



# PLP MONTHLY LEGAL UPDATER POWERED BY THOMSON REUTERS

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## CASE REPORTS

### **FAMILY LAW.** *Social welfare; Human rights; Education.*

**Carers; Childcare; Childcare costs; Discrimination; Equal treatment; Justification; Lone parents; Nursery education; Right to respect for private and family life; Social policy.**

R. (on the application of T) v Secretary of State for Education. [2018] EWHC 2582 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Lewis J. October 06, 2018

The provision of an additional 15 hours of free childcare to the children of working parents did not breach ECHR art.14 read with art.8, despite a differential treatment between families where one parent worked and lone parents who were unable to work because they were carers or were the victims of domestic violence. The childcare policy was intended to enable parents to return to work, or work more hours, and was objectively justified.

Application refused.

### **FAMILY LAW.** *Local government; Human rights; Mental health.*

**Consent; Deprivation of liberty; Inherent jurisdiction; Right to liberty and security; Secure accommodation orders.**

T (A Child), Re. [2018] EWCA Civ 2136. Court of Appeal (Civil Division) (CA (Civ Div)). Sir Andrew McFarlane PFD; Moylan LJ; Peter Jackson LJ. October 04, 2018

Where the High Court was making a statutory secure accommodation order in respect of a young person or exercising its inherent jurisdiction to determine an application by a local authority for a declaration authorising restriction of liberty of a young person, it was irrelevant whether the young person consented.

Appeal dismissed

## **HOUSING.** *Licensing; Local government.*

**Houses in multiple occupation; Licence conditions; Local housing authorities' powers and duties; Occupiers; Student accommodation; Students.**

Nottingham City Council v Parr. [2018] UKSC 51. Supreme Court (SC). Lady Hale PSC; Lord Wilson JSC; Lord Carnwath JSC; Lady Black JSC; Lord Lloyd-Jones JSC. October 10, 2018

The power to impose conditions under the Housing Act 2004 s.64 and s.67 in order to make a house in multiple occupation suitable for a particular number of households or persons could be used so as to limit the class of persons for whom the HMO was suitable, such as by limiting the house to occupation by full-time students.

Appeal dismissed

## **LEGISLATION**

### **LANDLORD AND TENANT.**

**Domestic violence and abuse; Secure tenancies; Victims.**

Secure Tenancies (Victims of Domestic Abuse) Act 2018. c.11

An Act to make provision about the granting of old-style secure tenancies in cases of domestic abuse.

Royal Assent: 10 May 2018

## **HOUSING.** *Immigration.*

**Entitlement; Habitual residence; Homelessness; Housing allocation; Leave to remain; Social housing.**

Allocation of Housing and Homelessness (Eligibility) (England) (Amendment) (No.2) Regulations 2018. SI 2018/1056

These Regulations amend the Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 in order to make a new category of persons eligible for an allocation of social housing and homelessness assistance. They make provision for persons who have limited leave to remain under para.352J of the Immigration Rules to be eligible for an allocation of social housing and homelessness assistance if they are habitually resident in the Common Travel Area.

In Force: 1 November 2018

Made under Housing Act 1996 s.160ZA(2), s.185(2)

Legislation amended: Allocation of Housing and Homelessness (Eligibility) (England) Regulations 2006 (SI 2006/1294).

## HOUSING.

### Homes and Communities Agency; Regulator of Social Housing; Transfer of functions.

Legislative Reform (Regulator of Social Housing) (England) Order 2018. SI 2018/1040

This Order establishes the Regulator of Social Housing and transfers the functions of regulating the social housing sector from the Regulation Committee of the Homes and Communities Agency (HCA) to the Regulator.

In Force: In accordance with art.1

Made under Legislative and Regulatory Reform Act 2006 s.2

Legislation amended: Housing and Regeneration Act 2008; Public Records Act 1958; Parliamentary Commissioner Act 1967; House of Commons Disqualification Act 1975; Freedom of Information Act 2000; Equality Act 2010; Official Statistics Order 2013 (SI 2013/1163); Equality Act 2010 (Specific Duties and Public Authorities) Regulations 2017 (SI 2017/353).

## GOVERNMENT AND REGULATORY DEVELOPMENTS

### ADULT SOCIAL CARE; HEALTH CARE; NHS.

LGA responds to Public Accounts Committee report on Health and Social Care Integration. By Local Government Association. 19 October 2018

Responding to a Committee of Public Accounts report on the interface between health and adult social care, the Local Government Association (LGA) outlines the urgent need for a long-term funding plan for adult social care, particularly as it now consumes almost 40% of council budgets and faces a shortfall in funding of £3.5 billion by 2025. It states that it is essential that funding for both health services and social care is secured on a long-term basis, and that "local health and care leaders are given the space, resources and time to deliver appropriate solutions for the communities they serve".

Website: <https://www.local.gov.uk/about/news/lga-responds-public-accounts-committee-report-health-and-social-care-integration>

## HOUSING.

### Housing Repairs Account; Local authority housing.

Government announces new generation of council housing. By Ministry of Housing, Communities and Local Government. 3 October 2018

The Government has announced that the Housing Revenue Account borrowing cap for council house building will be removed to enable councils to play a key role in delivering the homes their communities need. Further details will be confirmed in the 2018 Budget.

Website: <https://www.gov.uk/government/news/government-announces-new-generation-of-council-housing>

## **MENTAL HEALTH.** *Social welfare.*

**Bills; Care homes; Deprivation of liberty; Deprivation of liberty safeguards; Vulnerable adults.**

Care homes' conflict of interest in deprivation of liberty decisions. By Law Society. 12 October 2018

The Law Society believes that provisions in the Mental Capacity (Amendment) Bill 2017 to give care home managers responsibility for coordinating the process which determines whether a person should be deprived of their freedom in a residential or nursing home would put vulnerable adults at risk. It argues that safeguards provided under the existing Deprivation of Liberty Safeguards scheme would be weakened. The proposed amendments will be considered on 15 October 2018.

Website: <https://www.lawsociety.org.uk/news/press-releases/care-homes-conflict-of-interest-deprivation-of-liberty/>

## **NEWS ARTICLES**

### **EDUCATION.** *Local government.*

**Fines; Gloucestershire; Local authorities' powers and duties; School exclusions; Schools.**

Gloucestershire schools face a £5,000 fine per expulsion. Times, 11 October 2018, 13. By Rosemary Bennett.

Gloucestershire County Council is proposing to fine schools £5,000 for every child they permanently exclude, where 141 pupils were excluded in the county during the 2017/18 school year, at a rate of 0.16% against the national average of 0.08%. Under the plans, the £5,000 fine would go to the school which takes on the excluded pupil to help support the transition.

Website: [https://www.gloucestershire.gov.uk/media/1520203/gcc\\_2235-high-needs-consultation\\_dev6-final.pdf](https://www.gloucestershire.gov.uk/media/1520203/gcc_2235-high-needs-consultation_dev6-final.pdf)

## **MENTAL HEALTH.**

**Delay; Detained persons; Funding; Mental health; NHS.**

NHS neglecting people in mental health crisis, according to APPG. Guardian, 16 October 2018 (Online edition). By Denis Campbell.

According to a report by the all-party parliamentary group (APPG) on mental health, rising numbers of people who experience a mental health crisis are having to visit A&E or are detained for their own safety because England's NHS services to help them are deteriorating. It also states that increased delays for treatment are faced by 700,000 people with severe mental health problems such as schizophrenia and bipolar disorder. It argues that in recent years, spending has been re-prioritised, moving from community mental health teams and crisis teams to other areas of mental health need, such as support for new mothers and those suffering a first episode of psychosis.

Website: <https://www.theguardian.com/society/2018/oct/16/people-mental-health-crisis-neglected-nhs-mps-warn>