s needs [and of my needs as a carer)”. The local authority responded to my request on (date) confirming their refusal to carry out an assessment” etc.*
2. *the names of the key staff who the complaints investigator will need to speak to;*

*If possible also enclose copies of any relevant letters/emails to and from the council.]*

I understand that local authorities have a duty to assess the needs of a disabled child under section 21 of the Social Services and Well-being (Wales) Act 2014. There is also a separate legal duty to assess the needs of parents who care for a disabled child under section 24 of the same Act.

As such, I am writing to complain about the local authority’s refusal to carry out an assessment of (my son’s/daughter’s/our family’s) needs.

I refer to my enclosed letter dated (date) in which I provided detailed information about Alex’s impairments and the effect that they are having on his/her welfare and my well-being. Within this letter, I also detailed the support I consider to be essential. *(If you have not already provided this information to the local authority, it will be useful to provide some information here about your child’s impairments. See our template letter “we want to ask for an assessment of our family’s needs” for wording.)*

To summarise, in line with the legal duty to assess the needs of a disabled child and parent carers, I am seeking the following:

1. an assessment of Alex’s needs for care and support section 21 of the Social Services and Well-being (Wales) Act 2014;

2. an assessment of my needs for support as a carer under section 24 of the Social Services and Well-being (Wales) Act 2014;

3. [an assessment of *[name of other person]*’s needs for support under section 24 of the Social Services and Well-being (Wales) Act 2014;

I understand that the Government’s guidance[[1]](#footnote-1) says that the maximum timeframe for completion of an assessment for my child is a maximum of 42 working days from receipt of the request. *[Explain here why you need Children’s Services to take urgent action].*

I also understand that in investigating this complaint you may need to share information with other relevant parties /agencies and also to access [*my records and / or my son’s/daughter’s records].* I confirm that I am in agreement to you taking this action - so far as it is strictly necessary.

 *[Explain when and how Children’s Services should contact you]* [e.g. “I am not presently working and am generally available most mornings (until about midday) on the above telephone number”]

I look forward to hearing from you at the earliest opportunity.

Yours faithfully

(your name and signature)

1. Social Services and Well-being (Wales) Act 2014: Part 3 Code of Practice: assessing the needs of individuals, paragraph 78. [↑](#footnote-ref-1)