

Duty of Social Services has to find an appropriate person but someone not providing care

The parent can be an advocate – better not conflict – but views taken into account

Might be part of care needs to provide advocacy – then an enforceable duty

Is no day service legal as a blanket policy – **if assessed they have to meet all my eligible needs**

The local authority has a duty not the care home – but you have a blanket policy

Blanket policy is unlawful

What is the obligation of the NHS in the residential care (Q)

If concerned about the welfare they must involve family also in public law

Check the NHS constitution – its brilliant

NHS provides provision but the carer can get assessed so social service supplies (section 7) they can ask the NHS to provide the respite for the carer

Does LA's encourage advocates (Q)

Department of Health provides money for commissioning of advocates – no duty to be advocacy friendly

Public law says advocacy should be provided

For tactics print out total guidance with lots of sticky notes at meeting

“Why are all parents of children that are handicapped, unreasonable?”

There is such a thing as unreasonable abuse

Use publicity to apply pressure to NHS – they are paranoid

The equality act!

Are there any good care plans – he had never seen one

A good care/support plan is absolutely essential - the assessment gives the needs and the plan is how to implement

Young carers in the new act – budgets and care plans in law an absolute duty – details what should be in a care plan

The plan must be intelligible English – not computers

No eligibility criteria for children but LA might have but Social workers would be unaware



Ordinary residence (Q)

it is where you are based, goes back to poor law – deeming rules, but if you move out of care home as of the new act will extend to supported living and has to be financially provided by the original funding authority

Don't agree with assessment go to complaints procedure

SEMINAR ENDS

