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# Getting a decent 'Parent Carer's Needs Assessment'

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## Parent carers

**Definition**  
A 'parent carer' is an adult 'who provides or intends to provide care for a disabled child for whom the person has parental responsibility'.  
Section 17ZA(3) Children Act 2014 1989

**Duty to assess**  
Duty to assess the needs of parent carers  
Section 17ZD Children Act 1989

Duty to assess the needs of other adults who care for a disabled child  
Section 1 Carers (Recognition and Services) Act 1995

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## Definition ~ 'child in need'

**Section 17 (10) Children Act 1989**  
a child is in need if she or he:

- will not achieve their development milestones unless provided with support by the local authority
- will suffer harm unless provided with support by the local authority
- is disabled

Two groups therefore

- Neglected / abused children
- Disabled children

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## Definition ~ 'disabled child'



### Section 17 (11) Children Act 1989

- a child is disabled if he is blind, deaf or dumb or suffers from **mental disorder** of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity .....

No requirement that there be:

- a 'diagnosis';
- a severe learning disability;
- challenging behaviour posing significant risk of harm to others.

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## Disabled children are different'



The CA 1989 and the CSDPA 1970 reserve a range of support services for disabled children – ie services that are not available for 'children in need' who are not disabled eg:

- Direct Payments
- Short breaks
- Adaptations
- Parent care needs assessments

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## Disabled children are different'



- Treating disabled children simply 'children in need' not only denies – unlawfully – families access to these supports;
- it is also amounts to unlawful discrimination: treating people who are materially different to each other in the same way is discrimination

*Thlimmenos v Greece* (2000)

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## Parent carers

### Children Act 1989 s17ZD

Duty to assess a parent carer 'on the appearance of need'

- the assessment must have regard to the well-being of the parent carer;
- "well-being" has same meaning as in Care Act 2014.
- parent carers must be provided with a copy of the assessment.

Children Act 1989 s17ZD(13).

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## Well-being (Care Act 2014, s1)

### relates to:

- (a) personal dignity
- (b) physical /MH /emotional;
- (c) protect abuse /neglect;
- (d) control day-to-day life;
- (e) work, education, training;
- (f) social & economic;
- (g) personal relationships;
- (h) suitable accommodation;
- (i) contribution to society.

### regard to—

- (a) individual is best placed;
- (b) views, wishes and feelings;
- (c) all the circumstances;
- (d) participate in decisions
- (e) a balance between individual's and carers;
- (f) Protect abuse/ neglect;
- (g) minimum restrictions.

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## Parent carers

### Reasons for saying 'no'

Some LAs are refusing PC assessments unless they have decided that the disabled child is eligible for support:

- this a misunderstanding of the law. The s17ZD duty is triggered if:
  - (1) it 'appears' to the LA that a parent caring for their disabled child may have needs for support (or she/he requests an assessment); and
  - (2) the LA is satisfied that it may provide / arrange services for the child / child's family under s 17.

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## Parent carers

### Reasons for saying 'no'

Some LAs are suggesting that parent carer rights do not arise where the authority is only providing 'early help' support.

- this is incorrect: any social services assessment of a young person's needs will be a s17 assessment;.

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## Parent carers

### Combined assessments

LAs can combine a parent carer's assessment with the assessment of the disabled child's needs

Children Act 1989 s 17ZE(3)

This is a 'power' (not a 'duty') and so blanket policies requiring this to happen in every case will be an unlawful 'fettering of a LA's discretion.

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## Parent carers

Even if combined with a disabled child's assessment the assessments must be distinct – in the sense that the authority must be able to demonstrate that:

1. the parent carer's specific needs have been identified and addressed (or reasons provided as to why they are not eligible to be addressed); and
2. it has had specific regard to the well-being requirements for the parent carer

Parents must also be given a separate statement of their needs / their wishes and aspirations / their well-being 'impacts' etc

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### A 2007 ombudsman's report

A parent sought DPs to enable him to purchase respite care for his young son, so that he could pursue his University's studies.

The council required parent carers to give reasons why they wanted DPs (in lieu of services) and stated that in any event:

- DPs could not be paid for childcare as childcare was the responsibility of the parents, whether or not children have a disability'

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### A 2007 ombudsman's report

The ombudsman held that:

there is an obligation on local authorities to ensure that parents are not 'disadvantaged in pursuit of education/training any more than other parents'.

Complaint No. B2004/0707/S/370 (Swansea CC) 22 Feb 2007

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### A 2016 ombudsman's report

Single mother with two children: one with significant disabilities & in need constant supervision.

- Council advised her that it expected parents to organise their work responsibilities around the needs of their children; that it was not its responsibility of to provide direct payments solely to enable parents to work
- But she could use the respite breaks she received to enable her to work

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## A 2016 ombudsman's report

### Maladministration

Council has failed to understand the law.

- The child's assessment and carer's assessment should 'feed into each other'.
- Council knew son needed constant supervision.
- Council also knew mother in full time work and the nature of her job meant she could not pursue flexible working.
- These were key factors but neither the son's assessment nor the carer's assessment properly considered those issues

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## A 2016 ombudsman's report

- Government guidance clearly states authorities should not assume a carer is happy to continue in their caring role.
- Councils are required to consider whether a carer wishes to work.
- Nothing in the assessments to suggest the Council properly considered the impact on ... if she did not receive support during school holidays.

Kent County Council No. 14 015 230 7 June 2016.

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## Resources

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## Challenging LA failings

General resource:

Cerebra  
'Accessing Public Services Toolkit'



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## Cerebra Template Letters

- We want to make a complaint about the councils refusal to carry out an assessment
- The council still hasn't completed our assessment or provided any interim support
- The council says that our child isn't eligible for support
- We want to complain about an inappropriate 'child in need' assessment
- We want to make a complaint about a council failure

These can be found by Googling 'Cerebra Template Letters'

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