

## Luke Clements Publications list



- 2019 *Community Care & the Law* 7<sup>th</sup> edn (Legal Action Group 2019).
- 2018 The Positive impact of disabled facilities grants in 'Legal Action' September 2018 p.7.
- 2018 Disability related expenditure and pets care costs [with Sorcha McCormack] (Cerebra 2018).
- 2018 The accessibility of Disabled Facilities Grant application forms in England [with Sorcha McCormack] (Cerebra 2018).
- 2018 'Realizing Roma rights' in *The International Journal of Human Rights* 22(6), pp. 844–845 [Book Review];
- 2018 'From dementia tax to a solution for social care' [with Peter Beresford & Colin Slasberg] in *Soundings* 68 (2018) pp. 78 – 93.
- 2017 Why investing £60k in home adaptations saves public money Guardian on-line 26th July 2017.
- 2017 *Community Care & the Law* Legal Action Group 6<sup>th</sup> edn: (Legal Action Group 2017).
- 2017 Accessing Public Services Toolkit (Cerebra 2017).
- 2017 Keynote speech at BASW Cymru's Annual Conference 2017: Social Services and Wellbeing (Wales) Act 2014: a critical overview (BASW Cymru 2017).
- 2017 Accessing Public Services in Scotland: A problem-solving toolkit (Cerebra 2017).
- 2017 Disabled Children and the Cost Effectiveness of Home Adaptations & Disabled Facilities Grants: a Small Scale Pilot Study [with S McCormack] (School of Law Leeds 2017).
- 2017 Local Authority Home to School On-line Transport Policies: Accessibility and Accuracy [with S McCormack] (School of Law Leeds 2017).
- 2017 *Matching the rhetoric of rights with reality* in 'Legal Action' March 2017 p 6-7.
- 2016 *Local Authority Short Breaks Statements Accessibility and Accuracy* [with S Howley, B Thorne ] (Cerebra 2016).
- 2016 *Community care update* in 'Legal Action' May 2016 pp 30 – 32.
- 2016 *Carers and their Rights – the law relating to carers* (Carers UK) 6<sup>th</sup> edn 2016 105pp ISBN 978 1 873 747 54 4.
- 2016 Disabled Children: a legal handbook [with S Broach & Janet Read] 2<sup>nd</sup> ed January (Legal Action Group 2016): 648pp ISBN: 9781908407009
- 2015 Why implementation of new Welsh social care legislation must be delayed November 19, 2015 Community Care on Line Journal

2014 *Why Care Act changes risk shunting NHS responsibilities on to councils and vulnerable adults* in *Community Care* 24 July 2014.

2014 *The Pauline Thompson Memorial Lecture 2014 Caring as a Human Right?* In *Elder Law* [2014] Issue 4 Volume 4 pp375-381.

2014 L. Clements *Caring as a Human Right?* *Legal Action* October 2014. pp 8 – 10.

2013 *Adult social care law reform* in *Elder Law* [2013] Issue 3 Volume 3 pp219-224.

2013 *Does your carer take sugar? Carers and human rights: the parallel struggles of disabled people and carers for equal treatment* in *The Washington and Lee Journal of Civil Rights and Social Justice* (2013) v19 pp397 - 434

2013 *Putting the Cart before the Horse: Resource Allocation Systems and Community Care* [with L Series] [2013] *JSWL* Issue 2

2013 'The rights of Gypsy and Traveller children and young people in Wales' [with T Aspinwall] in J Williams (ed), *The UN Convention on the Rights of the Child in Wales* (University of Wales Press 2013).

2012 *Carers and their Rights – the law relating to carers* London, Carers UK (2012) 5<sup>th</sup> edition

2012 *The European Union and the Right to Community Living* [with C Parker] (Open Society Foundations, (2012) SBN: 978-1-936133-67-3.

2012 *A right to care? Unpaid care work in European employment law* by Nicole Busby, *Journal of Law and Society* 2012 309 – 311.

2012 *Disabled Children Education Guide* [with J Honigmann & C Parker] (Cerebra, 2012).

2011 *Editorial* in Clements, L. (ed) *European Human Rights Law Review Special Disability Rights Issue*, Sweet & Maxwell [2011] E.H.R.L.R., Issue 6: pp633-637.

2011 *Disability, Dignity and the Cri de Coeur* in Clements, L. (ed) *European Human Rights Law Review Special Disability Rights Issue*, Sweet & Maxwell [2011] E.H.R.L.R., Issue 6: pp675 - 685

2011 *Community Care & the Law* [with P Thompson] (Legal Action Group 5<sup>th</sup> edn 2011).

2011 *Social care law developments A sideways look at personalisation & tightening eligibility criteria* *Elder Law Journal* (Jordans) v.1 pp 47-52.

2011 *Transitions in Mental Health Care* [with C Parker, T Harbour, & J Honigman] (National Mental Health Development Unit).

2010 *Carers and their Rights – the law relating to carers* (Carers UK 4<sup>th</sup> edition)

2010 *Disabled Children: a legal handbook* [with S Broach and J Read] (Legal Action Group).

2010 *Carers and the Equality Bill* in Discrimination Law Association Briefings 550 – 562 v39, Feb 2010 pp 3 - 8

2010 Contribution to New Oxford Companion to the Law

2010 *NHS Funding for continuing care in England: the revised (2009) Guidance* Journal of Social Care and Neurodisability Volume 1 Issue 1 pp39 - 47 Pavilion Journals.

2010 *Chapter 7 Social Services* in Gostin et al Principles of Mental Health Law and Policy Oxford University Press.

2009 *Bringing Rights Home* in Journal of Legal Action October 2009, p5.

2009 [with P. Fennell] Mental Capacity Act 2005 Training papers (Judicial Studies Board).

2009 *The Equality Bill and Carers* [with E Holzhausen & J Bangs] (Carers UK)

2009 *Carers and their Rights – the law relating to carers* ( Carers UK 3<sup>rd</sup> edition).

2009 [Chapter III *Articles relevant to Roma Jurisprudence* and Chapter IV *Practical Exercises* [with J Garland] in Willers, M (ed) *Ensuring Access to rights for Roma and Travellers* (Council of Europe).

2008 [with A Simmons] *Economic and Social Rights under the European Convention on Human Rights* in Langford M (ed) *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law* (Cambridge University Press).

2008 *Individual Budgets and irrational exuberance* in Community Care Law Reports, 11, pp 413-430.

2008 [with C Parker] *The UN Convention on the Rights of persons with Disabilities: a New Right to Independent Living?* in European Human Rights Law Review Issue 4 2008 pp508 – 523.

2008 *Disabled People and the Right to Life* [with J Read] Routledge,.

2008 *Respite and Short Break Care and Disabled Children* Seen & Heard Volume 18, Issue 4 December 2008 pp23-31.

2008 *The disability rights convention and the right to independent living* Legal Action November 2008 27-29

2008 *Short breaks by right for families with disabled children?* [with P. Bowen & S. Broach] Legal Action March 2008 24-29.

2008 *Adult social care law reform* in Journal of Legal Action July 2008, p7.

2008 *Conventional Wisdom* Community Care Journal 5 June 2008 pp30-31.

2007 *NHS Continuing Care and independent living* [with P Bowen] 10 CCLR September 2007 343 - 351.

2007 *Carers and their Rights – the law relating to carers* (Carers UK 2<sup>nd</sup> edition).

2007 *Community Care & the Law* [with P Thompson] (Legal Action Group 4<sup>th</sup> edn)

2007 L Clements *The Need for Law Reform* A briefing paper for the Office for Disability concerning Community Care law Reform.

2007 *The right tools for the job?* [with P Thompson] Elderly Client Adviser Sept 207 pp34-37.

2007 *NHS continuing care and independent living: the law reviewed* [with P Bowen] Legal Action June 2007 39-42.

2006 *Disabled Children and the Law* [with J. Read & D Ruebain] Jessica Kingsley Publishers 2<sup>nd</sup> edition

2006 'Strasbourg Cases and their Long Term Impact' in Roma Rights (Budapest) v 2/3 (2006) pp91- 94 ISSN 1417-1503

2005 *Carers and their Rights – the law relating to carers* (Carers UK).

2005 *Human Rights Act: A Success Story?* [with P Thomas] in Journal of Law and Society (Special edition) Spring 2005 ISBN 1-405-2375-3.

2005 *Winners and Losers: Social Exclusion and the impact of the Human Rights Act* in *Human Rights Act: A Success Story?* (L Clements & P Thomas – eds as above) Journal of Law and Society, Spring 2005 pp 34 – 51.

2005 [with J. Read] *The Dog that didn't bark* in *Disability Rights in Europe: From Theory to Practice* Lawson L & Gooding C (eds): Hart Publishing

2005 'Ugly Deformed and Grubby: The Common Law and Human Rights' in Gunning, J. & Holm, S. (eds) *Law and Ethics* Aldershot, Ashgate pp223 – 227.

2005 *Winners and Losers* in *VConnect* Journal of the British Council India May 2005 pp10 - 15

2005 – *The Roma Café: Human Rights and the Plight of the Romani People* by István Pogány, Book review in the *Journal of Social Policy* (2005), 34:1:161-162 Cambridge University Press.

2005 *Human Rights and Gypsy Identity in British Law* in Simoni A (ed) *Stato Di Diritto e Identita Rom*; L'Harmattan Italkia srl (Torino).

2004 *Community Care & the Law* Legal Action Group 3rd edn.

2004 J. Read & L. Clements *Demonstrably Awful: The Right to Life and the Selective Non-Treatment of Disabled Babies and Young Children* in Journal of Law and Society, v31, No. 4, December 2004, pp. 482-509

2004 *The Millennium blip: local authority responses to the Human Rights Act 1998* [with R Morris] in *Human Rights Brought Home: Socio-Legal Studies of Human Rights in the National Context*, Halliday S & Schmidt, P. (eds). Hart Publishing; p209 – p229.

2004 *Keynote Review: Carers – the sympathy and services stereotype.* British Journal of Learning Disabilities. v.32 No. 1 March 2004 6-8., Blackwell

2003 *Disabled People and European Human Rights*; [with J. Read] Policy Press.

2003 'The limits of the law ~ Roma, asylum and the law' delivered to the Roma and Asylum Conference, Newcastle University September 3<sup>rd</sup>, 2003, [conference abstract]

- 2003 *'The Great Care Fiasco in Community Care* 22-28 May 2003 pp40 – 42.
- 2003 *'Turning the Tide'* in Anti-Discrimination Law Roma Rights, Journal of the European Roma Rights Centre vol 1-2 (2003) pp119-121.
- 2003 *'Human Rights and Legal History'* in Legal History Book review v23, Dec 2002, no3 pp305-6.
- 2002 *At What Cost? The economics of Gypsy and Traveller encampments.* [with R. Morris] Policy Press.
- 2002 *Dirty Gypsies — ex turpi causa and Human Rights.* Human Rights. Dec 2002 204-212 Jordans.
- 2000 *Community Care & the Law.* London: Legal Action Group 2<sup>nd</sup> edn
- 2002 *'Protecting Rights in a Culture of Change'* Legal Action : May 2002 p6–7.
- 2002 *'Discrimination Litigation in the UK and Strasbourg'* delivered to the Combating Discrimination in Moscow, January 27-29, 2003, (Open Society)
- 2002 *'Disabled children and the European Convention on Human Rights'* [with J. Read] 14<sup>th</sup> Annual Conference of the European Academy of Childhood Disability. Pisa, Italy; October 2002: abstracts published in *Developmental Medicine and Child Neurology*, vol 44, supplement 92, p 14.
- 2002 *'A fair deal for the 'untouchables'?* Times Newspaper Law Supplement. 12<sup>th</sup> March 2002.
- 2002 *'Community Care Law and the Human Rights Act 1998'* in B. Bytheway, et al (ed) Understanding care, welfare and community Routledge.
- 2001 *'Duty bound to provide'* in Community Care Journal 16.8.01 p26 .
- 2001 *'Top Guidance for Carers'* in Community Care Journal 12.4.01 p28 .
- 2001 *'Action to avoid eviction'* in Community Care Journal 8.2.01 p26 .
- 2001 *Disabled Children and the Law* [with J. Read] Jessica Kingsley Publishers.
- 2001 *'Housing is the key to care'* in Community Care Journal 4.6.01 p30 .
- 2001 *A Human Rights Commission for Wales?* [with S. Spencer] in *Wales Law Journal* Volume1 Issue 2 p131-143.
- 2001 *'Traveller children: Educational and health deprivation'* [with R. Morris] in ChildRIGHT Journal of the Children's Legal Centre p7-9; No: 179 September 2001.
- 2001 *'Disability, Social Care, Health and Travelling People'* [with R. Morris] Cardiff Law School.
- 2001 *'Arakhimasko konsenso vash e specialne trubujmata e minoritatengo: e sikavimata katar o Chapman v. UK [in Romani and English as an emerging consensus on the special needs of minorities: the lessons of Chapman v UK* in Roma Rights: the Newsletter of the European Roma Rights Centre (Budapest) Summer 2001 volumes 2 & 3 p 90 – 95.
- 2001 *'Assessed for housing'* in The Adviser p10–12; No: 85 May/June 2001.



2000 'Using the law' [with A McDonald] (Unit 21 (pp 7 – 64) of Workbook 7 of Open University Unit K202) in Working for Change. Open University.

2000 'Little Justice – Judicial Reform and the Magistrates' in P, Thomas (ed) Discriminating Lawyers. London: Cavendish

2000 'Chapter 3 Social Welfare Services and Chapter 4 Medical treatment issues: consent and liability' in I. Manley, A. Sherr, (eds) Advising Clients with HIV and AIDS. Butterworths

.2000 'Under threat of Removal (Preserved Entitlement and Human Rights)' in Community Care Journal 6.4.00 p26 .

2000 'The Rights of Travellers' [with R. Morris] in J. Wadham, G. Crossman, (eds) Your Rights Pluto Press.

2000 'No escape from charges (community care charge avoidance)' in Community Care Journal 20.1.00. p26 .

2000 'Raw deal on resources' in Community Care Journal 23.11.00 p30 .

2000 'Adult abuse and the law' in Community Care Journal 20.7.00 p28 .

2000 'A duty of care to carers' in Community Care Journal 28.9.00 p30 .

1999 'Screening Service Users' in Community Care Journal 27.10.99 p28 .

1999 'A ceiling on care costs' in Community Care Journal 15.7.99 p32 .

1999 'Striking the Right Balance: the New Rules of Procedure for the European Court of Human Rights' in European Human Rights Law Review, Issue 3 1999, pp266 - 284.

1999 *European Human Rights: Taking a case under the Convention* [with N. Mole, & A. Simmonds] Sweet & Maxwell. (383pp) 2<sup>nd</sup> edn.

1999 'Representing Children and the Human Rights Act 1998 in Representing Children Vol 12 No. 4 p252 – 262.

1999 'The Government of Wales Act 1998 and Human Rights' in Devolution in Wales: Public Law and the National Assembly Conference proceedings. Welsh Public Law & Human Rights Association.

1999 'Human Rights Act 1998 – Justice and Rights' in Disability Rights Spring 1999 p16 – 17 .

1999 A 'Snapshot' Survey of Social Services' Responses to the Continuing Care Needs of Older People in Wales [with P. Smith] Cardiff Law School.

1999 *Gaining Ground: Law Reform for Gypsies and Travellers* [with R. Morris] (University of Hertfordshire Press.

1999 *Human Rights: Changing the Culture* [with J. Young] Blackwell Publishers.

1999 'The Human Rights Act – a New Equity or a New Opiate: Reinventing Justice of Repackaging State Control?' in Journal of Law and Society April 1999; Vol. 26 No.1 p72 – 85.

1999 'Weighting for Justice: The Human Rights Act and mental health care law' in Mental Health Care Journal March 1999: Volume 2 Issue 7 pp224-225.

1999 '*Skirmishes in a Minefield of Statutes (The Government of Wales Act 1998 and its Human Rights impact)* in Agenda: The Journal of the Institute of Welsh Affairs Summer 1999 p37.

1999 '*Human Rights and the Welsh Assembly*' [with P. Thomas] in Planet: the Welsh Internationalist v136 Aug/Sept 1999.

1999 '*Human Rights: Changing the Culture*' [with J. Young] in Journal of Law and Society April 1999; Vol. 26 No.1 p 1-6.

1999 *Building Bridges: Bridging the Health and Social Care Divide in Wales* [with P. Smith] Cardiff Law School.

1999 '*Local Government and Human Rights*' in Law Society Gazette: 3.11.99 p42.

1999 '*Research, the Law and Good Practice in relation to Disabled Children: An Approach to Staff Development in a local authority*' [with J. Read] in Local Governance p87–96; v25 (2).

1999 '*Devolution in Wales & the Human Rights Implications*' in Legal Action July 1999 p20 –21.

1999 '*Human Rights Act: part of the modernising agenda*' in Voice: Journal of the Local Government Association Volume 2 Issue 5 Jan 1999 p20 – 21.

1999 '*Disabled children's needs and rights: a consideration of a socio-legal debate*' [with J Read] in Developmental Medicine and Child Neurology, vol 42, supplement 83, p19 [conference abstract].

1999 '*Disabled children's needs and rights: a consideration of a socio-legal debate*' [with J Read] 11<sup>th</sup> Annual Conference of the European Academy of Childhood Disability. London, October 1999: abstracts published in Developmental Medicine and Child Neurology, vol 42, supplement 81, p 4.

1999 '*Gypsies are an oppressed people*' in Journal of Liberation Volume 42 No. 2 1999 .

1999 '*Human Rights Act – What impact will it have?*' in Association of Lawyers for Children Newsletter June 1999, Issue 18 .

1999 '*Where does the duty begin? Charging for services under s117 Mental Health Act 1983.*' in Community Care Journal 21.1.99 p17 .

1999 '*Let the Experts decide: the legality of social services 'allocation panels'*' in Community Care Journal 21.5.99 p30 .

1998 '*The Human Rights Bill*' in Journal of Local Government Law Vol 1, no 1 1998 p4-7.

1998 '*Cases R v Gloucester CC ex p Barry*' Journal of Social Welfare & Family Law Vol 20, no. 1 1998 p86-89.

1998 '*The Human Rights Bill – a New Equity in Family Law*' in Family Matters Sweet & Maxwell, Issue 3/98 March 20, 1998.

1998 '*L'affaire Buckley, une avancée dans les Droits de l'Homme pour les minorités*' in Droit en Quart Monde n°18 trimestriel – mars 1998 .

1998 '*The right to be treated as a human being*' in Fourth World Journal Winter 1997/98 p16-19 .

1998 '*Travellers Law Review*' [with C. Johnson] in Legal Action June 1998 p21-23 .

1998 '*Act of Weakness: the Disability Discrimination Act*' in Community Care Journal 8.1.98 p26-27 .

1998 '*A Radical Proposal: the Mental Incapacity Green Paper*' in Community Care Journal 12.2.98 p24-25 .

1997 '*Community Care: Towards a Workable Statute*' in Liverpool Law Review Vol. XIX(2) [1997] p181-191.

1997 [with P Thomas & R. Thomas] '*The rights of minorities*' in OSCE Bulletin (Warsaw) Fall 1996 Vol.4 No 4. p.3-10.

1997 '*The Collapsing Duty: A Sideways Look at Community Care and Public law*' in Judicial Review Journal [1997] 162.

1997 '*Fraudulent Mediums Act*' [with R, Morris] in New Law Journal Vol.146; No.6766; November 1 1996: p1574-6.

1997 '*Community Care Assessments & criminal law*' [with A. Rhead] in Legal Action June 1997 p10-12.

1997 *Signposts through the maze (A Guide to Carers and the Law)* [with G Ruan] Carers National Association.

1997 '*Chapter 1 Proposals for Traveller Law reform and Chapter 6 Law Reform: Gypsies and other Travellers*' in L. Clements, P. Smith (eds) Traveller Law Reform: Conference and Consultation Report. Cardiff: Cardiff Law School.

1997 '*Litigating cases on behalf of Roma before the Court and Commission in Strasbourg*' in Roma Rights: the Newsletter of the European Roma Rights Centre (Budapest) Winter 1997 p 23-5 .

1997 '*Can't Pay, Must Pay: R v Tower Hamlets ex p. Bradford*' in Community Care Journal 13.2.97 p28-29 .

1997 '*Rule of Law: R v Gloucestershire CC*' in Community Care Journal 10.04.97 p24-25 .

1997 '*Enlightened Times: Community care and alcohol/drug misusers*' [with A. Rhead] in Community Care Journal 10.06.97 p34 –35 .

1997 '*The Criminal Justice and Public Order Act 1994 and its implications for Travellers*' [with S. Campbell] in T. Acton, (ed) Gypsy Politics and Traveller Identity University Hertfordshire Press.

1996 '*Charging for residential care*' in Legal Action 'Dec 1996 p17-19 .

1996 '*A real act of care: the Carers Act 1995*' in Community Care Journal 14.3.96 p26-7 .

1996 '*Planning for long term care*' The Legal Executive July 96 p40-41 .

1996 '*The Carers Act 1995*' in Law Society Gazette 27.3.96 p21 .



1996 *Community Care & the Law* Legal Action Group.

1996 'Legislating for a change' in Community Care Journal 12.09.96 p24-5 .

1996 'Justices put fortune tellers in low spirits' in Times Newspaper Feature article 24.9.96.

1996 'Traveller law review' [with R. Low-Beer] in Legal Action Jan 1996 p11-13.

1996 'New rights for carers' [with F. Bates] in Legal Action Feb 1996 p19-21 .

1996 'The secret weapon: NHS community care responsibilities' in Community Care Journal 17.10.96 p28-29 .

1996 'The power behind the home' in Community Care Journal 14.11.96 p28-29 .

1995 'The power to charge' in Community Care Journal 23.2.95 p25 .

1995 'Out of harms way: R v SS Home Dept ex p. Sujon Miah' in Community Care Journal 1.2.95 p25 .

1995 'Brush with power: The NHS's continuing care duties' in Community Care Journal 13.4.95 p28-29 .

1995 'Judgement Daze: R v Gloucestershire CC' in Community Care Journal 13.7.95 p24-25 .

1995 'An act of Mercy: young carers and the law' in Community Care Journal 3.8.95 p18 .

1995 'Care at what cost?' in Law Society Gazette 8.3.95 p28 .

1995 'A conflict of interest: young carers and the law' in Community Care Journal 17.8.95 p24 .

1995 'Gentle touch: young carers and the law' in Community Care Journal 31.8.95 p16 .

1994 *European Human Rights: Taking a case under the Convention* Sweet & Maxwell.

1994 'Gypsies Face a New Age' in Times Newspaper Feature law article 11.1.94.

1994 'A bad law for Britain's Gypsies' in Parliamentary Brief Feb 94 p14 .

1994 'House hunting: R v Northavon DC ex p Smith' in Community Care Journal 28.7.94 p20-21 .

1994 'Squeezed out Community care & choice' in Community Care Journal 25.7.94 p22-23 .

1994 'Shifting sands: the draft NHS continuing care guidance' in Community Care Journal 29.9.94 p24-25 .

1994 'Partners in care: R v North Yorks CC ex p. Hargreaves' in Community Care Journal 24.11.94 p22-23 .

1994 'A convention of complaint' in Law Society Gazette 8.6.94 p23-24 .

1994 'The European Convention' in Family Law 1994 p452.

- 1994 '*In whose interest?*' in Legal Action Oct 1994 p6 .
- 1994 '*Traveller law review*' in Legal Action May 1994 p14-16 .
- 1994 '*Community care update*' in Legal Action Dec 1994 p21-23 .
- 1994 '*Making the law work for you*' The Carer January 1994 p7 .
- 1994 '*Traveller's Law*' [with S. Campbell] in Adviser Dec 94 p8-11 .
- 1993 '*Community care - legal structure*' in Legal Action July 1993 p8-12 .
- 1992 '*Gypsy bashing*' in Legal Action Nov 1992 p10 .
- 1992 '*Traveller update*' in Legal Action Jan 1992 p14-16 .
- 1992 '*The European Court of Human Rights*' in Legal Action Jan 1991 p12-14.
- 1992 '*Duties of social services departments*' in Legal Action Sept 1992 p15-16.
- 1992 '*Do Trees Have Rights?*' in Resurgence Nov 91 p10-11 .
- 1992 '*The Statutory Protection of Hedges*' in ECOS 1992 13(3) p35 .