Re: rough draft, no evidence pages in it

From: Marc Horn (maphorn@yahoo.com)

To: jec3540@gmail.com

Date: Tuesday, 7 July 2026 at 16:47 BST

Below is a **tightened legal analysis** of your draft, followed by a **court-ready Letter Before Action**. I have preserved the substance but made the proposed claim **narrow, fresh, and harder for CDC to dismiss as a re-litigation of the existing JR / appeal**.

The key strategic point is this:

> This LBA should be framed as a **fresh post-return failure to provide assessed eligible care after 3 July 2026**, despite CDC having advance notice, confirmed eligibility, and Barbara's acceptance of a managed account under reservation. It should **not** re-run the old JR issues except as background.

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1. Immediate drafting issues to correct

A. Correct obvious date error

Your chronology says:

> **7/4/2025:** Ms Hadden's needs were still not being met...

This should be:

> **7/4/2026**

That matters because a wrong year could let CDC suggest confusion or historic grievance.

B. Do not make the "four weeks" policy the centre of this LBA

This new LBA should not focus on:

> four weeks abroad / s.3.11 / studying in Tbilisi.

Barbara is now **back in the UK for summer**. The strongest issue is:

> CDC was told she was returning, had an accepted 30-hour need, was told she accepted the managed account under duress, and still failed to put care in place.

That is a fresh factual matrix.

C. Use s.18 as the main statutory duty

Care Act 2014 **s.18** is the main provision: once eligibility is determined, the local authority "must meet" eligible needs. (Legislation.gov.uk)

Section 19 is useful, but more carefully framed. It is generally a **power** to meet needs, not the core mandatory duty where eligibility is already accepted. Use s.19 as a fallback: if CDC says paperwork/planning was incomplete, it still had power to provide interim support.

D. Use statutory guidance 10.86 prominently

This remains the strongest continuity point:

> "People must not be left without support while a dispute is resolved." (GOV.UK)

This directly answers any CDC argument that the managed account paperwork or ongoing dispute justifies no support.

E. Shorten the response deadline

Your draft gives CDC **28 days**. That is too long given actual non-provision of care.

The Judicial Review Pre-Action Protocol says defendants should normally respond within **14 days**. (GOV.UK Justice) In urgent circumstances, particularly where ongoing care is absent, it is legitimate to require action sooner.

Suggested structure:

- **Immediate practical response / care plan by 4pm within 48 hours**
- **Substantive PAP response within 7 days**
- State that if no care is in place, Barbara reserves the right to issue urgent JR / N463 sooner.

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2. Revised Letter Before Action

LETTER BEFORE CLAIM

Proposed Judicial Review

Failure to meet eligible Care Act needs following return to the UK

To:
City of Doncaster Council
Legal Services
[Email: litigation@doncaster.gov.uk]

Copied to:
Michelle Varley
Gemma Butler

Faye McKenzie
Scott Fawcus
[others as appropriate]

From:
Barbara Hadden
[Address / email]

Date: 7 July 2026

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1. Proposed Claimant

Barbara Hadden.

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2. Proposed Defendant

City of Doncaster Council.

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3. Nature of the proposed claim

This is a Letter Before Claim under the Pre-Action Protocol for Judicial Review.

The proposed claim concerns the Council's **fresh and continuing failure**, since **3 July 2026**, to meet my assessed eligible care and support needs while I am present in the United Kingdom.

This proposed claim is **without prejudice to** my existing proceedings and pending application for permission to appeal. It concerns a **fresh failure to act** arising after my return to the UK and after the Council was given advance notice of that return.

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4. Decision / failure challenged

The decision, omission, or failure challenged is:

> The Council's failure to put in place and provide my assessed **30 hours per week** care and support following my return to the UK on or about **3 July 2026**, despite having been notified in advance and despite my acceptance, under reservation and duress, of a managed account mechanism.

The Council has failed to identify any lawful basis for leaving me without care.

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5. Concise chronology

1. **8 January 2026**
   Michelle Varley and Gemma Butler met with me and my McKenzie Friend, Jayne Nelson, to review my care plan. It was confirmed that I remained eligible for **30 hours per week**

of care and support. I was told my care plan would be provided within approximately one week.

2. **13 February 2026**
   I filed a judicial review claim in the Administrative Court concerning the forced managed account issue and seeking urgent interim support.

3. **17 March 2026**
   I informed both the Administrative Court and the Council that I expected to return to the UK at the end of semester, around mid-July 2026.

4. **18 March 2026**
   The Administrative Court considered the urgent interim relief application and permission on the papers.

5. **7 April 2026**
   As my needs were still not being met, I sent the Council a **Reservation of Rights** letter accepting a managed account strictly under duress and reserving all rights. I copied the letter to Gemma Butler, Litigation, Faye McKenzie, Scott Fawcus, and Michelle Varley. I requested staged responses and the paperwork required to implement the managed account.

6. **14 April 2026**
   I sent a first reminder to the Council.

7. **17 April 2026**
   I filed an Appellant's Notice, Grounds of Appeal, Skeleton Argument, Witness Statement, and Core Bundle in support of my application for permission to appeal.

8. **3 May 2026**
   I sent a second reminder to the Council concerning the 7 April 2026 Reservation of Rights letter.

9. **4 June 2026**
   I emailed Faye McKenzie, Michelle Varley, and Gemma Butler asking for my care package to be reinstated on my return to the UK on **3 July 2026**, and asked that the package be ready when I returned.

10. **3 July 2026**
    Michelle Varley emailed asking me to confirm whether I was agreeable to proceeding with a managed account and to confirm my return date, so arrangements could be made and documents completed via Purple Zest Direct Payment Support Service. She also stated that acceptance of a managed account would not affect my rights to bring a complaint or legal action.

11. **7 July 2026**
    I replied explaining that I had already agreed, under duress and with reservation of rights, to a managed account on **7 April 2026**. The Council had therefore had approximately three months to prepare the relevant paperwork. I also reminded the Council that Michelle Varley had been copied into my email of **4 June 2026**, which gave my return date.

12. As at the date of this letter, the Council has still failed to provide the mechanism or support required to meet my assessed eligible needs.

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6. Legal framework

The Council has already determined that I have eligible care and support needs. Under **section 18 Care Act 2014**, once the statutory conditions are met, the local authority **must meet** eligible needs. (Legislation.gov.uk)

The Council is also required to act consistently with the Care and Support Statutory Guidance. Paragraph **10.86** states:

> "People must not be left without support while a dispute is resolved." (GOV.UK)

The Guidance also makes clear that if direct payments are discontinued, the local authority should make timely arrangements for services in lieu to ensure continuity of support, and should review and agree alternative provision rather than simply leave the person without support. (GOV.UK)

Accordingly, even if the Council maintains that a managed account is required, that does not provide a lawful basis for leaving me with no care.

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7. Grounds of challenge

Ground 1 — Breach of mandatory Care Act duty

The Council is in breach of its duty under **s.18 Care Act 2014** by failing to meet my assessed eligible needs from my return to the UK on or about **3 July 2026**.

Eligibility is not in dispute. My care need of **30 hours per week** was confirmed on **8 January 2026**. The Council had advance notice of my return and advance notice that I had accepted a managed account under reservation and duress.

Ground 2 — Failure to ensure continuity of support

The Council has left me without support while the mechanism for provision remains disputed and/or unimplemented.

That is inconsistent with Care and Support Statutory Guidance **10.86**. The Council cannot lawfully use paperwork, administrative delay, or an unresolved payment-mechanism dispute as a reason to provide no care.

Ground 3 — Irrationality and failure to act within a reasonable time

The Council had notice from at least:

- **17 March 2026** that I would return to the UK in July;
- **7 April 2026** that I accepted a managed account under reservation and duress;
- **4 June 2026** of my intended return date of **3 July 2026**.

It is irrational and unreasonable for the Council to have taken no effective steps to ensure support was in place by the date of my return.

Ground 4 — Failure to give lawful reasons

The Council has failed to provide a reasoned explanation identifying any lawful basis for leaving me without assessed eligible care and support.

If the Council contends it is lawfully entitled to leave me without care, it must identify the statutory provision, rule, policy, or lawful decision on which it relies.

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8. Action required

I require the Council to do the following.

A. Immediate practical action

By **4pm on [insert date — recommended: 48 hours from sending]**, confirm:

1. The date from which my care and support will commence;
2. The arrangements by which my assessed **30 hours per week** will be met;
3. Whether the Council will provide support:
    - by direct payment;
    - through Purple Zest / managed account;
    - by commissioned care;
    - or by another lawful interim mechanism;
4. The name and contact details of the officer responsible for implementation.

B. Paperwork and implementation

By **4pm on 14 July 2026**, provide:

1. All managed account / Purple Zest paperwork required from me;
2. The updated care and support plan;
3. The personal budget;
4. The financial breakdown for the 30 hours per week;
5. The start date for payment or commissioned provision;
6. Any risk assessment or safeguarding plan relied upon.

C. Substantive PAP response

By **4pm on 14 July 2026**, provide a substantive response to this Letter Before Claim, confirming whether the Council:

1. accepts that it owes a duty to meet my eligible needs while I am in the UK;
2. accepts that no support has been provided since my return;
3. accepts that it had notice of my return;
4. accepts that I had already accepted a managed account under reservation on 7 April 2026;
5. identifies any lawful basis for the continued non-provision of care;
6. agrees to provide support immediately.

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9. Proposed remedy if proceedings are issued

If the Council does not comply, I will seek urgent judicial review relief, including:

1. A mandatory order requiring the Council to meet my eligible care and support needs forthwith;
2. Interim relief requiring immediate provision of care pending determination;
3. A declaration that the Council's failure to provide care following my return to the UK is unlawful;
4. An order requiring the Council to provide a reasoned decision and implementation timetable;
5. Non pecuniary damages;
6. Costs and any further relief the Court considers appropriate.

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10. Urgency

This matter is urgent because I am currently in the UK and my eligible needs are not being met.

This is not a historic complaint. It is a fresh and continuing failure following my return to the UK in July 2026.

Judicial review must be brought promptly and in any event within three months of the grounds first arising, and time limits cannot be extended by agreement. (GOV.UK Justice) I therefore reserve the right to issue proceedings urgently if care is not put in place.

The Pre-Action Protocol normally expects a response within 14 days. (GOV.UK Justice) Given the ongoing absence of care, I am requiring a shorter response on urgent implementation.

Pre-Action Protocol for Judicial Review – Civil Procedure Rules – Justic...

11. Documents requested

Please provide:

1. The care plan agreed or proposed following the **8 January 2026** meeting;
2. Any internal record of the decision made after that meeting;
3. All correspondence with Purple Zest concerning my managed account since **7 April 2026**;
4. Any internal note explaining why care was not in place on **3 July 2026**;
5. Any lawful basis relied upon to leave me without care;
6. Any safeguarding assessment or risk assessment since my return.

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12. Reservation of rights

My acceptance of a managed account is and remains **under duress and with full reservation of rights**.

Nothing in this letter waives my position in the existing appeal or any separate challenge concerning previous decisions.

This letter concerns the Council's **fresh failure to meet my eligible needs following my return to the UK in July 2026**.

Yours faithfully,

Barbara Hadden

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3. Recommended covering email

Use this as the email body:

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Subject: URGENT – Letter Before Claim – Failure to provide Care Act support
following return to UK – Barbara Hadden

Dear Legal Services,

Please find attached / below a Letter Before Claim concerning the Council's
continuing failure to meet my assessed eligible care and support needs
following my return to the UK on or about 3 July 2026.

This is urgent. The Council has confirmed my eligible needs, had advance
notice of my return, and had notice since 7 April 2026 that I accepted a
managed account under reservation and duress. No care is in place.
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Please confirm receipt immediately.

Yours faithfully,

Barbara Hadden
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4. Final strategic assessment

This should be treated as a **fresh LBA** because the strongest current issue is not the old JR history. It is:

> CDC had actual notice of Barbara’s return, actual notice she had accepted the managed account under reservation, and still failed to put any care in place.

That is a clean and strong fresh public law failure.

Regards,
Marc

Today's problems are the result of yesterday's thinking - Be the change you want to see!

Take what you want - leave the rest.

> On Tuesday, 7 July 2026 at 16:29:14 BST, Jayne Nelson <jec3540@gmail.com> wrote:
>
> enclosed