



Disabled Persons (Services, Consultation and Representation) Act 1986

1986 CHAPTER 33

PART I

REPRESENTATION AND ASSESSMENT

3 Assessment by local authorities of needs of disabled persons

(1) Where—

- (a) on any assessment carried out by them in pursuance of any provision of this Act, or
- (b) on any other occasion,

it falls to a local authority to decide whether the needs of a disabled person call for the provision by the authority (in accordance with any of the welfare enactments) of any statutory services for that person, the authority shall afford an opportunity to the disabled person or his authorised representative to make, within such reasonable period as the authority may allow for the purpose, representations to an officer of the authority as to any needs of the disabled person calling for the provision by the authority (in accordance with any of those enactments) of any statutory services for him.

(2) Where any such representations have been made to a local authority in accordance with subsection (1) or the period mentioned in that subsection has expired without any such representations being made, and the authority have reached a decision on the question referred to in that subsection (having taken into account any representations made as mentioned above), the authority shall, if so requested by the disabled person or his authorised representative, supply the person making the request with a written statement—

- (a) either specifying—
 - (i) any needs of the disabled person which in the opinion of the authority call for the provision by them of any statutory services, and

Status: This is the original version (as it was originally enacted).

- (ii) in the case of each such need, the statutory services that they propose to provide to meet that need,
or stating that, in their opinion, the disabled person has no needs calling for the provision by them of any such services ; and
 - (b) giving an explanation of their decision ; and
 - (c) containing particulars of the right of the disabled person or his authorised representative to make representations with respect to the statement under subsection (4).
- (3) Where the local authority do not propose to provide any statutory services to meet a particular need identified in any representations under subsection (1), any statement supplied under subsection (2) must state that fact together with the reasons why the authority do not propose to provide any such services.
- (4) If the disabled person or his authorised representative is dissatisfied with any matter included in the statement supplied under subsection (2), that person may, within such reasonable period as the authority may allow for the purpose, make representations to an officer of the authority with respect to that matter.
- (5) Where any such representations have been made to the authority in accordance with subsection (4), the authority shall—
 - (a) consider (or, as the case may be, reconsider) whether any, and (if so) what, statutory services should be provided by them for the disabled person to meet any need identified in the representations ; and
 - (b) inform the disabled person or his authorised representative in writing of their decision on that question and their reasons for that decision.
- (6) Where—
 - (a) the disabled person or his authorised representative is unable to communicate, or (as the case may be) be communicated with, orally or in writing (or in each of those ways) by reason of any mental or physical incapacity, or
 - (b) both of those persons are in that position (whether by reason of the same incapacity or not),the local authority shall provide such services as, in their opinion, are necessary to ensure that any such incapacity does not—
 - (i) prevent the authority from discharging their functions under this section in relation to the disabled person, or
 - (ii) prevent the making of representations under this section by or on behalf of that person.
- (7) In determining whether they are required to provide any services under subsection (6) to meet any need of the disabled person or his authorised representative, and (if so) what those services should be, the local authority shall have regard to any views expressed by either of those persons as to the necessity for any such services or (as appropriate) to any views so expressed as to the services which should be so provided.
- (8) In this section " representations " means representations made orally or in writing (or both).