

# YOU NEED TO KNOW

## about CAMHS – a Q&A for parents and carers of children and young people with autism

### How do I get an appointment for my child?

If you are worried about your child, you should speak to your GP. GPs can offer general advice and support for a range of problems, and will be able to make a referral to Child and Adolescent Mental Health Services (CAMHS) if this is needed. A number of other professionals can also make a referral, including a school nurse, health visitor and social worker.

### Can parents and carers attend a CAMHS appointment?

CAMHS practitioners will ask your child who they would like to accompany them, and they may see the practitioner on their own, if this is what they'd prefer to do.

It is important that your child communicates with the practitioner directly, if possible. But, because children with autism can find communication and 'self reporting' difficult, input from parents and carers and others regularly involved in the child's life, like teachers and learning support assistants, can be valuable. They can describe the child's usual behaviour and the changes they have noticed to help practitioners get to the bottom of the problem and identify the help needed.

If you are worried about any aspect of your CAMHS visit and want more information, you can contact YoungMinds who have a specialist parent helpline: **0808 802 5544**

### Who has to give consent for treatment?

Practitioners should involve children as much as possible in decisions about their care. Before treating a child, the practitioner must establish whether the child has sufficient understanding and maturity ('capacity') to give their consent to treatment.

The law governing the treatment of children and young people differs depending on whether they are under 16 or 16 and over:

#### Children under 16

Under 16s can consent to treatment if, in the practitioner's opinion, they have the capacity to allow them to understand what is being proposed. This concept is known as the Gillick competency (see overleaf). Unless it's an emergency, the practitioner will obtain the consent of someone with parental responsibility if they feel the child is not competent (that is, does not have capacity).



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If competent children under 16 insist that they don't want their family to be involved, then their right to confidentiality must be respected, unless this would put them at risk of significant harm.

### **Children aged 16 and 17**

The law considers all young people of 16 and over to have capacity to consent to treatment unless there is evidence to contradict this. Although practitioners should encourage young people in this group to involve their families in decisions about their care, if the young person wants things to be kept confidential, the practitioner should respect this unless this could lead to significant harm.

If a young person refuses treatment which is in their best interests to receive, a person with parental responsibility or the Court can override the young person's wishes.

**More information is available from Patient UK: [www.patient.co.uk](http://www.patient.co.uk) and on the Children's Legal Centre website: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)**

### **What is the Gillick competency?**

This is sometimes also referred to as the Fraser Guidelines and is a framework for helping professionals decide whether a young person under 16 is mature enough to make decisions.

**More information on this can be found on the Children's Legal Centre website: [www.childrenslegalcentre.com](http://www.childrenslegalcentre.com)**

### **What do I do if I am unhappy with the service?**

If you have difficulty getting the help you believe your child needs, you could make a complaint. We have produced an information sheet on the NHS complaints process regarding children: *Complaints about the NHS: children's procedure*. This can be found on our website at: [www.autism.org.uk/a-z](http://www.autism.org.uk/a-z)

**For advice on making a complaint you should contact the following:**

#### **England**

**Independent Complaints and Advocacy Services (ICAS).**

Your local Patient Advice and Liaison Service (PALS) will be able to put you in touch with your local ICAS. You can get details of your local PALS from the yellow pages, your doctors' surgery or local hospital, or online at [www.pals.nhs.uk](http://www.pals.nhs.uk)

#### **Wales**

**Community Health Councils (CHCs).** To find out your local CHC, contact the Board of Community Health Councils in Wales on 0845 644 7814 or 02920 235 558 or go to the Health of Wales Information Service at [www.wales.nhs.uk](http://www.wales.nhs.uk)

#### **Northern Ireland**

**Patient and Client Council (formerly the Health and Social Services Councils).**  
Telephone: 0800 917 0222  
Email: [Complaints.PCC@hscni.net](mailto:Complaints.PCC@hscni.net)  
Website: [www.patientclientcouncil.hscni.net](http://www.patientclientcouncil.hscni.net)

#### **Scotland**

**Health Rights Information Scotland.**  
Telephone: 0141 226 5261  
Email: [hris@consumerfocus.org.uk](mailto:hris@consumerfocus.org.uk)  
Website: [www.hris.org.uk](http://www.hris.org.uk)

### **Is there a time limit for making a complaint?**

You should make your complaint as soon as possible. The time limit for complaints made in England is usually 12 months from when the matter you are complaining about occurred, or 12 months from the date you first became aware of the problem. In Wales, Scotland and Northern Ireland, the time limit is usually six months from when the matter occurred, or from when you first became aware of the problem.

### **What are the stages of a complaint?**

First you should contact your CAMHS and ask for a copy of their complaints procedure.

#### **Local resolution**

Address your complaint to the Chief Executive of the NHS trust, the Complaints Manager or as outlined in your CAMHS complaints procedure. You can complain in writing, by email or by telephone, and you should receive an acknowledgement of the complaint within the timeframe given in their complaints procedure.

You may be invited to a meeting with the relevant staff involved in the matter to discuss the complaint, but you don't have to go if you don't want to. Instead, you can ask for all contact to be in writing. You should be informed of how the complaint will be handled and when you can expect to receive a full response.

#### **Independent Review (Wales)**

In Wales, if you are not satisfied with the response you receive, you should reply to the person responsible and ask for the complaint to be taken to Independent Review, where the matter is further investigated by the Independent Review Secretariat.

#### **Referral to the Ombudsman**

If you are unhappy with the final response you receive (from local resolution in England, Northern Ireland and Scotland or from the Independent Review in Wales) or you have waited longer for a response than expected or agreed (and without being told why), you can ask the Parliamentary and Health Service Ombudsman (England), Public Services Ombudsman (Wales), Northern Ireland Ombudsman (Northern Ireland) or Scottish Public Services Ombudsman (Scotland) to investigate the matter.

Your local Citizens Advice Bureau can assist you in making this kind of complaint. See [www.adviceguide.org.uk](http://www.adviceguide.org.uk) for more information.

*Please note that due to regular legislative changes across the UK nations there may be minor differences between nations in, for example, the time you can expect to wait at each stage. Check with the relevant body for your nation, as given under 'What do I do if I'm unhappy with the service?' opposite.*



### **What is the Ombudsman?**

The Ombudsman has wide-ranging powers to investigate complaints concerning GPs, trusts and health authorities. They cannot consider a complaint until the local NHS complaints procedures have been exhausted.

**More information is available at [www.ombudsman.org.uk](http://www.ombudsman.org.uk) (England), [www.spsos.org.uk](http://www.spsos.org.uk) (Scotland), [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk) (Wales) or [www.ni-ombudsman.org.uk](http://www.ni-ombudsman.org.uk) (Northern Ireland).**

### **I have heard that you can challenge a decision by a judicial review. What is this?**

A judicial review is the procedure by which the courts can consider the legality of decisions made by public bodies. It is concerned with challenges to the decision making process, not with the decision itself. It is not an appeal, but a review about whether the correct legal basis has been used to make a decision. Sometimes the result of a judicial review will mean that the same decision can be made again, as long as it is done in a lawful way.

**More information is available from [www.publiclawproject.org.uk/downloads/WhatIsJR.pdf](http://www.publiclawproject.org.uk/downloads/WhatIsJR.pdf)**

### **Are there time limits for a judicial review?**

Application for a judicial review must be made promptly and no more than three months after the incident. If the Ombudsman is investigating your case it cannot go to a judicial review.

### **How do I know if I have grounds for a judicial review?**

A judicial review is not available where an equally convenient remedy exists. In practice, this means that using the complaints procedure is the best way to resolve issues. In determining grounds for a judicial review it is very important to seek specialist legal advice. A judicial review is a costly and lengthy process, though legal aid may be available. We have a small list of solicitors with an understanding of autism, which can be accessed through our online directory: [www.autism.org.uk/directory](http://www.autism.org.uk/directory)

### **What is the legal framework for child mental health?**

The legal framework is complex and covered by a range of legislation and guidance including the following:

Every Child Matters (2003)

More information is available at [www.everychildmatters.gov.uk](http://www.everychildmatters.gov.uk)

The Children Act (2004) and the Children's Plan

Further information can be obtained from the Department for Education

The Mental Health Act (2007)

An overview can be obtained from the Department of Health

The National Service Framework for Children

More information can be obtained from the Department of Health

**More information on the legal framework is available from Mind: [www.mind.org.uk](http://www.mind.org.uk)**

We have produced a parents' guide on child mental health and autism, 'You need to know' - mental health in children and young people with autism: a guide for parents and carers, available through our campaign website: [www.autism.org.uk/youneedtoknow](http://www.autism.org.uk/youneedtoknow)



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