

National Assembly for Wales / Cynulliad Cenedlaethol Cymru  
[Health and Social Care Committee / Y Pwyllgor Iechyd a Gofal Cymdeithasol](#)  
[The Care and Support \(Eligibility\) \(Wales\) Regulations 2015 / Rheoliadau](#)  
[Gofal a Chymorth \(Cymhwysra\) \(Cymru\) 2015](#)

Evidence from National Autistic Society Cymru – CSR AI 03 / Tystiolaeth gan  
Cymdeithas Genedlaethol Awtistiaeth Cymru – CSR AI 03

David Rees AM  
Chair, Health and Social Care Committee  
National Assembly for Wales  
Cardiff CF99 1NA

19 June 2015

Dear David Rees

**Response to correspondence provided by the Minister for Health and Social Care from the Social Care and Wellbeing Alliance Wales; Wales Carers Alliance; and Age Alliance Wales.**

At the Health and Social Care Committee evidence session on the Eligibility Regulations [10 June 2015], you mentioned that the Minister for Health had written to the Committee in relation to appealing eligibility decisions. As the Alliances who gave evidence to that session we are grateful for the opportunity to respond to that correspondence.

In his letter, the Minister notes that a person may ‘challenge an assessment if the assessment wasn’t conducted properly or if there is a change in a person’s circumstances.’ We believe that this is entirely different to challenging a decision about whether a need that was present at an assessment and addressed at assessment was determined as eligible or not.

It is more than likely that the local authority will be responsible for both carrying out the initial assessment and undertaking any review. As a result they could be less likely to come to a different conclusion than an independent reviewer.

We also believe that this process is contrary to the spirit of the act of giving people ‘voice and control.’ If the assessment report requires that the assessor notes every presenting need, and how to meet these needs, but the person with care and support needs does not agree how this need is met, they should have the right to challenge the decision. Otherwise, the assessment is something that is entirely ‘done to’ the person.

While we recognise that each local authority has a complaints procedure, this is not the same as appealing a decision. We would also like to draw the Committee’s attention to the Care Act which contains powers to establish a specific appeals system in England to challenge decisions made by local authorities.

Yours sincerely

Meleri Thomas, Social Care and Wellbeing Alliance Wales  
Keith Bowen, Wales Carers Alliance  
Emma Sands, Age Alliance Wales