



Executive Board

**Thursday, 16 October 2008 2.00 p.m.
Marketing Suite, Municipal Building**

A handwritten signature in black ink, appearing to read 'David W R'.

Chief Executive

**ITEMS TO BE DEALT WITH
IN THE PRESENCE OF THE PRESS AND PUBLIC**

PART 1

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1. MINUTES	
2. DECLARATIONS OF INTEREST	
Members are reminded of their responsibility to declare any personal or personal and prejudicial interest which they have in any item of business on the agenda no later than when that item is reached and, with personal and prejudicial interests (subject to certain exceptions in the Code of Conduct for Members), to leave the meeting prior to discussion and voting on the item.	
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ITEMS CONTAINING "EXEMPT" INFORMATION FALLING WITHIN SCHEDULE 12A OF THE LOCAL GOVERNMENT ACT 1972 AND THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985	
<p>In this case the Board has a discretion to exclude the press and public but, in view of the nature of the business to be transacted, it is RECOMMENDED that under Section 100(A)(4) of the Local Government Act 1972, having been satisfied that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2, 3 and 4 of Part 1 of Schedule 12A to the Act.</p>	
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In accordance with the Health and Safety at Work Act the Council is required to notify those attending meetings of the fire evacuation procedures. A copy has previously been circulated to Members and instructions are located in all rooms within the Civic block.

REPORT TO: Executive Board

DATE: 16th October 2008

REPORTING OFFICER: Strategic Director – Children and Young People

SUBJECT: Standard School Year Joint Consultation with Greater Merseyside Local Authorities

WARDS: Borough-wide

PURPOSE OF REPORT

1.1 To provide information regarding a proposed joint consultation with the Learn Together Partnership to implement the standard school year from September 2010.

2.0 RECOMMENDED: That

(1) Halton participates in the joint consultation process.

3.0 SUPPORTING INFORMATION

3.1 The standard school year, which is championed by the Local Government Association (LGA), requires splitting the school year into six terms of roughly equal length and fixes them, regardless of the Easter celebration.

The benefits of this are as follows:

- o Schools can plan more effectively and teachers have more time to deliver the curriculum, which is essential in examination years.
 - o Achieve greater predictability for schools.
 - o Achieve greater predictability for parents to plan holidays, therefore avoiding clashes with school term time. This may have a positive impact on attendance.
- 3.2** In May 2008, Liverpool City Council tabled a proposal at the Greater Merseyside Directors of Children's Services meeting to conduct a joint consultation across all Greater Merseyside Local Authorities (LAs) to implement this change. The Director's present agreed in principle to this proposal.
- 3.3** The principles of the proposal are as follows:

- o All terms will start on a Monday (except where a bank holiday prevents this, in which case term will start on a Tuesday).
 - o October half term will always be the last full week in October.
 - o February half term will always be third full week in February.
 - o The Easter Break will be moved and replaced by fixed holiday at the beginning of April, and will be known as the Spring Break. This will always be the first two full weeks in April and will not move with the Easter celebration. Where the Easter celebration falls outside the spring break, it will still be observed by the two bank holidays for Good Friday and Easter Monday
 - o Where the school is open for part of the week it will be for a minimum of 3 days.
- 3.4 Liverpool City Council is piloting this system for 2009-10 academic year.
- 3.5 All Local Authorities in the Learn Together Partnership have been invited to be part of this joint proposal. At Halton's request, Cheshire has also been invited.
- 3.6 Progress by Local Authorities so far is as follows:
- o Knowsley, Sefton & Liverpool have agreed to participate in joint consultation for 2010-11.
 - o St Helens have submitted a report to Executive Board on 1st October for permission to participate in joint consultation for 2010-11.
 - o Wirral – No decisions have been made.
 - o Warrington – A working group has been set up with Head Teachers and Trade Unions representatives to discuss.
 - o Cheshire- No response received to date regarding their position on this issue.
- 3.7 The Learn Together Partnership group convened specifically to discuss this proposal and have agreed it is crucial to have consistency across all those LAs involved. It has also been agreed that each LA will coordinate its own consultation but based on agreed joint documentation and timescales. Therefore a consultation letter has been drafted for all LAs involved to use. This will be headed with all LA logos and have a pro-forma for stakeholders to return. (Draft attached in Appendix 1).
- 3.8 It has been agreed that the consultation process will begin the week commencing 3rd November, with a coordinated press launch, and a closing date of 18th December.
- 3.9 Business Support and Commissioning Department will take the lead on this consultation with stakeholders in line with the agreed plan with other LA's.

- 3.10 The following methods could be utilised for this consultation process:
- Pupil post
 - E-Circular for schools
 - CYPD Link
 - In Touch magazine
 - Article in local media
 - Centralised email address for comments
 - Section on Internet with interactive on-line pro-forma
 - Section on Intranet with interactive on-line pro-forma
 - Flyers/Posters in key locations
 - News article on Intranet and Internet
 - Inclusion of issue on Halton 2000 Citizens Panel
 - Letter to Chair of Governors
 - Letter to Diocese and Archdiocese
 - Letter to Trade Unions
 - Letter to PCT
 - Letter to local Chamber of Commerce
- 3.11 Liverpool and Knowsley intend mailing all parents via the pupil post. But may consider posting this to the home address. All to be discussed on 10th October, Learn Together Partnership meeting.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The consultation exercise would incur a cost in printing and stationery. It is proposed that the letters be distributed to every pupil to every pupil as this will cost approximately £1400, as opposed to in excess of £6,000 were letters to be posted to each parent.

5.0 OTHER IMPLICATIONS

- 5.1 Halton would need to liaise with the Diocesan Authorities as to their intention and timescale for their consideration.
- 5.2 If Halton implemented this change and Easter ever fell outside the fixed spring break in April this could have an additional financial implication to parents. Currently, the holidays incorporate the Easter bank holidays, but in this instance, there would be the bank holidays plus two full weeks where childcare could be an issue. As a result, an extra two days childcare may be needed. Looking ahead to the next eight years, this would be the case in 2011, 2013, 2014 and 2016.
- 5.3 As part of the "Every Lesson Counts" initiative, Liverpool City Council currently has an arrangement with several travel agents so that if parents book their holidays within the agreed school holidays, they receive a

discount. This will be investigated with the intention to extend it across all LAs involved with this proposal.

6.0 IMPLICATIONS FOR THE COUNCILS PRIORITIES

6.1 Children and Young People

Coordinating school holiday patterns across the region will enable children and families who cross boundaries to have the same holiday patterns.

6.2 Employment Learning and Skills in Halton

Establishing set holiday periods with the principles proposed may have a positive impact on school attendance which in turn may bring improved achievement and attainment for pupils.

6.3 A Healthy Halton

Establishing set school holiday periods will even out the length of school terms, which benefits children and young people and school based staff with regard to work-life balance.

6.4 A Safer Halton

A joined up approach to school holiday patterns may benefit police and emergency services, as they will always be aware of when school premises will be empty.

6.5 Halton's Urban renewal

N/A

7.0 RISK ANALYSIS

- 7.1 Halton's geographical location puts it in the middle of both Merseyside and Cheshire. Therefore, this could create difficulty if Cheshire does not participate in this consultation as Halton has children and families who move across Cheshire boundaries.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 This standard school, year would promote diversity and choice to parents and may retain more pupils within Halton.

9.0 REASONS FOR DECISION

To be part of a wider consultation across the region and co-ordinate school holiday dates with neighbouring Local Authorities.

10.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

Not to participate in the joint consultation.

11.0 IMPLEMENTATION DATE

The joint consultation would commence in the first week of November.

12.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Documents	Place of Inspection	Contact Name
The Rhythms of Schooling – Independent Commission on the organisation of the School year: LGA	Grosvenor House	Karen Mitchell
Guide to the Standard School Year: LGA	Grosvenor House	Karen Mitchell
Standard School Year statement May 2007: LGA	Grosvenor House	Karen Mitchell
Learn Together Partnership, School Term and Holiday Dates meeting. Copies of minutes and agendas: 20/6/08, 14/7/08, 17/9/08	Grosvenor House	Karen Mitchell

APPENDIX 1 – Agreed draft of consultation letter

The Standardised School Year

Discussions between our Local Authorities have been taking place with regard to introducing a standardised school year across the region from 2010/2011.

It is proposed that future term dates are changed, particularly around the Easter break, to benefit children, their families and the staff in schools. The proposed changes will allow for better work/life balance as the school terms will be more evenly spaced out and the standardised approach will help with improved school attendance, forward planning, holiday booking etc.

The proposals were agreed, in principle, at a meeting between the Directors of Children's Services, and it has been agreed that a consultation exercise will take place across the region in the autumn term 2008 to obtain the views of parents, staff, governors, trade unions, elected members, the Diocese and Archdiocese and any other stakeholders.

This consultation exercise will give you all the chance to let us know what you think about the proposals and what you feel would be the advantages and disadvantages of moving to a standardised school year across the region.

In addition to the consultation process, Liverpool City Council has agreed to pilot term dates based upon the standardised school year in 2009/2010. During that year, feedback will be obtained from parents and staff to identify whether the new approach has been beneficial, and this information will be considered alongside the feedback from the consultation process before any final decisions are made.

The principles for the calculation of standardised term dates are based on 195 days which includes 190 teaching days and 5 days in-service training:

- All terms will start on a Monday (except where a bank holiday prevents this, in which case the term will start on a Tuesday).
- October half term will always be the last full week in October.
- The term dates surrounding the Christmas / New Year Break will remain unchanged
- February half term will always be the third full week in February.
- The Easter Break will be moved and replaced by fixed holiday at the beginning of April and will be known as the Spring Break. This will always be the first two full weeks in April and will not move with the Easter holiday.
- Easter may still fall in the Spring Break, but where it doesn't, it will still be observed by the two bank holidays for Good Friday and Easter Monday. This will give a more even distribution between terms, thus providing a

- better balance for children and staff in schools and avoiding exhausting long terms that are caused by early (2008) or late (2011) Easters.
- Where the school is open for part of a week, the school will be open for 3 or more days to encourage good attendance.

Under the current system, even slight variations in terms dates between the Authorities can have a serious impact on some families who live, work and go to school across our boundaries. This is not an ideal situation, as the children will potentially have different holiday patterns which is further complicated if the parents work in school settings too.

We recognise that some families have concerns regarding the cost of taking a family holiday during the official school holiday periods, but Liverpool City Council is already in agreement with some local travel agencies to provide a discount to people in the region who book holidays at that time. If this consultation process is successful it is hoped to extend these arrangements still further across the area.

If the school year is standardised across the region, it should provide greater consistency and improved work/ life balance for the children, their families and for staff in the schools.

If you would like to share your views please give your comments or suggestions on the attached tear off slip below:

Please write to **NAME** at the address below by **Friday 18th December**:

COUNCIL ADDRESS

EMAIL

Please return to **NAME** **By Friday 18th December**

I agree / disagree with the proposals about the standardised school year [please delete]

Comments.....
.....
.....
.....
.....

Name

Address.....

Contact number.....

Which of the following education sectors are you responding for? [Please tick]

Primary

Secondary

Special

Are you responding as [Please tick]

Parent

Archdiocese

Governor

Diocese

Staff

Employer

Other

Thank you for taking the time to respond to these proposals

REPORT TO: Executive Board

DATE: 16 October 2008

REPORTING OFFICER: Strategic Director, Health and Community

SUBJECT: Procurement of Consumer Protection (Trading Standards) Service

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 To seek Members' support for the procurement of the Consumer Protection (Trading Standards) Service from Warrington Borough Council and the associated transfer of the officers of Halton's Consumer Protection team to the employ of Warrington Borough Council.

2.0 RECOMMENDATION: That the Board

- (1) requests Warrington Borough Council to provide the Consumer Protection (Trading Standards) service within Halton Borough Council's administrative area under Contract, for an initial period of 5 years, with provisions for review / extension etc. as outlined in the Heads of Terms attached to this report as Appendix 1.**
- (2) agrees to pay an annual cost of £405,000, pro-rata for 2008/2009, with a Contract start date of 1 November 2008, or as soon as practicably possible thereafter.**
- (3) approves that all authorisations, powers and duties relevant to Halton Borough Council's Consumer Protection function be discharged by Warrington Borough Council.**
- (4) authorises all ancillary actions to be taken by the Strategic Director, Health & Community in consultation with the Executive Board Member for Community, and to the satisfaction of the Operational Director and Monitoring Officer (Legal, Organisation Development & Human Resources).**

3.0 SUPPORTING INFORMATION

3.1 Members will recall that during the budget-setting process for financial year 2008/2009, a savings target of £75,000 was included, based on the proposal that Warrington Borough Council provide the Consumer Protection Service.

3.2 Trading Standards is a service provided by local authorities to create a fair, safe

and healthier trading environment for consumers and honest businesses through enforcement of a wide variety of consumer statutes and offering a comprehensive advice service. Trading Standards has a key role in improving the health, well-being and safety of our local communities and in helping to prevent doorstep crime.

- 3.3 The ultimate business objective of this project is to deliver a single Trading Standards Service of optimum size, which is “fit for purpose” in delivering good outcomes, and which will develop and continually improve to meet the present and future Trading Standards needs of the Halton and Warrington communities. The aim is to provide an enhanced quality of service by combining the best of two, very good but relatively small services, and deliver economies of scale and flexibilities through a larger team.
- 3.4 To date, the project has been delivered through a Project Board, with project sub-groups focusing on Legal/HR, Finance, IT and technical Trading Standards matters. Legal, HR, Union, Finance and IT colleagues from both authorities have supported managers to progress the project and Warrington provided a lead project manager. Officers who will be subject to transfer have played active roles in the IT and technical Trading Standards sub groups. In addition, a joint Halton/Warrington visioning day was held for both sets of staff and a number of on-going information/consultation meetings have been held with officers of Halton’s Consumer Protection team.
- 3.5 The Heads of Terms Document, which includes governance arrangements, is at **Appendix 1**. This document is in an advanced stage of agreement with Warrington Borough Council, and further tuning of the wording may be necessary, but this document represents in substance the basis for the agreement. The foundation for the Service on which the Contract is based is provided by a comprehensive Specification document appended to the Contract that provides (1) the Background, Overview, Current Strengths and Outcomes of the present Halton and Warrington Services and (2) Key Joint Service Objectives. The latest version of this document is attached to this report as **Appendix 2**, though opportunity will be taken to improve and refine it, up to the signing of the formal Contract.
- 3.6 Between the date of transfer and 31 March 2009, the two teams will operate side-by-side and all officers will be involved in the design of a new, single Service structure that will provide full integration on 1 April 2009. The first five months of operation will see a focus on delivering the front-line job whilst at the same time creating the new structure with existing officers and recruiting to vacant posts. For that reason, the specification at **Appendix 2** is intended to take the Service through to 31 March 2010. From then on, whilst the specification will continue to have some relevance, it will effectively be updated and taken forward via an annual Service Plan.
- 3.7 The terms of the contract will ensure satisfactory governance arrangements for Halton. The initial Contract term is five years with a formal review every two years and, subject to satisfactory review, the option to extend the Contract by a further 2 years at each review. In addition to this formal review, a selection of Objectives & Milestones/Performance Indicators & Targets will be agreed by the

Halton and Warrington contract managers and performance against these will be reported quarterly to the relevant Halton Policy and Performance Board. When the half year and year-end performance is reported, a representative of the new Service will attend the Board meeting. Officers of the new Service will attend other Halton meetings on request.

- 3.8 The first annual Service Plan for 2010/2011 and subsequent annual plans will be presented in draft form to the relevant Halton Policy and Performance Board for observations/comment so that Halton Members will have the opportunity to contribute to the direction of travel of the new Service as the Contract progresses.

4.0 POLICY IMPLICATIONS

- 4.1 This arrangement is consistent with the Council's policy on partnership working and on the provision of fit-for-purpose, high quality, cost effective services during a time of increasing demands and diminishing resources.
- 4.2 This arrangement should result in a more robust Trading Standards service that will make an enhanced contribution toward the Community Strategy for a Sustainable Halton. Some examples are:
- Under-age-sales initiatives will have a positive impact on reducing the number of people who smoke and encouraging and supporting sensible drinking
 - Doorstep crime initiatives will have a positive impact on reducing crime and improving community safety and reducing levels of expressed fear of crime
 - Focussing enforcement resources on the rogue traders and supporting reputable traders will contribute positively towards fostering a culture of enterprise and entrepreneurship and make Halton an ideal place to start and grow economic activity.

5.0 FINANCIAL IMPLICATIONS

- 5.1 These are set out below:-

	£
Recommended Contract Price	405,000
One-off Costs of Transfer	15,000
Other HBC Expenditure for Consumer Protection Service	48,930
	468,930
Retained HBC Support Costs	149,490
Less net saving (inc redundancy costs) – DM Fair Trading & Advice	(16,098)
Total Net Cost to HBC	602,322
Consumer Protection 2008/09 Budget	536,238
HBC 2008/09 Budget Available	

Annual Budget Saving / (Shortfall) Year 1 2008/09 (includes one-off costs of transfer & redundancy costs)	(66,084)
Annual Budget Saving / (Shortfall) Year 2 onwards	22,228

- 5.2 As with all such arrangements there are one-off transitional costs that will need to be met in the current financial year. The two authorities have agreed to share these costs, Halton's contribution presently being £13,565. This figure will rise to £15,000 between now and the transfer date.
- 5.3 Other HBC expenditure for Consumer Protection Service includes Corporate Support Recharges for the retained services, pension actuarial costs (re Consumer Protection employee who retired in 2006/07) and excess travel.
- 5.4 There are a number of fixed costs which will be retained by the Council following the transfer relating to corporate and departmental support, which will be redistributed within the Directorate. This figure includes a reduction of £27,010 for an accommodation recharge.
- 5.5 The 2008/09 budget includes the achievement of the £75,000 budget saving approved in 2007/08.
- 5.6 Budget Saving/(Shortfall) in future years does not include contract price increase or inflationary uplift on budget and expenditure. The Contract will address annual inflationary increases to the contract price. It will also include a 2-year review mechanism which, amongst other things, will provide scope for Halton to seek exceptional adjustments to the contract price, in the unlikely event that the need should arise.
- 5.7 If the Consumer Protection Service was to remain in-house at Halton, the projected overspend for Year 1 would be £65,192, and in addition a further £13,000 as a result of one-off costs for upgrading IT systems, as there is an urgent need to upgrade existing systems. Future years would see a projected underspend of £8,120.

6.0 OTHER IMPLICATIONS

Consultation

- 6.1 Unison has been represented on the Project Board and the Legal/HR sub-group to ensure that all staffing matters have been addressed overtly. Halton representation on the Project Board and sub groups has been mirrored by the representation of our Warrington colleagues. In addition, as previously indicated, officers who will be subject to transfer have played active roles in the IT and technical Trading Standards sub groups. A number of ongoing information/consultation meetings have been held with officers of Halton's Consumer Protection team.

Personnel Implications

- 6.2 The recommended year 1 Contract price is based on the transfer of 8 Halton Consumer Protection posts to Warrington (7.6 full time equivalents). Two of these posts are presently vacant and 2 people share one of the remaining posts so there are 7 officers (5.6 full-time equivalents) who will transfer under TUPE-like provisions associated with the Cabinet Office protocol.

- 6.3 The preservation of pension rights can present a major challenge when transfers take place, particularly when the transfer is from local authority to private sector employment. In this instance, pensions are not an issue as the transferring officers will remain in the Cheshire pension fund.
- 6.4 Counsel's opinion has been sought jointly by both authorities' Legal Services on a number of matters. So far as the staff's terms and conditions are concerned the advice received is that neither Warrington's Job Evaluation exercise (due for implementation in the New Year) nor the planned restructure, should result in any of the officers being put on less favourable terms and conditions. This had obviously been a cause for concern. In terms of additional staff protections therefore, the contract will simply address the question of excess home to work mileage, for which existing protocols will be used.

Other service implications

- 6.6 The Trading Standards service is part of Fair Trading & Life Events, which also includes the Registrars and Cemeteries Services, managed also by the Divisional Manager, Consumer Protection. A number of options for re-aligning these functions are being considered, none of which will result in additional cost.

7.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

7.1 Children and Young People in Halton

The joint service will prioritise its work to protect young people from alcohol, tobacco and substance misuse. Improved capacity/flexibility will also enable the new service to better promote the PHSE (Personal Health and Social Education) web based teaching packages developed in Warrington, for use across both boroughs.

7.2 Employment, Learning and Skills in Halton

The vital role played by Trading Standards in providing a regulated 'level playing field' for businesses to operate, and prosper, is not well understood. Improved intelligence and enforcement capacity will enable the new service to really focus on the rogue traders who damage the interests of consumers and businesses alike, as well as providing a comprehensive business advice service.

7.3 A Healthy Halton

The new, joint service will build capacity to better contribute to reducing health inequalities through helping to reduce alcohol harm, substance misuse and smoking prevalence and obesity. It will better target retailers who sell age-restricted products such as alcohol and cigarettes to young people. Intelligence capability will also be improved, thus enabling an improved focus on the growing problem of counterfeit and illicit tobacco.

7.4 A Safer Halton

A joint service will have increased capacity to both improve the intelligence

analysis capability as well as investigate doorstep crime offences, which are committed against primarily older and more vulnerable consumers. It will introduce the concept of 'fake-free' Warrington and Halton and give real focus to addressing the shadow economy outlets for fake goods, which will have a positive impact on community cohesion. The merger will strengthen the work around rogue traders, with the capacity to identify and tackle rogue traders increasing. The joint service will also host the regional proceeds of crime unit, which as well as enabling us to better utilise this vital tool against criminals, will allow the Joint Service to draw in some 'windfall' income, which can be reinvested in further crime detection and prevention initiatives.

7.5 Halton's Urban Renewal

None directly.

8.0 RISK ANALYSIS

8.1 Since this report relates to a Key Decision, a full risk assessment has been undertaken.

8.2 All of the key risks are associated with the loss of direct control, which is a consequence of externalising any in-house Service. However, it must be stressed that the loss of day-to-day control is not at all comparable with the virtually zero control afforded to Halton pre 1 April 1998, when the two tier local authority system was in operation.

8.3 Key risks may be summarised as follows:-

- Loss of influence over Service direction in the coming years, including the focussing of the Service on Halton's key priorities
- Loss of performance management control
- Service does not balance the use of resources fairly across the two administrative areas
- Service under performs
- Service not sufficiently accountable to Halton
- Loss of identity with the Service, including in the good publicity the Service will attract
- Harder to apply financial savings than with in-house service

8.4 The key control measures for all of the risks are robust Contract clauses to ensure the accountability of the service provider and to provide the necessary checks and balances to control/minimise or even eliminate certain key risks.

9.0 EQUALITY AND DIVERSITY ISSUES

9.1 The report is neutral with regard to equality and diversity issues. A standard legal clause or clauses will be included in the Contract regarding equality and diversity.

10.0 REASONS FOR DECISION

- 10.1 To provide an enhanced quality of service by combining the best of two, very good but relatively small services, and deliver economies of scale and flexibilities through a larger “Trading Standards” team. This will deliver a single Trading Standards Service of optimum size, which is “fit for purpose” in delivering good outcomes, and which will develop and continually improve to meet the present and future Trading Standards needs of the Halton and Warrington communities.

11.0 ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 11.1 Partnership arrangements were explored with three neighbouring authorities with a view to (1) jointly providing a single, cross boundary Trading Standards Service, (2) Halton providing a single, cross boundary Trading Standards Service, or (3) that authority providing a single, cross boundary Trading Standards Service. The only expression of interest came from Warrington Borough Council, which was keen to pursue option (3) above.

12.0 IMPLEMENTATION DATE

- 12.1 1st November 2008, or as soon as practicably possible thereafter.

13.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

- 13.1 There are no background papers within the meaning of the Act.

**DRAFT JOINT HALTON / WARRINGTON
TRADING STANDARDS PROJECT AGREEMENT**

HEADS OF TERMS

SUBJECT TO CONTRACT

	Parties	(1) Halton Borough Council (2) Warrington Borough Council
1.	Start date	1 November 2008
2.	End date	31 October 2013
3.	Extension	Formal review after the contract has run for 2 years, and every 2 year period thereafter, with a view by mutual agreement to extending the contract period remaining by a further 2 years at each review
4.	Context	<p>The parties are proceeding with the Service for Halton being provided by WBC on the basis of the following:-</p> <p>4.1 that this represents best value and would deliver continuous improvement in the trading standards service having regard to economy, efficiency and effectiveness</p> <p>4.2 that Halton's Vision and key strategic priorities would be furthered through the Trading Standards Service being carried out by WBC</p> <p>4.3 that the initiative will support and promote sustainable communities</p> <p>4.4 that a single integrated Trading Standards Service for the two boroughs will be of optimum size to meet the present and future needs of the Halton and Warrington communities</p> <p>4.5 that these arrangement will result in a service that is "fit for purpose" and that will have a greater beneficial impact on the sustainability of our communities, than would a stand-alone Halton service.</p> <p>4.5 bearing in mind that this arrangement will result in Halton having no capability to undertake any new trading standards functions that such functions would be undertaken by the WBC integrated service.</p>
5.	Service	<p>The Service to be provided by WBC:-</p> <p>5.1 a comprehensive Trading Standards Service delivering all of the duties (statutory and discretionary) undertaken by the Halton Trading Standards Service .</p>

		<p>5.2 Change Control – new mandatory/discretionary Trading Standards functions may be added to the Service and/or removed and this process shall be accomplished through the annual service plan process with the parties proceeding on the basis that new functions of a trading standards nature added by Parliament to Halton’s duties shall be undertaken by WBC (note that statutory functions could only be removed statutorily or if they are removed with a view to them being delivered through an in-house Halton Service).</p> <p>5.3 The Service will be for the period from start date to 31 March 2010 be as described in the attached Service Plan (31 March 2010).</p> <p>5.4 The Service including levels and performance are to be covered after 31 March 2010 each year in an annual Service Plan that will be prepared in draft by WBC and submitted to a nominated HBC Policy and Performance Board in January each year for member feedback.</p> <p>5.5 The annual Service Plan shall be determined by WBC in final form but in reaching its decision WBC will have regard to Quality of Service and will be such that it will support and not detract from the Excellent (four star) CPA ratings presently enjoyed by both Halton and Warrington Councils.</p> <p>5.6 Power to terminate contract before end of contractual term if persistent unsatisfactory Service Plan. Specify period of notice for termination – 12 months.</p> <p>5.7 HBC continue to provide all legal services in connection with the Service in so far as it relates to Halton matters including advice and court work.</p> <p>5.8 Decisions on whether or not to prosecute in Halton cases will rest with HBC.</p> <p>5.9 The service shall be integrated into the WBC Trading Standards Service.</p>
6.	Money	<p>6.1 Initial contract cost of £405,000 per annum for the period from start date to 31 March 2009</p> <p>6.2 Formula to adjust cost for subsequent years for inflationary increases by reference to the Consumer Price Index.</p> <p>6.3 New service to draw down specific government grants ring-fenced by government for specified TS duties</p> <p>6.4 Setting of fees and charges and shall be delegated to WBC</p> <p>6.5 Proceeds of crime incentivisation money or other funding generated by the service or allocated by central government or any other funder to or by reference to trading standards shall be ring-fenced to Warrington’s trading standards budget and</p>

		<p>reinvested in the trading standards service.</p> <p>6.6 Overall budget for the new integrated service for the year ahead to be supplied to the Halton contract manager in April of each year</p> <p>6.7 Requirement on WBC that the new integrated service submits to central government and makes available to Halton fully completed CIPFA forms and other financial returns annually.</p>
7.	Governance arrangements for Halton members	<p>A draft annual Service Plan to be submitted by WBC to a nominated Halton P&P Board in January each year to include, inter alia:</p> <ul style="list-style-type: none"> • the Organisation Structure • The number of FTE staff in the team (both establishment and in post) on 1 April for both the year to which the Plan relates and the preceding year • Service levels • Objectives and Milestones (these show the major events in the work of the Service that are planned to take place in the new financial year, such as the launch of new initiatives, production of key plans and strategies, and progress on major projects) • Performance Indicators and Targets (these show performance on indicators that are prescribed by Central Government as part of their drive to ensure that Councils deliver best value in serving their local communities and local non statutory indicators that will be monitored and reported upon by the team) • Performance monitoring arrangements (the day-to-day / monthly / quarterly quality assurance processes that the Service will have in place to ensure that Objectives and Milestones and Performance Indicators and Targets are delivered) <p>WBC to have due regard to Halton feedback in relation to any elements of the draft annual Service Plan and to amend the draft plan accordingly.</p> <p>The final version of the annual Service Plan to be submitted to the Executive Board Sub Committee in April each year.</p> <p>By agreement between the Halton Contract Manager and the WBC Trading Standards Manager, a selection of Objectives and Milestones and Performance Indicators and targets are identified for quarterly reporting to the nominated Policy and Performance Board.</p> <p>An annual out-turn report addressing performance against the previous year's annual Service Plan to be presented to the nominated Policy and Performance Board in June each year.</p>
8.	Obligations on WBC to furnish	<p>WBC shall supply HBC with statistical data for National Indicators, CPA indicators</p>

	Halton with certain information	Information for investigations by bodies such as the Ombudsman, the Information Commissioner, the Office of the Surveillance Commissioner etc.
9.	Obligations on WBC to furnish Halton with officers	<p>WBC officers shall attend HBC meetings (formal and informal) on request by the Halton contract manager to make presentations / answer questions as appropriate on not more than two occasions in every twelve months. HBC shall at all times be entitled to request attendance by WBC officers.</p> <p>All complaints received by WBC in relation to Halton aspects of the Service shall be</p> <p>(a) notified to the HBC Contract Manager.</p> <p>(b) processed under the WBC complaints procedure.</p> <p>(c) taken as far as operational director decision under the WBC complaints procedure.</p> <p>(d) if the complainant remains dissatisfied then the matter shall be referred to HBC and the matter be conducted under the Halton Corporate Complaints procedure initially at Director level to the extent that it is eligible to be dealt with under that procedure.</p> <p>(e) HBC may request attendance of WBC officers in resolving/determining complaints.</p>
10.	Additional resources	The use of additional trading standards resources becoming available to HBC shall be addressed through the annual Service Plan process
11.	Workforce controls and protections - relationship with JE	Counsel's opinion was sought jointly by both authorities' Legal Services on a number of matters. So far as the staff's terms and conditions are concerned the advice received is that neither Warrington's Job Evaluation exercise (now due for implementation in the New Year) nor the planned restructure that will see the two teams become one, should result in any of the transferring officers being put on less favourable terms and conditions. This had obviously been a cause for concern. In terms of additional staff protections therefore, the contract will simply address the question of excess home to work mileage, for which existing protocols will be used.
12.	Special contractual protection for transferred staff - if any	At the termination of the contract Halton Borough Council shall take back a group of staff being no more than two fifths of the Trading Standards professionals in permanent employment at that time, or meet the costs directly associated with the termination of that employment. This group of staff shall, so far as is practicably possible, include a range of levels of staff and a range of Trading Standards expertise. Further, staff's own preferences

		shall be considered in identifying this group, as well as their previous service with either Halton or Warrington prior to the commencement of this Contract.
13.	Special provisions for Customer Services (Halton Direct Link)	Halton Direct Link (Contact Centre and One-Stop-Shops) will provide an equivalent service, as appropriate, for the joint Warrington and Halton Trading Standards Service as it presently provides for the Halton Consumer Protection Service. The costs for this support will be met by way of an internal recharge to the remaining Halton Consumer Protection cost centre and will not impact upon the Contract cost
14.	Badging	The name of the new integrated Service incorporating the word Halton shall be displayed on all communications, reports and at events and at public reception areas in accordance with the Halton Corporate Communications standard
15.	Investigations	Parties to cooperate fully in connection with Ombudsman and other investigations
16.	Termination	Powers for each party to terminate agreement on 12 month's notice in response to breach subject to earlier 6 month's notice by HBC notifying WBC of breach and permitting opportunity for remedial action by WBC.
17.	Information exchange	On termination or expiry of contract all data relevant to Halton's interest in service to be transferred to HBC.
18.	Dispute resolution	ADR standard
19.	TUPE	Standard TUPE clauses including two tier workforce
20.	Halton's contract manager and single point of contact for all contractual matters	Divisional Manager, Planning and Commissioning, Health & Partnerships Department
21.	WBC's single point of contact for all contractual matters	Trading Standards Manager
22.	Standard legal clauses	Definitions, compliance with law, confidentiality, waiver, propriety, set-off.

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Rob Barnett
Group Solicitor (Policy and Regeneration)
Halton Borough Council
12 September 2008

Joint Halton & Warrington Trading Standards Service Specification

Draft 5. August 2007

Report Author: Trading Standards Sub-Group (Peter Astley, Trading Standards Manager, Warrington Borough Council)

Date: 8th August 2008

Section A: BACKGROUND, OVERVIEW, CURRENT KEY STRENGTHS AND OUTCOMES OF TRADING STANDARDS SERVICES IN HALTON AND WARRINGTON

i) This Document outlines the Service Specification for the proposed joint Trading Standards service for Halton and Warrington Borough Councils. This Service Specification details the key objectives and deliverables in the respective Boroughs over the period of the contract between the Authorities. It is a 'higher' level document which sets out the vision and key objectives for the joint Service, but is not the business plan, which when completed, will ultimately set out how the objectives will be delivered.

both services have achieved a great deal.

ii) Both Halton and Warrington Trading Standards services have achieved a great deal since their creation in 1998. Substantial progress has been made in some areas of work such as significantly improving and maintaining consumer engagement in our most deprived communities, reducing the impact of rogue traders,

tackling the perpetrators of doorstep crime, and tackling certain forms of underage sales. Yet there is still a great deal of work to do to ensure that we maximise the positive contribution we can have in the communities in both Halton and Warrington. Table 1 below details some of the key strengths and outcomes of both services.

rationale behind a joint service.

iii) It is vital that in today's environment of diminishing local government resources, and increasing commitments, that we prioritise our activities to those, which have the greatest impact on health, wellbeing, community safety and economic prosperity. Balancing these priorities can be very difficult, as short term needs, such as rogues who are currently preying on the vulnerable, must be balanced against other issues which may take a generation to resolve, such as the rising levels of childhood obesity and alcohol harm. Building upon our commitments to

improve public health and protect the safety of our communities will bring further challenges, as will an increasingly complex and global market place. It is vital for all our stakeholders that the Service continues to modernise and improve so that we can deal with these new challenges.

iv) Currently both Halton and Warrington Trading Standards services deliver an excellent level of service to consumers across North Cheshire. However, we feel that only by merging our respective services and effectively pooling best practice from both departments, will we be able to maintain this excellent level of service, meet our financial constraints and deal with increasing demands.

CURRENT OVERVIEW OF TRADING STANDARDS IN HALTON AND WARRINGTON

v) The Trading Standards teams of both Halton and Warrington are currently split into roughly three 'operational areas, namely Consumer Advice and Education, Fair Trading and Quality, Metrology and Safety.

consumer advice & education

vi) We currently offer a 'comprehensive' consumer advice and education service to all people and businesses, which reside in both Boroughs. Through the provision of advice and assistance we can make a significant difference in people's lives, however, not all consumers have the knowledge, confidence or ability to be able to access our Services. There are numerous complex factors and barriers, which affect accessibility. The problem of limited accessibility is further compounded when one considers that our customers, who potentially need the greatest level of advice and assistance, are the ones

that have traditionally used us the least.

fair trading

vii) Our respective fair trading teams are committed to ensuring that the description and quality of goods and services is satisfactory, that credit is marketed correctly and agreements enforced fairly. The teams tackle 'rogue traders' by a robust intelligence led 'problem traders' processes, whereby we firstly encourage compliance by educating businesses, whilst taking strong action against those who deliberately flaunt the law. The teams also promote further 'self-regulation' through approval schemes such as the 'Approved Motor Trader Scheme', which operates across both Halton and Warrington.

quality, metrology & product safety

viii) Both services are responsible for the enforcement of a wide range of legislation controlling the weight and volume of goods, the quality of foods¹ and the safety of products, both produced, and on sale, in both Halton and Warrington. Weights and Measures Inspectors check the weights and volumes of pre-packed goods and also the equipment used to measure goods, such as petrol pumps and scales. In Warrington Food Safety Officers ensure that food meets UK and European legislation and quality standards by controlling the advertising, production, marketing, distribution and supply throughout the food chain.

ix) Consumer safety officers make checks on goods from the point of production through to the sale. Our respective services also have a responsibility for other specific areas of law enforcement, including security

¹ NB This function is currently carried out by Environmental Health in Halton

and safe storage of explosives, inspection of petroleum storage sites and the enforcement of legislation concerning under-age sales.

The following table summarises some of the current key strengths and outcomes of the trading standards services in both Halton and Warrington:

KEY STRENGTHS & OUTCOMES

Table (1): Key Strengths and Outcomes (Halton & Warrington Trading Standards)	
Customer Base:	<ul style="list-style-type: none"> ▪ Nearly 8000 customers used the Warrington trading standards service in 2007/08, an increase of nearly 50% over five years. During the same period nearly 4000 consumers accessed the service in Halton ▪ Satisfaction ratings remain high with over 92% being either very satisfied or fairly satisfied with the service received and are above the unitary average in both boroughs.
Consumer Direct	<ul style="list-style-type: none"> ▪ In December 2005 Halton consumer protection service linked up with Consumer Direct in the North West (CDNW). The service responds to all Consumer Direct civil and criminal referrals and complaints that reach the Service by other means. ▪ Warrington trading standards successfully linked up with CDNW in January 2007. ▪ The true impact of this partnership has yet to be assessed, however, it has enabled the service to free up vital officer time from dealing with routine 'first-response' enquiries, instead concentrating on higher level cases and proactive consumer advice and education interventions.
Consumer Alert Network (iCAN):	<ul style="list-style-type: none"> ▪ iCAN is a sophisticated message broadcast system, which enables Halton and Warrington trading standards to send out messages on consumer scams etc to a large number of individuals across both Borough's, thus improving protection. ▪ Since iCAN went live in Warrington in 2004 over 1800 members have been recruited in all parts of the town. ▪ Halton trading standards successfully utilised some grant funding to join the iCAN system in 2007. ▪ Since the system went live, over 150,000 individual messages have been sent out, ranging from warnings about rogue traders to advice about junk mail and telephone scams.
Improving Access in Deprived Communities	<ul style="list-style-type: none"> ▪ Through the Ward Contact programme and iCAN system excellent links have been developed in the seven most deprived wards in Warrington. These links continue to enable the service to significantly improve access in these wards. ▪ Halton Trading Standards service is also concerned with raising its profile in the most deprived areas of the Borough. The current Halton service plan included undertaking 5 activities within these

**Table (1):
Key Strengths and Outcomes (Halton & Warrington Trading Standards)**

	<p>Neighbourhood Management Areas (NMA's). 16 activities actually took place within the 3 Neighbourhood Management Areas during 2007/08.</p> <ul style="list-style-type: none"> ▪ Halton Trading Standards service also manages a £36k Budgeting Skills project funded by the Local Strategic Partnership and delivered by Halton Credit Union. It is likely that the project will be funded for a further two years.
Alcohol Harm Reduction	<ul style="list-style-type: none"> ▪ Significant progress has been made over the last few years with the test purchase failure rate in Warrington reducing to 13% at the end of 2007/08 from a high of 55% in 2003. Over this period of time Trading Standards in Warrington have trained over 2000 individuals working in the alcohol industry and issued over 10,000 Validate Proof of Age Cards. ▪ Following the results of primary research with year 11 school children, significant progress has been made in tackling alcohol sales to underage children in Halton. Consequently over the last few years the test purchase failure rate in Halton has reduced to just over 4% during 2007/08 from a high of 30% in 2002. ▪ Following on from this Halton have managed the roll out and repeat of this primary research across the Trading Standards North West Region via 20+ Local Authorities in 2004/5 and 2006/7. This intelligence-led approach directs the work of trading standards across the Region. Following additional work by Liverpool John Moores University renowned Public Health Unit this research has been circulated widely and is referred to at Governmental levels. ▪ Since 2006 Halton Consumer Protection, in partnership with the PCT and using a company Inn Confidence Ltd, have trained over 90 individuals working in the alcohol industry providing them with BIIAB approved certificates and issued over 3,000 Validate Proof of Age Cards since 2004 to years 11, 12 and 13, during one year obtaining a 66% take up rate with yr. 11's. ▪ All off & on licence premises are provided with various advertising materials in both Boroughs to assist them in avoiding underage sales: those that warn adults not to buy alcohol for those under 18, which ID to accept, examples of fake ID, bottle hangers for use in off licences to warn adults against buying for underage. ▪ As a result of this work, underage consumption rates are falling in both Boroughs, an indication that alcohol interventions are starting have a really positive impact.
Tobacco Control	<ul style="list-style-type: none"> ▪ Trading Standards services are at the forefront of tobacco control enforcement strategies in both Boroughs. This work is focussed on restricting underage and counterfeit tobacco

**Table (1):
Key Strengths and Outcomes (Halton & Warrington Trading Standards)**

	<p>supply.</p> <ul style="list-style-type: none"> ▪ Following primary research with year 9 students and a groundbreaking project, which analysed discarded cigarettes packets from across Halton in 2007, the service has adopted a joint intelligence sharing and enforcement approach. This approach with HMRC and DWP aims to tackle the supply of counterfeit and non-duty paid tobacco products. Halton trading standards has co-ordinated multi-agency tobacco enforcement days targeting both domestic and retail sellers of illicit tobacco. This is in conjunction with educational messages circulated via direct radio marketing and close liaison with licensees for on and off licensed premises to warn them of the activities of illicit tobacco suppliers in the area. All tobacco premises have been provided with posters about which ID to accept, examples of fake ID, badges for staff to wear advising customers that it's their job to ask for ID. ▪ Warrington trading standards are developing and leading on a Tobacco Control strategy for the town. Halton trading standards is also a stakeholder on the PCT Tobacco Harm Reduction group and has worked closely with the PCT School Tobacco Officer. By February 2008 test purchase failure rate in Halton reduced to 8% from a high of 40% in 2006. ▪ Since the development of the project to look at discarded cigarette packets, there has been considerable interest across the Country and TSNW are now promoting rolling it out across the Region. The Warrington Trading Standards Manager is also leading on counterfeit tobacco agenda in the North West.
Food Health	<ul style="list-style-type: none"> ▪ Trading Standards in Warrington are at the forefront of the development of a Food Strategy for the town. ▪ Work is underway with producers and catering premises to reduce salt sugar and saturated fat content in processed food. In 2007, Warrington trading standards launched the <i>Food Award</i>, a unique initiative, which recognises food premises, which meet both high nutritional and hygiene standards. ▪ Warrington Trading Standards have also worked very closely with the Warrington PCT's Food and Health Team to extensively deliver training on food issues for at risk groups, as well as becoming accredited to run the <i>CIEH Nutrition Course</i>, being the first enforcement body in the North West to achieve this status.
Home Safety and Young Consumers	<ul style="list-style-type: none"> ▪ Last year Warrington Trading Standards visited 16 schools delivering home safety education to over 700 pupils. They have also developed a web based resource for schools to use and are currently developing a series of National Curriculum linked Schemes of Work for Schools to use independently. ▪ Trading Standards in Warrington have also developed a number

**Table (1):
Key Strengths and Outcomes (Halton & Warrington Trading Standards)**

	<p>of web-based, national curriculum linked, schemes of work for primary schools which enable key consumer messages to be taught to young, developing consumers.</p> <ul style="list-style-type: none"> ▪ Halton consumer protection service have run a borough wide Consumer Challenge Quiz every year since 2006. The quiz enables children with learning difficulties and disabilities to gain valuable consumer knowledge. The winning team attends the national final and meet children from all around the country. An often-overlooked group of consumers gain valuable life skills and have fun at the same time. The Service would like to offer the competition to all mainstream primary schools in the 3 Neighbourhood Management Areas (NMAs) when staffing levels permit. ▪ Halton consumer protection service is currently working in partnership with a theatre group in 4 NMA primary schools. The project allows a group of young people the opportunity to work with professional drama facilitators to create a performance on the theme of 'Making the Right Decisions'. The focus of this will be issues arising from trading standards and also more general issues, such as social skills like sharing and being happy with what you have. Children will have the chance to develop drama skills, build confidence and then perform their own piece of theatre at the end of the project to both parents and peers.
Doorstep Crime	<ul style="list-style-type: none"> ▪ Doorstep crime approaches have been further developed and improved. Trading standards have intervened² in all reported cases and consequently saved our communities £100,000's in economic terms. The actual benefit to consumers in terms of independence and fear of crime is also very significant. Through partnership links and the proactive use of the ICAN system in both Boroughs we are preventing more issues from escalating than ever before. ▪ Halton consumer protection service has also set up two No Cold Calling Zones. The aim is to empower residents to be able to say no to cold callers and to reduce doorstep crime and distraction burglary in the zones. We also participate in Rogue Trader days, a police-led Operation. The Operation aims to speak with builders, pavers, gardeners, painters and decorators, and roofers to ensure they are complying with relevant legislation and that householders are happy with any work being carried out.
Informal Economy	<ul style="list-style-type: none"> ▪ Warrington Trading Standards have continued to disrupt traders operating in the informal economy and through working in partnership with Halton Trading Standards recovered their first Proceeds of Crime monies in 2006/07. These proceeds (£22,000) have been used to further prevent and detect crime by being

² Meeting the service standard of intervention within 1 hour in all cases.

**Table (1):
Key Strengths and Outcomes (Halton & Warrington Trading Standards)**

	<p>used to fund a temporary iCAN Project Officer post.</p> <ul style="list-style-type: none"> Through partnership working with other intelligence led agencies, particularly the Fraud Investigation Unit at DWP, Halton have combined investigative resource to tackle informal economy crime with a particular focus on anti-counterfeiting work.
Risk-factored Inspection Programme	<ul style="list-style-type: none"> Warrington Trading Standards has continued to meet its objective to inspect all 'high risk' premises. This includes: food hygiene, health & safety, food standards, fair trading, product safety and weights and measures. Halton consumer protection service undertakes 100% of high-risk and appropriate medium risk visits.
Proceeds of Crime	<ul style="list-style-type: none"> Halton consumer protection service are the regional 'centre of excellence' offering specialist expertise on proceeds of crime for trading standards services in the North West. Halton currently employ a Senior Trading Standards Officer (STSO), who is also an Accredited Financial Investigator (AFI), and have recently contracted a part-time AFI. These Officers provide a Regional Financial Investigation Resource for 21 Trading Standards North West (TSNW). Since POCA's inception training has been provided at TSNW Chief Officers meetings, and two Branch Conferences and a presentation for LACORS Chief Officers Conference. Full day courses have been provided for 90+ Officers within TSNW and 16 Officers in CENTSA (Central Trading Standards Area) with another 2 CENTSA courses scheduled. In addition one to one training has been provided whilst running through live cases with Officers.
Business Improvement	<ul style="list-style-type: none"> Both Halton and Warrington Trading Standards continues to maintain a BVPI 166 rating of 100% and is above average in all the relevant national performance indicators.
Municipal Journal Local Government Achievement Award	<ul style="list-style-type: none"> Trading Standards in Warrington were the winners of the MJ Award in 2006, the first of its kind in the Public Protection Category. The award recognised how Warrington's work to improve contacts with the most deprived members of our community had a positive impact, providing evidence of a; high quality service, an example of a successful partnership between the service, the local authority and the community, and evidence of value for money.

Section B: KEY JOINT SERVICE OBJECTIVES

1. Improving health and well-being and promoting independence in Warrington / Ensuring a healthy Halton.

1.1) The Trading Standards services in Halton and Warrington with their traditional role of ensuring business compliance through vigorous enforcement activities and empowering consumers through targeted consumer education, have a less recognised, albeit important, role to play in maintaining and improving the health and well-being of our communities.

improving health: pressures and drivers

1.2) Improving health pressures and drivers:

- *Children in social class V are five times as likely to suffer accidental death than their peers in social class I – 83 and 16 per 100,000 respectively.*
- *Residential fire deaths for children are 15 times greater for children in social class V compared to those in social class I.*
- *Underage sales can adversely affect health: ¾s adult smokers become addicted before 16 and 90% of 14-17 year olds in the Halton and Warrington area drink alcohol. Smoking causes around 120,000 deaths and the effects of misuse of alcohol costs £20billion each year.*
- *The death rate from coronary heart disease is three times higher among unskilled manual men of working age than among professional men.*
- *Around 16% 2-16 year olds are classified as obese.*

1.3) Trading Standards Services in both Halton and Warrington have strongly embraced the challenges of the Public Health Agenda and contributed to both Councils aims to improve health and wellbeing, especially in terms of alcohol and tobacco control.

1.4) A joint Service will build further capacity in this field and make significant contributions to health improvement and reducing health inequalities in terms of reducing:

- **Underage alcohol harm.**
- **Smoking prevalence, especially amongst underage smokers and those in deprived areas.**
- **Substance misuse**
- **Levels of obesity³**

REDUCING UNDERAGE CONSUMPTION OF ALCOHOL

1.5) A great deal of work has been done in terms of developing and implementing alcohol enforcement interventions over the last four years. Through targeted enforcement the proportion of young people who purchase their own alcohol has fallen from 41% to 22% in Halton and 33% to

³ Warrington Borough Council will continue with its food strategy to improve awareness of healthy food choices, as well as working with producers to reduce salt, sugar and saturated fat content in food.

22% in Warrington in the last two years. However, much work still needs to be done in terms of reducing binge drinking and drinking in public places in both Boroughs.

1.6) A joint Service will build upon current strengths and expertise in terms of reducing alcohol harm by:

- **reducing underage access:**
Continuing to work with partners to further develop our intelligence led enforcement approaches to underage alcohol sales, focussing on test purchase programmes and proxy-sales.
- **business support:** Providing Trader Training programmes, which focus on understanding the legislation, Age Recognition techniques, and *Dealing with Conflict*.
- **proof of age:** Promoting the *Validate* Proof of Age Card in all Halton and Warrington high schools.

TOBACCO CONTROL & REDUCING SMOKING PREVALENCE

1.7) Despite smoking prevalence reducing across both Halton and Warrington, rates amongst certain classes of society remain concerningly high. The Department of Health and Government Office North West have identified in their developing Strategy that if we are to impact on reducing smoking prevalence in our deprived communities then we have to reduce underage access to tobacco, as well as reducing the market in illicit tobacco. This Strategy recognises that Trading Standards services have a key role to play in terms of Tobacco Control in the region.

1.8) Both Halton and Warrington Trading Standards Services have an excellent track record in terms of

tobacco control work, which is currently leading the way for the Region. Halton have conducted excellent work in terms of identifying counterfeit tobacco in the community and Warrington have taken the Tobacco Control lead in the Borough, which has brought a number of partners together to maximise the collected impact of their work.

1.9) Again a joint Service will bring together the respective strengths and as well as helping to reduce smoking prevalence in our respective areas, will be at the forefront of tobacco control policy and strategy development regionally. We will take the lead role for the implementation of a Tobacco Control Strategy in Warrington and ensure that we fully link into the equivalent Strategy in Halton.

1.10) Overall Smoking prevalence will be reduced by:

- **reducing underage access:**
Working with partners to develop intelligence led approach to underage sales.
- **business support:** Alongside our alcohol work helping business by close support and by the provision of *Age Recognition* and *Dealing with Conflict* Training.
- **reducing the availability of illicit tobacco:** Identifying the nature and scale of the illicit tobacco 'market' and working with other law enforcement partners to take strong action against those engaged in the supply of counterfeit cigarettes.

SUBSTANCE MISUSE

1.11) It is anticipated that we will monitor the intelligence and information provided by partners and target underage sales campaigns to address substances and traders that we suspect are linked to substance misuse.

2. Making Warrington's communities safer stronger and sustainable / A safer Halton:

doorstep crime and consumer scams

2.1) It has been often said that an Englishman's home is his castle. The strength of feeling evoked when someone intrudes into the safety and security of another's home can be substantial. However, businesses, legitimate and illegitimate are becoming ever more adept at getting into people's homes, either through direct sales, door to door calling, junk mail, newspapers, the internet and many other means. Many consumers let their guard down when in their own home and, consequently commercial crime in people's homes is on the increase.

2.2) This type of crime can take many forms. It can be the bogus offender offering to undertake unnecessary roof repairs, double-glazing or garden maintenance. It can be home-working schemes, or lottery scams. It can be Internet or mail fraud, loan-sharking or premium rate telephone scams. However, all these crimes have two things in common, they target the vulnerable and they involve often cruel trickery. Half of the UK adult population had been targeted by a scam and every year one in 15 people (3.2 million adults) fall victim. The average amount lost per scam is around £850.

2.3) Trading Standards form the front line in tackling commercial frauds. As many of these offences are low-level and underreported, they don't often feature in crime strategies, but they nevertheless need to be tackled effectively.

DOORSTEP CRIME.

2.4) Trading Standards receive a number of so called 'doorstep crime' complaints, whereby primarily older, vulnerable people are targeted by organised criminal gangs, who charge exorbitant prices for extremely shoddy work, or for work not done at all. These crimes have been rising over the last few years⁴ and are a priority for Trading Standards in both Halton and Warrington, due to the impact on the victim and the likely under-reporting rate⁵. However, the rise may be due to increased awareness. Furthermore, the fact that Trading Standards in Halton and Warrington jointly file more intelligence reports than any other authority in the North West indicates how we have matched resources against our commitments in this area, alongside demonstrating that we have well developed communications channels with the police and other agencies.

2.5) The majority of DSC relates to unscrupulous traders who sell unnecessary, sub-standard or dangerous goods and services. Often these traders 'cold call', that is they visit a home without making a prior appointment. Vulnerable residents such as the elderly are often targeted with strong arm tactics being used regularly. Doorstep sellers may also engage in opportunistic crime including distraction or 'sneak in' burglary.

⁴ However, this may indicate that more crimes are being reported due to improved communications channels.

⁵ A Home Office report published in 2001 estimated that only "1 in 25" distraction burglaries (which are a type of doorstep crime) are ever reported to the police.

2.6) Doorstep Crime Evidence:

- *Cowboy builders have cheated up to 1/5th of householders in the last five years.*
- *The Home Office report that as little as 1 in 15 vulnerable older adults report instances of doorstep crime to the relevant authorities.*
- *The average victim of doorstep crime is 83 year old female living on her own.*
- *Age Concern suggest that bogus callers gain entry to 180,000 homes of the elderly each year (this equates to roughly 3 instances per day in Halton and Warrington)*
- *Doorstep crimes are the most difficult forms of household theft to investigate. Consequently detection rates are far lower than other forms of burglary.*
- *Changes in social policy – with the move away from residential care to towards home-based care – mean that the number of older people living alone is likely to increase by 33% by 2021*

2.7) A joint service will have doorstep crime as one of its key priorities. We will adopt a common service standard whereby we respond to all doorstep crime complaints, intervening where a crime is in 'progress', within 1 hour. This commitment is alongside our other work to reduce doorstep crime, which includes:

- **prompt & effective enforcement**, whereby we react to all incidents of doorstep crime giving support to the victim and taking strong and robust action against the perpetrators where possible.
- **better prevention and education:** We will further develop our educational and prevention approaches using the iCAN system and liaising with a number of

partners to cascade 'training' to potential victims.

- **improved intelligence:** Through improved intelligence gathering and analysis we will be better able to identify offenders, locations and potential victims thus enabling the service to develop proactive interventions which have a greater impact.

CONSUMER SCAMS

2.8) These types of scam include bogus home-working schemes, lottery and premium rate telephone scams. The perpetrators of such scams are rarely locally based and more often these days are based overseas. Consequently enforcement action can very difficult to take. As a joint service will fully utilise our communication channels to ensure that warnings are given to the public as necessary, which may involve press releases, iCAN warnings etc.

informal economy

2.9) Markets work well for consumers when there is vigorous competition between fair dealing businesses for their custom. This competition and fairness is substantially undermined when traders operate in the informal marketplace. Its results in an uneven playing field for legitimate business, substantial costs associated with intellectual property and security protection, consumer detriment and substantial loss to the Exchequer in taxation.

2.10) Many traders operating in the informal economy are also prominent and prolific offenders, linked to crime families, organised crime, and in some cases international terrorism. They can be engaged in product counterfeiting, the introduction of illegal goods or the re-introduction of stolen goods to the marketplace, criminal deceptions, food

adulteration, substitution or fraud or supply chain or long form frauds.

2.11) Trading Standards have shown that, in partnership with industry and other enforcement bodies, effective action can be taken to disrupt and curtail the activities of traders operating in the informal economy.

INTELLECTUAL PROPERTY CRIME

2.12) Intellectual property crime (IPC) is the counterfeiting and piracy of trade marked and copyrighted products and services. Fake products abound in almost all industry sectors including designer fashion, luxury goods, electrical equipment, audio visual, toys, games, drinks, cigarettes, pharmaceutical products and automotive parts. The IP Crime Report reveals that the range of goods being copied and illegally reproduced is growing, extending to such diverse products as counterfeit razor blades, motorbikes and crane spare parts.

the harm caused by IP crime

2.13) IP crime has a multitude of undesirable effects throughout the UK. There is the immediate consequence of a serious threat to consumer safety, where goods have not undergone product safety testing. The secondary consequences are no less important but perhaps are not recognised as having the same immediate impact as the consumer harm problem. Both the UK economy and businesses are suffering. The seriousness of this impact should not be underestimated. There is also the impact on local communities. The UK IP Crime Report indicates that there are numerous examples of a growing association between dishonesty and damaging social trends. People are selling fake goods whilst also engaged in defrauding the benefits system. There

is also evidence that criminals are using illegal immigrants to sell pirated goods. Criminals are also shown to be exploiting children and grooming them into a criminal lifestyle.

2.14) Unfortunately there appears to be a general acceptance in parts of the population that IP crime is an easy way to gain an affluent lifestyle. These activities are, in the main, driven by the consumers who demand a bargain.

2.15) There is also the loss of revenue to Government in taxes. This is difficult to quantify, but tax losses range from corporate tax to VAT and excise duties on alcohol and cigarettes. In 2006 Her Majesty's Revenue and Customs reports that an estimate of 2 billion cigarettes were counterfeit and that the total trade of 18.5 billion non-UK duty paid cigarettes cost the taxpayer £2.9 billion.

scope and scale of IP crime

2.16) The true measure of the level of IP crime within the UK is unknown, but the evidence available shows that the problem is significant. The Organisation for Economic Co-operation and Development also encountered similar difficulties when trying to establish a true measure of the problem in their June 2007 study entitled "The Economic Impact of Counterfeiting and Piracy" (the full report from Phase 1 of which is still to come). In their Executive Summary published in June 2007 they indicated that in 2005, the "international trade in counterfeit and pirated products could have been up to US\$200 billion" which referred only to such products seized by Customs at national borders. What is clear is that IP criminals are continuing to develop new ways to make money from crime.

2.17) Criminals are being driven into more underground, diffuse methods, such as the Internet, to reduce the risk of detection. The Internet has also become an important, alternative market and a way to supply fakes on demand. The increased use of the Internet has put many enforcement organisations under pressure to gain additional resources, develop new expertise and evidence securing methodologies.

- Formally investigating all 'material' complaints about the production and sale of counterfeit products in the Borough.
- Working to designate Halton and Warrington as 'Fake Free' Boroughs.
- Proactively working with informal markets, such as workplaces and occasional markets to both identify and prevent the sale of counterfeit goods.

2.18) As a joint service we will ensure that we tackle IP Crime in both Halton and Warrington by:



3. Ensuring all children and young people have the opportunity to reach their potential in Warrington / Children and young people in Halton

3.1) Previous sections of this document have demonstrated that a joint service will endeavour to give a greater level of protection to young people. Objectives around alcohol, tobacco, substance misuse etc demonstrate our commitment to protecting young people. Alongside this work we aim to educate help young people to be confident demanding consumers through a variety of means.

3.2) Examples of some of the initiatives we will deliver as a joint service to young consumers include:

- The promotion of web based schemes of work entitled 'what price chocolate' and 'planning a barbecue' to all schools in both Halton and Warrington.
- The promotion of our web based Home Safety Pack to all schools in Halton and Warrington and a continuance of the Home Safety Quiz offered to all primary schools in Warrington⁶.
- A drama project called 'Making the Right Move', which gives a group of young people the opportunity to work with professional drama facilitators to create a performance around the theme of making the right decisions.
- Budget Skills project in conjunction with the Halton Credit Union.

⁶ The Home Safety function is currently carried out by the Environmental Health team.

4. Improving Warrington's local environment and economy and regenerating its deprived areas / Employment, learning and skills in Halton.

4.1) We will help to ensure the economic prosperity and viability across both Warrington and Halton by working with business to get it right first time and through effective enforcement. Resources will be prioritised around ensuring that so called high risk businesses comply with their legal obligations and a relatively light touch for low risk businesses that have a good history of compliance.

our enforcement approaches and mix

4.2) A joint service will be responsible for a large number of Acts, Regulations and associated Codes of Practice. Our primary role in enforcing the law is to protect consumers and reputable traders. Prosecution is very much a last resort and our primary aim is to seek compliance by education and guidance. To demonstrate our commitment to a balanced approach to enforcement, we will adopt the principles of good enforcement practice set out in the '*Enforcement Concordat*'. We will ensure that both Councils approve a joint Enforcement Policy

4.3) Due to changes to the global marketplace, rise in contact rates etc, the demand for our services will exceed level of supply. Due to resource limitations, we cannot routinely inspect all premises or investigate all complaints to the level the consumer would wish, but have to balance what our customer's demand against activities which will have the greatest impact on consumer protection. This Specification details the activities that our stakeholders and officers believe will better protect the

consumer and allow the reputable trader to flourish. Our **enforcement mix** will influence these activities and helps us to prioritise our work. Stakeholder and staff consultation in both Halton and Warrington has determined a joint enforcement mix. The four elements of our enforcement mix are as follows:

- **proactive led:** This involves us conducting projects or investigations into specific traders or trading practices. An example of proactive working includes problem trader's work.
- **complaint led:** Complaint investigation can be costly and of limited value, hence we will not investigate all minor breaches. Likewise, unless there are exceptional circumstances, complaints will not form the sole basis for a prosecution. Instead, they will provide us with the intelligence to make test purchases. Furthermore, complaints will not be investigated solely as a mechanism for consumers obtaining compensation.
- **inspection led:** It is important that we carry out inspections in the market place, as complaints will not always give a true picture of how the trader is performing. Inspections also enable the trader to check compliance issues with the inspector who, in turn, aims to help the trader comply with the law. It is vital, however, that inspections are targeted at areas of greatest risk, otherwise they are of limited value.
- **education led:** Education and prevention forms an integral part of all the above as, in most cases,

proactive work such as problem traders relies on education to achieve its aims in the first instance. Inspections should also be conducted with the aim of educating business to achieve a level of compliance, which is maintained following the visit. It is vital that we as a Service promote prevention, as merely enforcing the law does not adequately protect the individual. Prevention will be achieved through educational activities, such as developing specific targeted leaflets and by training key community contacts in consumer issues.

Rogers priorities for local government

4.4) In March 2007 Peter Rogers, Chief Executive of Westminster Council, announced five national priorities to help local authorities focus the enforcement of regulation on the greatest risks. A national approach to regulatory enforcement will enable a greater concentration on the most important issues, a more proportionate approach to low risk issues and greater consistency across the country. Businesses will benefit from improved consistency of enforcement and sharper regulatory focus.

The five main priorities are areas where local authorities can make a real difference and control serious risks to peoples' health and the economy. They are:

- Air quality, including regulation of pollution from factories and homes – Air quality problems damage health, enforcement is a priority to citizens.
- **Alcohol**, entertainment and late night refreshment licensing – 1 in 5 violent incidents occurs in or around public houses, and 17 million working days are lost each year to alcohol related causes.
- Hygiene of businesses selling, distributing and manufacturing food and the safety and fitness of food in the premises – each day food-borne disease leads to almost 1 death, 33 hospitalisations and 1,500 cases of illness.
- Improving health in the workplace – 560,000 workers each year experience illness caused or made worse by work.
- **Fair trading** (trade description, trade marking, mis-description, doorstep selling) – costs consumers an estimated £8 billion each year and 3.5 million people become victims of scams. Rogue traders cause severe distress to the elderly and vulnerable who are often targeted.

4.5) As demonstrated by this specification, a joint service has clearly embedded the so-called Rogers priorities into its own key priorities.

TRADING STANDARDS INSPECTIONS

4.6) A joint service will inspect all high-risk premises due for inspection during the year.

4.7) We will also inspect a proportion of medium risk premises that have been identified through a complaint analysis as warranting inspection (see 5.14 for further details).

4.8) Further interventions will be utilised such as self-assessment to ensure that certain classes of medium and low risk premises are aware of their legal obligations etc.

HOME AUTHORITY ROLE

4.9) Due to its location at the centre of the North West motorway network, both Halton and Warrington attract a

large number of companies who use the town as either their national or regional base. Consequently, we have a larger proportion of Home Authority businesses than neighbouring authorities in the region. A joint service recognises that, by actively working with our Home Authority businesses, we are helping them to prosper as well as protecting consumers outside the town. To fully comply with the Home Authority principle we will:

- Visit all Home Authority businesses at least annually and ensure that each business has a named contact.
- Concentrate our sampling consumer products from home authority businesses.
- Where relevant, enter into Home Authority Agreements with businesses in the area. These agreements will specify the level of service business can expect from us as well as their obligations to the Home Authority Principle⁷.
- Always notify the relevant authority where we discover serious breaches of the civil or criminal law originating from another local authority's home authority business.
- Always take into account feedback from the other authority before contemplating formal action against another authority's home authority business.

METROLOGY

4.10) Accurate, reliable and fair weights and measures are fundamental to a sustainable trading economy. Every week around £1 billion worth of retail goods are sold in the United Kingdom on the basis of the

⁷ A combined service will ensure that we respond to the developing role of the home authority currently being reviewed by the Local Better Regulation Office (LBRO).

measurement of their quantity⁸. Consumers need to be confident that they receive the quantity of goods they have paid for. And businesses need to be confident that they are trading in a fair marketplace⁹.

4.11) Inaccurate weighing and measuring equipment or the consequent sale of goods sold under weight may have only a small effect at the level of individual transactions, but the overall effect across the economy can be considerable. For example, not providing full liquid measures of draught beer and cider allows licensees to sell an estimated 200 million more 'pints' a year than they buy in, at an estimated value of about £130 million at wholesale prices. And, in 2000-01, an estimated 94,700 (five per cent) of the over two million items of equipment inspected in service by Trading Standards Officers were found to be inaccurate.

4.12) To meet its statutory duties under metrology legislation a joint service will have the following objectives:

- **metrology inspections:** We will aim to inspect 100% high-risk and a number of medium risk premises, which have been identified through 'alternative enforcement techniques' as meriting and inspection. We will also give higher priority to inspecting premises in the deprived areas of the joint area.
- **metrology verifications:** We will continue to offer a verification service to businesses in the Borough aiming to complete all jobs within 5 working days of the request.

⁸ Source: National Weights and Measures Laboratory, *National Measurement System: Legal Metrology Programme 1999-2002*.

⁹ Source: National Weights and Measures Laboratory web site: *The importance of legal metrology*.

- **average weight:** We will ensure that we inspect all relevant average weight producers/packers in the Borough.
- **metrology promotion:** We will promote our metrology function through our Petrol Pump ‘Sticking’ programme. This will improve awareness of what we do as well as promoting the Approved Motor Trader Scheme.

PRODUCT SAFETY

4.13) The joint service will have a statutory responsibility to enforce product safety legislation. To meet this statutory requirement we will be committed to ensuring the safety of goods both produced and on sale, in both Boroughs. This will be achieved through sampling, inspection and advice to traders and consumers. Where we receive evidence of goods on sale, which contravene safety legislation, consideration, will be given on whether to invoke our powers to suspend these goods. These powers will not be invoked lightly, and whilst consideration must be given to the prevention of further sales of unsafe goods to consumers, this will be carried out with due regard made to statutory procedures and professionalism of the joint service.

4.14) A joint service recognises that where possible we must focus our activities to address issues of social inclusion. Priority will be given to work such as the sampling of second hand or reconditioned electrical appliances, with other cheaper products our socially excluded residents often have little choice but to buy these goods

4.15) We will conduct an examination of product safety related complaints to help identify issues and trends, inform our sampling programme and to enable specific warnings to be issued through the media where relevant. Furthermore,

should we identify issues with particular products or classes of product then we will conduct projects to identify the causes of the problems and thus effectively reduce the risk. We will also work with the TSNW Product Safety focus Group to develop regional sampling plan. This will ensure a more co-ordinated strategic approach to sampling.

MOST COMPLAINED ABOUT TRADERS (MCATS)

4.16) Problem Traders have a large impact on consumers in Halton and Warrington by virtue of the volume and nature of complaints they generate. Most of the complaints falling into the MCAT category are generated by traders who generally do not intend to deceive, but fail due to poor systems, including complaint handling methods. Dealing with these types of complaints is time consuming and draws away resources from dealing with potentially more serious issues. It also inhibits the service from proactively addressing the issue of low contact rates amongst the socially excluded sectors of our community. Clearly, it is important that we work with these traders to tackle the causes of these complaints and so free up resources to deal with the dishonest rogue and tackle the social inclusion issues. Work has demonstrated that where we work closely with the majority of MCAT Traders, complaint levels can be significantly reduced.

4.17) A joint service will further refine its approaches to ensure that we effectively identify problem traders each quarter and develop interventions to address the factors, which cause complaints and consumer dissatisfaction.

TRADER APPROVAL SCHEMES

4.18) Trader Approval Schemes achieve benefits to the consumer by the promotion of traders who comply with quality assured standards and who have an effective complaints handling system in place should things go wrong. Schemes benefit traders by the promotion of a positive public image, the provision of training and by the comfort of quality systems being externally audited. Finally, Schemes achieve benefits to the local authority of improved relationships with traders and improved standards within the relevant trade sector.

4.19) We currently operate a joint and very successful motor trade approval scheme across both Halton and Warrington, currently with over thirty members. We will continue to promote and develop this scheme alongside exploring how the current *Shopping with Confidence* Scheme for Warrington Market can be extended to similar locations in Halton

REGIONAL PROCEEDS OF CRIME WORK

background to proceeds of crime

4.20) The Proceeds of Crime Act 2002 (POCA) was introduced by the Government as it recognised that leaving illicitly obtained assets in the hands of criminals was damaging to society and in doing so sent the wrong message, particularly to young people, that crime pays.

current position

4.21) Halton Consumer Protection is currently employs a Senior Trading Standards Officer (STSO) who is also an Accredited Financial Investigator (AFI) and have recently contracted a part-time AFI. These Officers provide a

Regional Financial Investigation Resource for 21 Trading Standards North West (TSNW) Local Authorities, currently charging an hourly rate in order to backfill officer time post. To maintain this function the service has now recovers a proportion of the incentivisation monies available under the asset recovery scheme. A recent investment has been made into the provision of bespoke FI software and hardware in order to increase team capacity and efficiency.

the future for proceeds of crime work in a joint service

4.22) A joint service will aim to be a trading standards Centre of Excellence for Financial Investigation by offering specialist expertise particularly relevant to trading standards and striving to increase team size, capacity and efficiency.

5. Consumer Engagement

consumer engagement: *service issues pressures and drivers*

5.1) *'Given the importance of consuming in today's world, consumer skills are a pre-requisite for active citizenship and full participation within society'*. (National Consumer Council: 2006)

5.2) Today's marketplace is complex and fast moving. Credit and Internet shopping have all added to the need for all consumers to be knowledgeable and empowered. The so called 'Credit Crunch' also will have a key impact on requests for advice and assistance as consumers shop around for the best deals, consequently falling prey to unscrupulous traders and selling techniques etc. Some of the key issues, pressures and drivers include:

- Consumer detriment each year costs consumers in the UK around £8.3 billion pounds. This equates to around £350 for each household in Warrington. The effect of consumer detriment is magnified three-fold for those on lower incomes
- 1/3rd of consumers each year feel that they have been treated unfairly by providers of goods and services. Consumers who are in the lower social classes are least likely to complain.
- Total UK personal debt at the end of September 2007 stood at £1,380bn, a rise of 10% in the last year. 8.2 million British adults are in serious debt and 2.1 million are struggling with repayments.

CONSUMER ADVICE

5.3) Both Halton and Warrington trading standards services currently

work in partnership with Consumer Direct (CD)¹⁰ to provide consumer advice at all levels to local consumers. CD currently provides consumers with basic advice regarding their statutory and legal rights. Issues requiring enforcement action, liaison with traders or extra support, for example to vulnerable consumers, are currently referred to our respective Trading Standards Services. This would continue in a joint service arrangement, subject to the levels of service provided by Consumer Direct being maintained.

5.4) A joint service will continue to operate a comprehensive consumer advice service to all residents in both Boroughs subject to agreed Service standards (see Appendix 2). With a larger consumer advice resource we will be able to specialise to greater extent to what we both currently do, thus improving the potential level and quality of service to consumers across the joint area. The following points set out the quality criteria for Consumer Advice in the joint area:

- **quality:** we strive to constantly give our consumers and businesses expert, accurate and timely advice and assistance.
- **accessibility:** we ensure that all consumers are able to access the Service with a greater level of assistance being given to those who can help themselves the least up to help with county court cases where necessary. We will also analyse gaps in advice take-up ensuring that we develop policies and action plans to improve contact rates for our vulnerable or

¹⁰ Consumer Direct is a telephone and online consumer advice service operated by the Office of Fair Trading in partnership with Local Authority trading standards Services.

hard to reach consumers, especially those in our more deprived areas.

- **customer-focus:** we ensure that we regularly consult with our customers to ensure that advice and assistance meets their needs.
- **connected:** we ensure that we do whatever we can to help refer consumers to the most appropriate source of help.
- **effective:** we regularly measure our performance.
- **value:** we will adopt the Quality Mark¹¹ standard for Consumer Advice across the joint area to ensure that our customers and 'funders' are getting the best services available within our resources.
- **proactive:** we ensure that we enable all our consumers to use resources, both 'virtual' or in the form of a 'Support Pack', which may be tailored to their individual needs. Through this we aim to empower our customers to be more knowledgeable and demanding in exercising their rights.

IMPROVING ACCESS

5.5) The joint Service must be accessible, especially to those who need the greatest level of assistance. Policies and programmes will be maintained and developed to improve access to the joint Service, especially in our most deprived areas where there are lower contact rates. We will improve access through:

- **iCAN:** We will develop an extensive network of members across the joint area, ensuring we proactively recruit members especially in our most deprived

areas and target groups such as the elderly.

- **ward contact programme:** The aim of this scheme is to raise the profile of the Service in the most deprived wards, meet informally with community groups on a regular basis to discuss relevant issues and offer advice and information where necessary. Ward Contacts are also able to educate consumers on a wide range of issues from doorstep crime to financial literacy. The Ward Contact Programme will be continued in Warrington and extended into Halton to ensure that strong links are developed and maintained with our most deprived communities.
- **effective partnerships:** We cannot improve and maintain a high level of contact with consumers, especially those in deprived communities, unless we build effective partnerships. Effective partnership approaches will enable a Joint Service to address deep seated community problems and achieve improved outcomes in terms of community safety, social inclusion, consumer detriment and health inequalities. A Joint Service will have the ability to manage its partnerships in a more strategic way thus maximising the beneficial outcomes from such relationships.
- **communications:** Both Halton and Warrington Trading Standards Services currently enjoy a healthy relationship with local media. However, through our ability to specialise more than in our respective services a joint Service will be able to develop more effective relationships with the local media as well as an increased capacity to further develop common web based resources.

¹¹ Warrington trading standards Consumer Advice Team currently holds the Legal Services Commission Quality Mark for Consumer Advice

ICAN

5.6) In 2003 the DTI funded the purchase of an automated message broadcast system to enable messages and warnings to be disseminated to the community. This project has been particularly successful with over 1800 members in Warrington alone receiving messages about the latest scams to hit the town, thus enabling better protection for them and the network of individuals they help to inform. A joint service will aim to further develop our extensive network of consumers across both boroughs.

CONSUMER EDUCATION

5.7) Consumer education equips people with the skills to make discerning choices, to sort out problems effectively and to seek further information and help. Whilst

laws and markets may change, these skills will enable people to move through life as effective consumers.

5.8) Small Trading Standards Services generally do not invest a great deal in educating consumers, due primarily to overly stretched advice resources. Despite this both Halton and Warrington Trading Standards Services have invested resources in consumer education over the last few years. Again a joint service will enable a degree of specialisation to better educate target groups of consumers. The following table indicates how we will educate consumers in the joint area:

**Table (2):
Consumer education approaches by a joint Halton, Warrington Trading Standards Service**

Learning Outcome	Target Group	Method of Delivery
Consumer Values and Behaviour: Helping consumers to make responsible choices and manage their resources	Young People (Key Stage 2)	Through promotion of web based 'Fireworks', 'Chocolate' and 'Planning a Barbecue' resources and schemes of work to all primary schools in the Borough.
	Consumers in Deprived areas with financial literacy needs	Credit Unions
Consumers in the Marketplace: helping people to make effective choices through an understanding of product information,	Young People (Key Stage 2)	Through promotion of web based 'Fireworks', 'Chocolate' and 'Planning a Barbecue' resources and schemes of work to all primary schools in the Borough.

**Table (2):
Consumer education approaches by a joint Halton, Warrington Trading Standards Service**

Learning Outcome	Target Group	Method of Delivery
advertising and sales techniques. Also helping people to understand available sources of information and advice.	Older Consumers	Doorstep Crime workshops to help improve awareness of scams and how to avoid them.
	Consumers with identified low consumer literacy skills	'Understanding Food Labelling' workshops.
Consumer's Rights and Responsibilities: helping people to understand the rights and responsibilities of consumers and of business. Also helping them to develop the ability to communicate satisfaction and dissatisfaction as well as the confidence to seek redress if things go wrong.	Young People (Key Stage 2)	Through promotion of web based 'Fireworks', 'Chocolate' and 'Planning a Barbecue' resources and schemes of work to all primary schools in the Borough.
	Older Consumers	Doorstep Crime workshops to help improve awareness of scams and how to deal with them

6. Transforming our organisation to deliver our outcomes / Halton's corporate effectiveness and business efficiency

CONTINUOUS IMPROVEMENT

6.1) This part of the Specification details how a joint service will develop and monitor performance in order to identify successes and issues. A variety of techniques will be used to measure performance and to help identify areas for improvement. The joint service will be committed continuously improving, providing excellent value for money and being the best in its class. To achieve this aim we will take into account:

- Views of the community of Halton and Warrington;
- Both council's policies and priorities;
- Strategic direction set out by the Government;
- The Government's modernisation programme;
- National, regional and local intelligence and information.
- Officers' views formed by their experiences.

performance management and business planning

6.2) Our key objectives will be reviewed every quarter to help identify progress and areas for improvement. All relevant staff will be involved in this process, hence greater ownership of the objectives as well as better identification of areas for improvement.

¹².

¹² Governance arrangements, business planning and performance management processes will be

consultation

6.3) We will have a fairly extensive consultation programme in place, which will include a joint customer satisfaction survey sent to all customers who use the joint service. We will also consult every 2 years with all ICAN members, all recipients of support packs and continue to survey 15-16 year olds every 2 years to establish access to a consumption of certain age restricted products including tobacco and alcohol.

intelligence analysis

6.4) Each year as part of the business planning process we will complete a Level 1 Strategic Assessment¹³ which will enable the identification of complaint patterns, consumer detriment and risk enabling improved enforcement and prevention outcomes. The benefits of this approach are that it:

- Introduces more rigour into management decision making for both strategic and tactical purposes;
- Ensures that resources are targeted effectively and are intelligence led;
- Identifies priority issues and manages risk effectively;
- Improves partnership working and the ability to share intelligence with other agencies;

detailed in the Heads of Terms contract.

¹³ Strategic Assessment to be produced following National Intelligence Model (NIM) guidelines.

- Achieves greater compliance with the Human Rights Act (1998), Data Protection Act (1998) and Regulation of Investigatory Powers Act (2000).

quality assessment

6.5) A joint service will maintain a comprehensive set of documented quality procedures covering all elements of the service. The Quality Management System will be structured around ISO9001, but a conscious decision has been taken to seek reciprocal peer assessment from neighbouring trading standards services, rather than formal registration or certification from an Award Body, believing that this is the most cost effective way to seek continuous improvement.

WORKING IN PARTNERSHIP

6.6) We recognise that the formation of successful partnerships with other relevant organisations at local, regional and national level is crucial to the successful achievement of our objectives. Strong partnerships have been formed since the creation of the Service, however, the rapidly changing Trading Standards environment has determined that we need to continue to review existing, and develop new partnerships, to address these demands.

regional working

A joint service will participate in TSNW activities through membership of all the established Focus Groups and through Chief Officer participation on the Executive body. Where relevant, we will participate in TSNW projects to enable shared use of resources and increased effectiveness of enforcement initiatives.

**Table (3):
Delegated Responsibilities (joint Trading Standards Service)**

<ul style="list-style-type: none"> ▪ Accommodation Agencies Act 1953 ▪ Administration of Justice Act 1970 ▪ Agricultural Produce (Grading and Marking) Act 1928 ▪ Agricultural Produce (Grading and Marking) (Amendment) Act 1931 ▪ Agriculture Act 1970 ▪ Agriculture (Miscellaneous Provisions) Act 1968 ▪ Anti-Social Behaviour Act 2003 ▪ Bankers Books Evidence Act 1879 ▪ Business Names Act 1985 ▪ Cancer Act 1939 ▪ Children and Young Persons Act 1933 ▪ Children and Young Persons (Protection from Tobacco) Act 1991 ▪ Chiropractors Act 1994 ▪ Clean Air Act 1993 ▪ Companies Act 1985 ▪ Consumer Credit Act 1974 ▪ Consumer Protection Act 1987 ▪ Control of Pollution Act 1974 ▪ Control of Pollution (Anti-Fouling Paints and Treatments) Regulations 1987 ▪ Copyright Designs & Patents Act 1988 ▪ Criminal Attempts Act 1981 ▪ Criminal Justice Act 1993 ▪ Criminal Law Act 1977 (common-law conspiracy to defraud) ▪ Crossbows Act 1987 ▪ Customs and Excise Management Act 1979 ▪ Development of Tourism Act 1988 ▪ Education Reform Act 1988 ▪ Energy Act 1976 ▪ Energy Conservation Act 1981 ▪ Enterprise Act 2002 ▪ Environmental Protection Act 1990 ▪ Estate Agents Act 1979 ▪ European Communities Act 1972 ▪ Explosives Act 1875 ▪ Explosives Act 1923 ▪ Explosives (Age of Purchase) Act 1976 ▪ Fair Trading Act 1973 ▪ Farm and Garden Chemicals Act 1967 	<ul style="list-style-type: none"> ▪ Malicious Communications Act 1988 ▪ Medicines Act 1968 ▪ Motor Cycles Noises Act 1987 ▪ National Lotteries Act 1993 ▪ Nurses Agencies Act 1957 ▪ Offensive Weapons Act 1996 ▪ Olympic symbol etc. (Protection) Act 1995 ▪ Opticians Act 1989 S27 ▪ Osteopaths Act 1993 ▪ Petroleum (Consolidation) Act 1928 ▪ Petroleum (Transfer of Licences) Act 1936 ▪ Poisons Act 1933 ▪ Poisons Act 1972 ▪ Police and Criminal Justice Act 2001 ▪ Prices Acts 1974 and 1975 ▪ Proceeds of Crime Act 2002 ▪ Property Misdemeanors Act 1991 ▪ Protection of Children (Tobacco) Act 1986 ▪ Protection from Harassment Act 1997 ▪ Registered Designs Act 1949 ▪ Road Traffic Act 1972 ▪ Road Traffic Act 1974 ▪ Road Traffic Act 1988 ▪ Road Traffic (Consequential Provisions) Act 1988 ▪ Road Traffic Act 1991 ▪ Road Traffic (Foreign Vehicles) Act 1972 ▪ Road Traffic Regulation Act 1984 ▪ Road Traffic Offenders Act 1988 ▪ Scotch Whisky Act 1988 ▪ Solicitors Act 1974 ▪ Tattooing of Minors Act 1969 ▪ Telecommunications Act 1984 ▪ Theft Act 1968 ▪ Theft Act 1978 ▪ Timeshare Act 1992 ▪ Tobacco Advertising and Promotions Act 2002 ▪ Trade Descriptions Act 1968 ▪ Trade Marks Act 1994 ▪ Trade Representations Act 1972 ▪ Trading Schemes Act 1996 ▪ Trading Stamps Act 1964 ▪ Unsolicited Goods and Services Act 1971 ▪ Unsolicited Goods and Services
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**Table (3):
Delegated Responsibilities (joint Trading Standards Service)**

<ul style="list-style-type: none"> ▪ Fireworks Act 1951 ▪ Fireworks Act 1964 ▪ Fireworks Act 2003 ▪ Forgery and Counterfeiting Act 1981 ▪ Fraud Act 2006 ▪ Hallmarking Act 1973 ▪ Health and Safety at Work Etc. Act 1974 ▪ Insurance Brokers (Registration) Act 1977 ▪ Intoxicating Substances (Supply) Act 1985 ▪ Knives Act 1997 ▪ Licensing Act 1964 ▪ Licensing Act 2003 ▪ Licensing (Young Persons) Act 2000 ▪ Lotteries and Amusements Act 1976 	<p>(Amendment) Act 1975</p> <ul style="list-style-type: none"> ▪ Vehicles (Crime) Act 2001 (Part 2) ▪ Video Recordings Act 1984 ▪ Video Recordings Act 1993 ▪ Weights and Measures Act 1976 ▪ Weights and Measures Act 1985
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**Table (4):
Customer Service Standards (joint Trading Standards Service)**

Objective	Target
1. Telephone Responsiveness	Target: 95% of calls answered within 15 seconds.
2. Initial Response	Target: 100% of general enquiries will receive an initial response within 2 working days of receipt.
3. Updating of Enquiries	Target: 95% of our customers will be updated every 14 days as to how their complaint/enquiry is progressing, unless otherwise agreed.
4. Response to doorstep crime incidents.	Target: Respond to 100% doorstep crime incidents within 1 hour of receipt.
5. Response to Safety Related Matters	Target: 95% safety related matters will receive same day consideration.
6. Customer Satisfaction	Target: 92% of customers using the service either satisfied or very-satisfied.
7. Business Satisfaction (NI 182)	This is a new indicator for which we will set service standards and targets once data for the first year has been collected.
8. Verification Requests	Target: 95% of metrology verifications will be carried out within 5 working days of the request.
9. Licensing	Target: 95% of licensing/registration requests will be processed within 10 days of receipt

Table (5): Key Objectives, Activities and Measures of Performance			
Objective	Activities / Key Milestones	Measures of Performance	Target Dates
<p>Reducing Underage Consumption of Alcohol</p> <p>We aim to work with businesses and other partners to limit underage access to alcohol and thereby help to reduce the health and anti-social behaviour effects associated with such consumption.</p>	<ul style="list-style-type: none"> ▪ Conduct an intelligence led test purchase programme. ▪ Take formal action against those selling alcohol to underage young people. ▪ Target premises where intelligence has identified an incidence of proxy sales. ▪ Provide bespoke trader training programmes, which focus on age recognition techniques, and <i>dealing with conflict</i>. ▪ Provide Validate Proof of Age cards to all year 10 pupils 	<ul style="list-style-type: none"> ▪ Conduct 100 test purchase operations (alcohol) in Warrington and 60 in Halton. (NB We will set targets for the reduction in sales across a joint service area from April 2009 onwards). ▪ Supply Validate Proof of Age Cards to at least 75% of Year 10 school pupils across Halton and Warrington 	<p>Test purchase programmes and proof of age card work to commence from April 2009 onwards.</p>
<p>Reducing Smoking Prevalence</p> <p>We aim to help reduce smoking prevalence in both Halton and Warrington by; reducing underage access to tobacco and develop interventions to disrupt the informal economy in tobacco.</p>	<ul style="list-style-type: none"> ▪ Conduct an intelligence led test purchase programme. ▪ Target premises where intelligence has identified an incidence of proxy sales. ▪ Provide bespoke trader training programmes that focus on age 	<ul style="list-style-type: none"> ▪ Conduct 100 test purchase operations (tobacco) in Warrington and 60 in Halton. (NB We will set targets for the reduction in sales across a joint service 	<p>Test purchase programmes and proof of age card work to commence from April 2009 onwards.</p> <p>Intelligence</p>

Table (5): Key Objectives, Activities and Measures of Performance

Objective	Activities / Key Milestones	Measures of Performance	Target Dates
	<p>recognition techniques and <i>dealing with conflict</i>.</p> <ul style="list-style-type: none"> ▪ Provide Validate Proof of Age cards to all year 10 pupils. ▪ Identify the nature and scale of the 'illicit' tobacco market and work with partners to take strong action against those selling counterfeit tobacco in Halton and Warrington 	<p>area from April 2009 onwards).</p> <ul style="list-style-type: none"> ▪ Supply Validate Proof of Age Cards to at least 75% of Year 10 school pupils across Halton and Warrington. ▪ Availability of counterfeit tobacco in target wards across Halton and Warrington. 	<p>gathering on incidence of counterfeit tobacco to commence from April 2009 onwards.</p> <p>We will set local targets for the reduction in availability of counterfeit tobacco from April 2010 onwards to be achieved by March 2013.</p>
<p>Doorstep Crime</p> <p>We will ensure that we will take action to prevent people being victims of so-called doorstep crime. We will also ensure that we actively respond in a timely manner to any identified doorstep crime to reduce the impact on</p>	<ul style="list-style-type: none"> ▪ We will react¹⁴ to all reported incidences of doorstep crime in a timely manner (rapid response) to help reduce the impact of so called doorstep crime. ▪ We will ensure that we actively gather and analyse intelligence about all instances of doorstep crime in both 	<ul style="list-style-type: none"> ▪ We will react to all instances of doorstep crime across Halton and Warrington within 1 hour of receipt. ▪ Our annual Strategic Assessment will contain details of our doorstep 	<ul style="list-style-type: none"> ▪ Rapid responses to doorstep crimes from November 2008 onwards. ▪ Intelligence strategy from April 2009

¹⁴ This includes attendance at the scene of an ongoing doorstep crime and victim support in all cases.

Table (5): Key Objectives, Activities and Measures of Performance

Objective	Activities / Key Milestones	Measures of Performance	Target Dates
any victim and to take the strongest possible action against the perpetrators.	<p>Halton and Warrington to enable potential victims, locations and offenders to enable proactive interventions that have a greater impact to be developed.</p> <ul style="list-style-type: none"> ▪ Warnings regarding all relevant incidences of to be broadcast via the ICAN system. 	<p>crime intelligence and enforcement strategy.</p> <ul style="list-style-type: none"> ▪ We will report on the number of messages distributed. ▪ NB we are currently developing a measure of the proportion of reported doorstep crimes where we successfully intervene. We will have a meaningful measure in place by 1st April 2009. 	<p>onwards.</p> <ul style="list-style-type: none"> ▪ ICAN messages from November 2008 onwards.
<p>Intellectual Property Crime</p> <p>We will work towards designating both Halton and Warrington a 'fake-free' zone.</p>	<ul style="list-style-type: none"> ▪ We will formally investigate all reported incidences of intellectual property crime (IPC) ▪ We will ensure that we actively gather and analyse intelligence about all instances of IPC in both Halton and Warrington to enable potential victims, locations and offenders to enable proactive interventions that 	<ul style="list-style-type: none"> ▪ An assessment of all markets in both Halton and Warrington to establish the scale of infringing products available for sale. ▪ Availability of counterfeit tobacco in target wards across 	<ul style="list-style-type: none"> ▪ Fake free designation to be launched in 2009 ▪ Annual assessments of the scale of infringing product

Table (5): Key Objectives, Activities and Measures of Performance

Objective	Activities / Key Milestones	Measures of Performance	Target Dates
	<p>have a greater impact to be developed.</p> <ul style="list-style-type: none"> ▪ We will launch the designation of fake-free Halton and Warrington, working closely with the communities and media to raise the profile of the crime and tackle the remaining informal markets such as the workplace and car boot sales. 	Halton and Warrington.	available for sale from markets to be carried out from April 2009 onwards. Subsequent targets to be set.
Trading Standards Inspections	<ul style="list-style-type: none"> ▪ Inspect high-risk premises across both Halton and Warrington. 	<ul style="list-style-type: none"> ▪ Aim to inspect 100% high-risk premises that are due for inspection. 	<ul style="list-style-type: none"> ▪ April 2009 onwards
Satisfaction of business with local authority regulatory services	<ul style="list-style-type: none"> ▪ We will conduct monthly surveys to measure compliance with this national performance indicator (NI 182) 	<ul style="list-style-type: none"> ▪ NI182: The percentage of business customers of regulatory services who respond that they have been treated fairly and /or the contact has been helpful (NI182). 	<ul style="list-style-type: none"> ▪ Aim to be in top quartile for Unitary authorities by March 2011.
<p>Most Complained About Traders</p> <p>We aim to reduce the impact rogue traders have on the citizens of Halton and Warrington by</p>	<ul style="list-style-type: none"> ▪ Most Complained About Trader intelligence analyses will identify problem traders. ▪ Enforcement interventions will be 	<ul style="list-style-type: none"> ▪ NI183: Impact of local authority Trading Standards services on the fair trading 	<ul style="list-style-type: none"> ▪ We will set targets for a reduction in so-called 'category

Table (5): Key Objectives, Activities and Measures of Performance

Objective	Activities / Key Milestones	Measures of Performance	Target Dates
<p>taking strong enforcement action where necessary and by promoting awareness of legal obligations through education.</p> <p>Targeting problem traders increases confidence in markets and provides a level playing field for business to compete fairly. Increasing consumer confidence and knowledge empowers consumers as citizens and encourages business to innovate.</p>	<p>developed to address the cause of problems and to take formal action where relevant.</p>	<p>environment. The indicator measures outcomes of activities carried out by local authorities in order to create /maintain a fair trading environment for business and consumers</p>	<p>x' traders that will enable us to be in top quartile for Unitary authorities by March 2011.</p>
<p>Consumer Advice</p> <p>We will provide a 'quality assured' and accessible Consumer Advice Service to all residents and businesses in Halton and Warrington.</p>	<p>In delivering a high quality consumer and business advice service, we will:</p> <ul style="list-style-type: none"> ▪ Strive to constantly give our consumers and businesses expert, accurate and timely advice and assistance. ▪ Ensure that all consumers are able to access the service with a greater level of assistance being given to those who can help themselves the least up 	<ul style="list-style-type: none"> ▪ Each month we will distribute <i>How Did We Do</i> customer satisfaction surveys to all customers that have used the consumer advice service. ▪ We will survey consumers that have received advice 	<ul style="list-style-type: none"> ▪ Target to achieve a customer satisfaction rating of 95% by end March 2012

¹⁵ We currently hold the Legal Services Commission Quality Mark for Consumer Advice

Table (5): Key Objectives, Activities and Measures of Performance

Objective	Activities / Key Milestones	Measures of Performance	Target Dates
	<p>to help with county court cases where necessary.</p> <ul style="list-style-type: none"> ▪ Ensure that we regularly consult with our customers to ensure that advice and assistance meets their needs. ▪ Ensure that we do whatever we can to help refer consumers to the most appropriate source of help. ▪ Regularly measure our performance. ▪ Maintain the Quality Mark¹⁵ standard for Consumer Advice to ensure that our customers and 'funders' are getting the best services available within our resources. ▪ Ensure that we supply all our relevant customers with a 'Support Pack' which gives general advice as well advice tailored to their needs. Through this we aim to empower our customers to be more knowledgeable and demanding in exercising their rights. 	<p>directly from the service and not consumers that receive only first response advice from Consumer Direct. However, consumers experiences of Consumer Direct will be surveyed as part of the How Did We Do process, hence we will have processes in place to monitor the quality of advice being provided by this external provider.</p>	

Table (5): Key Objectives, Activities and Measures of Performance

Objective	Activities / Key Milestones	Measures of Performance	Target Dates
<p>Improving Access</p> <p>We will improve access to consumer advice, assistance and education especially amongst the vulnerable, elderly, young and minority groups</p>	<ul style="list-style-type: none"> ▪ We will provide named officer support in each of the six most deprived wards in Warrington and the four most deprived wards in Halton. Each officer will complete a ward plan that demonstrates how we best link into the relevant wards. ▪ We will actively recruit ICAN members in the 10 target wards. ▪ We will develop a Communications Strategy with a focus on improving awareness in our most deprived wards. 	<ul style="list-style-type: none"> ▪ We will set targets to raise contact rates for the 10 most deprived wards in Halton and Warrington to the top quartile contact rate for all wards. 	<ul style="list-style-type: none"> ▪ Aim to raise contact rates in target wards to top quartile contact rate for all wards by end March 2012
<p>ICAN</p> <p>We will develop the Warrington – iCAN to enable communities to be promptly alerted to issues, whilst empowering them to report back with details of problems in the communities</p>	<ul style="list-style-type: none"> ▪ We will actively recruit ICAN members across both Halton and Warrington. ▪ We will ensure that we distribute messages to members to warn about scams and other consumer issues in a timely manner. ▪ We will distribute newsletters to members and hold an annual ICAN conference. 	<ul style="list-style-type: none"> ▪ We will measure the contact rates per 1000 population across both Halton and Warrington. ▪ We will measure how well protected ICAN members feel across both Halton and Warrington. 	<ul style="list-style-type: none"> ▪ Target to raise ICAN membership rates to 12.95 per 1000 population by end March 2012. ▪ Surveys of How Well Protected ICAN members

Table (5): Key Objectives, Activities and Measures of Performance

Objective	Activities / Key Milestones	Measures of Performance	Target Dates
			feel to be conducted biannually from 2009 onwards. Target 90% of ICAN members to feel well protected from consumer scams

REPORT TO: Executive Board

DATE: 16 October 2008

REPORTING OFFICER: Strategic Director
Health & Community

SUBJECT: Equality and Diversity Progress Report

1.0 **PURPOSE OF REPORT**

1.1 The purpose of this report is to update the Executive Board on the current position on the equality and diversity agenda in Halton.

2.0 **RECOMMENDATION**

That the Executive Board:

- i) **Note the report and endorse the actions outlined in section 4 in order for the Council to move forward to Level 4 of the Equality Standard for Local Government.**

3.0 **CO-ORDINATION**

3.1 The Council is making progress towards creating a culture whereby equality and diversity are part of the mainstream planning and service provision process. The Council has developed a specific structure around equality and diversity duties. At its core is the Corporate Equality and Diversity group, currently chaired by the Strategic Director of Health & Community. This has representation from officers from across the Council. Underpinning this are Directorate groups. In addition there is a Members Equality And Diversity Group, chaired by Councillor Wharton, Executive Board Member, Corporate Services. Its role is to give a strong political foundation, champion equalities issues, and provide the necessary degree of monitoring and challenge on the Council's pursuit of its equalities aspirations.

4.0 **PROGRESS UPDATE**

4.1 Equalities are a dynamic area of public policy. There have been major recent legislative changes in this area. The Equality Bill, *A Framework for a Fairer Future*, was presented to Parliament in June 2008.

The Bill provides for: -

- A new streamlined single Equality Duty on public bodies which

brings together the three existing duties (race, disability and gender) and extends to gender reassignment, age, sexual orientation and religion or belief;

- A requirement to report annually on rates of pay by gender and employment of people from ethnic minorities and disabled people;
- A framework to make clear the outcomes that the Bill is designed to achieve.

The legislation has strengthened the requirement to not only tackle discrimination but to actively promote diversity. The Equality and Human Rights Commission (EHRC) has been established to bring together the activities of the three former organisations, these being the Equal Opportunities Commission, Commission for Racial Equality and the Disability Rights Commission. The EHRC has a statutory enforcement role and it will be possible for individuals and organizations to seek judicial review of the actions or lack of action of public bodies.

4.2 In December 2006 the Council adopted a new Corporate Equalities Scheme. This encompasses all its then legal duties in terms of promoting the race, gender and disability equality schemes. Rather than adopt separate schemes for each aspect of social identity, the Council has put in place a single equality scheme, which includes the statutory requirements to produce a Race Equality Scheme, a Disability Equality Scheme and a Gender Equality Scheme. Public consultation took place on the scheme in May 2007 and no adverse comments were received. The Scheme is currently being revised to ensure that the Council fulfils all its legal obligations.

4.3 In May 2008 the Council invited the I&DeA to undertake a Peer Challenge and has subsequently been judged to have progressed to Level 3 of the Equality Standard for Local Government. Following this the Corporate Equality and Diversity Group has agreed and is progressing an Action Plan to move forward to Level 4 of the Standard, acknowledging at the same time that the system may be amended in 2009-10.

4.4 To strengthen this process progress has been made in the following areas: -

- A working group to review the Corporate Equality Scheme has been established, with a view to producing a revised Scheme which encompasses the Council's duties and ambitions for 2009 – 2012, which will be in a more accessible format and be widely consulted on;
- A working group to review the guidance for, and effectiveness

of, Equality Impact Assessments and to recommend appropriate improvements to the service planning and performance monitoring guidance;

- An Equality, Community Cohesion and Engagement Group has been established within the Halton Local Strategic Partnership, which consists of representatives from partner and stakeholder organisations; This is chaired by Councillor Swain.
- The Halton Local Strategic Partnership is conducting co-ordinated support, with Riverside College, for Libyan families who have recently begun residing in the Borough;
- HR are in the process of producing a policy on Disability Related Sickness Monitoring;
- The Council is in the process, overseen by the Corporate Equality and Diversity Group, of producing an information package for migrant workers resident in the Borough.
- Progress is also being made towards the establishment of a multi-faith prayer room, which is likely to be located at Kingsway Learning Centre and will be available to all staff and members of the public;

4.5 Equality and Diversity is part of the corporate induction for all new staff. In addition there is a corporate equalities training course offered to all officers and members. Attendance is currently voluntary, however it is proposed that training for all employees be made mandatory i.e. all staff to attend a one day training course and a half day refresher course every 18 months in order to keep up-to-date with changes. Community Cohesion and Governor training is also under consideration.

4.6 An examination of the Council's approach to equality and diversity was a key part of the CPA/JAR inspection process in the spring of 2008. As statements of intent the Council has an overall Corporate Equalities Scheme and four Directorate plans. In the current service planning process Departments are being asked to demonstrate the mainstreaming of impact of equality and diversity issues in their service plans to develop smarter targets and to ensure that equality and diversity impact assessments are undertaken for all policies and services. It will be important that these are done regularly and to the standard required, quality assured and challenged through Directorate Equality and Diversity Groups, and used to inform revised Directorate Action Plans and Departmental Service Plans.

4.7 The equality and diversity section of the Council's intranet and website has been revamped and now ensures that all the most up to date documentation is available.

4.8 Halton engages in an equalities forum with other Merseyside authorities. This has been very helpful in allowing us to benchmark ourselves against best practice locally. A further benchmarking exercise is currently underway which will obtain valuable information from authorities currently achieving Levels 4 and 5 of the Equality Standard on mainstreaming equality and diversity into service planning and performance management processes. Some of the key messages from these exercises are around visible leadership and championing of issues by Chief Executives and Leader/portfolio holders; addressing issues collaboratively with other partners in the LSP and having joint approaches to strategies and plans; and, very clear equalities outcomes and targets embedded in the community strategy and Local Area Agreements. This is in line with the philosophy of the EHRC and *A Framework for a Fairer Future*.

4.9 Underpinning all of this and determining our rate of progress is the level of resources dedicated to the task. Unlike in many unitary authorities there remains not yet an agreed dedicated Corporate resource for equality and diversity activity. A conscious decision has been taken to carry forward equality and diversity work in the day-to-day task of service delivery. It is clear that budgets will remain highly constrained over the next three years. However, it is also clear that Halton's progress in respect of the equalities agenda will be proportionate to the effort and resource expended. In conclusion, all services will need to continue to demonstrate how they will effectively and efficiently encourage their teams to positively incorporate equality and diversity issues into their attitudes, behaviour, culture and all aspects of service delivery in order for this to have a beneficial impact on our communities.

5.0 **POLICY & FINANCIAL IMPLICATIONS**

5.1 Equality and diversity has an impact on how we deliver all our services. The equality and diversity agenda will also help us to lead the way forward in delivering our sustainable community strategy and corporate plan. The equality and diversity policies of the council, and their implementation, are key to the fulfilment of the Councils statutory duties.

5.2 It seems likely that the Equality Standard for Local Government will be superseded next year by the I&DeA's Equality Framework. If this is the case the Council may have to fund a further peer review, in order to progress to the 'Achieving Authority' or 'Excellent Authority' level but the resource implications of this are not yet clear.

5.3 There are no direct financial implications arising from this report.

6.0 **RISK ANALYSIS**

6.1 The equality and diversity agenda cuts across all of the work that the

Council is now included in all major inspections. A poor judgment within this area will impact on our performance rating. Another key risk to consider is that non-compliance could result in legal action.

7.0 **EQUALITY & DIVERSITY ISSUES**

7.1 The Council is now at Level 3 of the equality standard and progress has been made in recent months to demonstrate on-going improvements.

REPORT TO: Executive Board

DATE: 16 October 2008

REPORTING OFFICER: Strategic Director, Health and Community

SUBJECT: The relationship between Healthy Halton Policy and Performance Board (HPPB) and Halton's Local Involvement Network (LINK)

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

- 1.1 To inform the Executive Board of the proposal to establish formal links between Healthy Halton Policy and Performance Board (HHPPB) and the newly established Local Involvement Network (LINK).

2.0 RECOMMENDATION: That

- (1) **The Executive Board recommend to Full Council that a LINK representative (name to be confirmed once LINK formalised) be appointed as a non-voting co-optee on the Healthy Halton Policy and Performance Board for a period of one year, commencing from the date approval is given.**

3.0 SUPPORTING INFORMATION

- 3.1 A report was presented to Healthy Halton Policy and Performance Board on 16th September, 2008 attached as **Appendix A** and supported the recommendation presented to the Executive Board today.
- 3.2 The report outlines the clear expectation that there will be a formal relationship between HHPPB and LINKs as set out in Government guidance, for example HHPPB has a duty to acknowledge any referral from LINK within 20 days on areas that may warrant scrutiny. It also noted it would be beneficial for both bodies that the PPB and LINK work in parallel to avoid duplication of work streams.
- 3.4 The national guidance 'Changing for the Better' will provide a common framework for ensuring service developments are appropriately effective. HHPPB received a report on this on 16th September attached as **Appendix B**.
- 3.6 It is proposed that to ensure that Healthy Halton Policy and Performance Board can work closely with LINK that LINK representative should be appointed as a non-voting co-optee for a period of one year.

4.0 POLICY IMPLICATIONS

- 4.1 Legislation establishing LINks falls under The Local Government and Public Involvement In Health Act 2007. This Act is part of a much broader range of policy initiatives designed to devolve more power to local government and from local government to local communities. Realising this agenda will entail a significant shift towards a more robust, inclusive and comprehensive approach to public engagement as well as greater status and influence being given to scrutiny.

5.0 OTHER IMPLICATIONS

- 5.1 None applicable.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

Children and Young People in Halton

- 6.1 None applicable.

Employment, Learning and Skills in Halton

- 6.2 None applicable.

A Healthy Halton

- 6.3 Establishing a formal relationship between LINK and Healthy Halton PPB will strengthen the Council's ability to monitor and review progress on reducing health inequalities.

A Safer Halton

- 6.4 None applicable.

Halton's Urban Renewal

- 6.5 None applicable.

7.0 RISK ANALYSIS

- 7.1 Failure to respond appropriately to requests for information and referrals would result in the HHPPB contravening current legislation.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 The procedures and processes described in this report will enable a much broader range of people to contribute and influence scrutiny and commissioning decisions.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Award of contract for the Host Body for Local Involvement Networks (LINKs) - Executive Board Report 26/06/08	Municipal Building Widnes	Dwayne Johnson Strategic Director Health & Community

REPORT TO: Healthy Halton Policy and Performance Board

DATE: 16 September 2008

REPORTING OFFICER: Strategic Director, Health and Community

SUBJECT: The relationship between HHPPB and Halton's Local Involvement Network (LINK)

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 To identify the implications of the LINKs' powers for Overview and Scrutiny Committees.

2.0 RECOMMENDATION: That

(1) the Executive Board and Full Council be requested to agree the appointment of a LINK representative (name to be confirmed once LINK formalised), as a non-voting co-optee on the Policy and Performance Board for a period of one year, commencing from the date approval is given.

3.0 SUPPORTING INFORMATION

Why are LINKs being set up?

3.1 There have been many different ways for people to have a say in health services over the years. Recent work, however, undertaken by the Department of Health suggested that people should have 'more choice and a louder voice' in local health and social care systems. The 'Local Government and Public Involvement in Health Act' in 2007, therefore, placed a statutory duty on all local authorities with social care responsibilities to contract a Host organisation to establish a LINK.

Key characteristics of Local Involvement Networks (LINKs)

3.2 LINKs have been designed to involve a diverse and inclusive body of people in shaping the services and priorities of health and social care bodies in their areas. Their main functions are as follows: -

- To collate the views and experiences of patients and the public with a view to influencing commissioning, provision, monitoring and regulation. This will include identifying gaps in service provision as well as whether services are effectively addressing need.
- Operating as an independent network they will seek to bring together a broad range of people from interested individuals, local user groups, advocacy groups and voluntary and community sector

(VCS) organisations. Their structure and function will develop in accordance with the needs and characteristics of Halton.

- Anyone can be part of a LINK and the LINK should represent everyone in the local community. The LINK will need to be inclusive, flexible and participative, with its members drawn from as broad a range of the local population as possible, and with a particular emphasis on including unheard voices and vulnerable groups.

What relationship will the LINK have with HHPPB?

- 3.3 The LINK will be able to refer on to the HHPPB any matter that it considers should be drawn to the HHPPB's attention for further scrutiny. The HHPPB will have a duty to acknowledge the referral and respond within 20 days. If the HHPPB decides to exercise its powers on the matter it should state clearly in its response, taking into account the information supplied by the LINK, what action it will take and why. The LINK should be kept informed of progress. Clearly it would be beneficial for both bodies that the HHPPB and the LINK work in parallel and to this end the Host of the LINK will be expected to avoid duplication of work streams. The guidance 'Changing for the better' will provide a common framework across the Halton LINK and HHPPB for ensuring service developments are appropriate and effective.

4.0 POLICY IMPLICATIONS

- 4.1 Legislation establishing LINKs falls under The Local Government and Public Involvement In Health Act 2007. This Act is part of a much broader range of policy initiatives designed to devolve more power to local government and from local government to local communities. Realising this agenda will entail a significant shift towards a more robust, inclusive and comprehensive approach to public engagement as well as greater status and influence being given to scrutiny.

5.0 OTHER IMPLICATIONS

- 5.1 None applicable.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

Children and Young People in Halton

- 6.1 None applicable.

Employment, Learning and Skills in Halton

- 6.2 None applicable.

A Healthy Halton

- 6.3 Establishing a formal relationship between LINK and Healthy Halton PPB will strengthen the Council's ability to monitor and review progress on reducing health inequalities.

A Safer Halton

- 6.4 None applicable.

Halton's Urban Renewal

- 6.5 None applicable.

7.0 RISK ANALYSIS

- 7.1 Failure to respond appropriately to requests for information and referrals would result in the HPPB contravening current legislation.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 The procedures and processes described in this report will enable a much broader range of people to contribute and influence scrutiny and commissioning decisions.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

- 9.1 There are no background papers under the meaning of the Act.

REPORT TO: Healthy Halton Policy & Performance Board

DATE: 19 September 2008

REPORTING OFFICER: Strategic Director, Health and Community

SUBJECT: Changing for the better

WARDS: Boroughwide

1.0 PURPOSE OF THE REPORT

1.1 To brief the Board on the policy context for guidance when undertaking major changes to NHS Services.

2.0 RECOMMENDATION: That

- (1) the report be noted; and**
- (2) the implications of the guidance are discussed with Halton & St Helens PCT to ensure they are clear of requirements for early involvement of HHPPB.**

3.0 SUPPORTING INFORMATION

- 3.1 There is a strong perception amongst the public and professionals that the NHS is constantly changing and the pace seems to be ever increasing. One reason for this change is because people expect a much higher standard of medical care, including when and where they are treated, compared with, say, 20 years ago. Given this context and the fact that modern medicine can now prolong the life of people with previously fatal diseases, means that the average person will have far more care and treatment from doctors and nurses in their lifetime than ever before.
- 3.2 'Changing for the better' has therefore been produced to provide clear guidance for patients, the public and NHS staff on the processes underpinning changes to acute NHS services. The guidance has been developed by clinicians and staff working in the NHS as well as patient group representatives. It draws heavily on their experiences of major service change, offers a guide for action to all local health services, and sets out a total of 15 recommendations that will help ensure the process is more open, transparent and fair.
- 3.3 In implementing this guidance, key to success will be the involvement of public and staff in the planning, development and decisions for service change rather than simply being asked for comments during a formal consultation exercise. Furthermore, this best practice has been enshrined in legislation (Section 242 of the NHS Act 2006). In addition to this requirement for full engagement the guidance also emphasises the importance of clinical evidence and available resources.

3.4 In future all major service change will be based on the following key principles:-

- Change will always be to the benefit of patients.
- Change will be clinically driven.
- Change will be locally led.
- Local people will be involved.
- Patients will see the difference before existing services are withdrawn.

3.5 To ensure the principles are delivered appropriately and effectively Primary Care Trusts will be responsible for local coordination. The key barriers to the ongoing change process are the same as for any large scale organisation, i.e. communication, culture and self-interest. To ensure these principles are adhered to, it would be prudent for HHPPB to be mindful of these when reviewing any service development in the NHS as well as being informed of any associated guidance. A key source of information in this respect will be the Halton LINK (see report on the relationship between HHPPB and LINKs).

3.6 A current initiative closely related to this guidance is the Darzi Review, 'High Quality Care for All' and the associated additional documents. Proposals fall under four broad themes:-

- People shaping services.
- Promoting healthy lives.
- Continuously improving quality.
- Leading local change.

3.7 The key implications for local government arising from the Darzi Review include the need for stronger partnership working especially with respect to designing services around the needs of individuals and local communities, investment in 'upstream' initiatives and ensuring complementarity with the 'Putting People First' Protocol.

4.0 POLICY IMPLICATIONS

4.1 The Guidance makes specific reference to PCTs holding early and ongoing discussions with local authority Overview and Scrutiny Committees (OSCs) so that councillors are involved in, and briefed about, emerging service models. It also states that the outcome of a consultation is subject to scrutiny by the OSCs or, where a proposal impacts a number of local authority areas, a Joint OSC (JOSC).

4.2 In the event the committee is not satisfied with the content of the consultation, or that the proposal is in the interests of the health service in its area, it has powers to refer these issues to the Secretary of State for Health.

5.0 OTHER IMPLICATIONS

5.1 None applicable.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

Given the guidance affects all service developments in the NHS, it equally impact on children's services. It would therefore be prudent for the Children & Young People Policy and Performance Board to be informed of this guidance.

6.2 Employment, Learning and Skills in Halton

None identified.

6.3 A Healthy Halton

Engaging with the NHS at the earliest possible stage of significant changes to provision will enable the Council to exert appropriate influence to secure the best possible outcomes for Halton's residents.

6.4 A Safer Halton

None identified.

6.5 Halton's Urban Renewal

None identified.

7.0 RISK ANALYSIS

7.1 Operational Directors should be kept informed of key local changes and milestones to ensure these complement parallel HBC service developments.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 In keeping with the 'White Paper: Our Health, Our Care Say' all service developments need to ensure that provision is improved for those most in need and that provision is tailored to need. Given the same requirement is required of local authorities, this will help address inequities in terms of who receives services and where they are situated.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

9.1 There are no background documents under the meaning of this Act.

REPORT TO: Executive Board
DATE: 16 October 2008
REPORTING OFFICER: Strategic Director-Health and Communities
SUBJECT: Home Care Services

1.0 **PURPOSE OF REPORT**

1.1 To inform Executive Board of the proposal to develop a re-ablement service.

2.0 **RECOMMENDATION**

RECOMMENDED: That

i) **Executive Board agree the outcome of the consultation and approve option 4 and the next steps.**

3.0 **SUPPORTING INFORMATION**

3.1 Adult Social care Services are increasingly establishing re-ablement services as part of their range of home care provision. Typically, home care Re-ablement is a short-term intervention, provided free of charge, that aims to maximise independent living skills.

3.2 The evidence suggests that the use of short-term re-ablement care has achieved an overall 28% reduction in the number of long term domiciliary hours subsequently commissioned which equates to financial savings on the number of long term hours commissioned. In addition, qualitative evidence from service users suggests that re-ablement care can make a significant difference to their lives.

3.3 The current in house home care service consists of two teams, one in Runcorn and one in Widnes, and delivers care and support to approximately 80 service users at any one time, (890 direct care hours).

3.4 Currently a Principal Manager provides overall management to the service, with a Registered Manager for each team. In addition each team has 210 hours of senior care assistants, 7 staff, to manage the rota system from 07.30 hrs to 2300hrs. Overnight 1 senior care assistant manages the shift, with a total establishment of 55.25 hours. There are 4 whole time equivalent administration support posts and approximately 80 care staff.

3.5 The In House Home Care Service in its current format is not viable, unit costs are too high and the staff rota is too inflexible to meet the

needs of the service users and we need to modernise quickly to keep a pace with change but also to be more efficient. An options appraisal was therefore, completed to consider the potential future provision of services. A process of consultation with the home care teams and Trade Unions was then completed.

4.0 **THE CONSULTATION PROCESS**

4.1 A series of team and staff side briefings were held. Following the briefing session's staff were requested to feedback on the options presented by completing a questionnaire, email, letter or telephone.

4.2 Some groups of staff requested additional meetings with managers and staff side to discuss the options further; the Principal Manager facilitated these groups.

4.3 A meeting with Unison and Personnel was arranged on the 1st August 2008, following a letter from Unison indicating some areas of concern from staff following the initial consultation meetings. These issues were addressed and an agreement reached to hold a facilitated workshop to support staff in responding to the consultation.

4.4 The facilitated workshop was held on the 7th August 2008. The teams worked in small groups, which were facilitated by the Management Team, personnel and unison. Notes from the groups were collated and utilised to feed into the consultation outcome.

4.5 A further meeting was held with the teams on the 21st August 2008, to present the outcome of the consultation and clarify feedback received was a true reflection of the meetings.

5.0 **OUTCOMES OF THE CONSULTATION**

Option 1:

Generally the teams agree that option 1 – to continue as we are now, is not a viable option. The teams do recognise that the rotas are too inflexible to meet the needs of the service and that unit costs are too high. Some staff did suggest that if we changed the rotas – could we not continue with the service in its current format.

Option 2: amendments to the rota.

Benefits:

- No job losses
- Would not need to cross the bridge
- Maintain both the End Of Life Service and the Dementia Service
- Maintain the jobs and roles of the non-drivers

Areas of concern:

- Savings are not sufficient
- Unit costs do remain fairly high

Option 3: to merge the two teams at Runcorn and Widnes:

Benefits:

- Less fragmentation across the two teams
- Financial savings on the existing service
- Improved rotas and increased flexibility
- Improved outcomes for service users
- More efficient service

Areas of concern:

- Transport and travel across the bridge
- Increased travel time

Option 4: Re-ablement Service.

Benefits:

- Improved outcomes for service users, to support them to remain independent in their own homes
- The teams do have a number of core skills required to deliver this service option.
- Finance savings
- Improved rotas
- More efficient service and lifespan
- Reduction in management

Areas of concern:

- Transport and travel across the bridge
- Increased travel time
- Job losses
- Reapplying for own jobs
- The potential loss of the End Of Life and Dementia Service

Option 5: Contract with the independent sector

The teams strongly rejected this option and at this time the Independent Sector do not have the skills and experience to operate a service of this nature. In addition, the Council has already commenced a very detailed renewal of the existing contract and the inclusion of this service could significantly complicate the process e.g. TUPE matters etc. It would also elongate the tender process and could lead to the delay in efficiencies anticipated in the new contract in 2009. This can be re-visited at a future date.

6.0 **RECOMMENDATIONS**

6.1 It is recommended that the Council implement Option 4, (re-ablement service).

During the consultation exercise a number of areas of concern and suggested changes have been identified within each option. These are mainly in relation to staff terms and conditions, a similar theme is evident throughout a number of the options, e.g. transport, travel, office base, rota.

6.2 When considering the recommended option, the views and suggestions identified by the teams have been taken into consideration, and amendments to the initial option have been made. (Appendix 1), in addition the service specification has been amended slightly (Appendix 2).

6.3 A number of staff working groups will be established to ensure full staff involvement in the changes required.

6.4 The new service, will enable us to deliver a more intensive approach to re-ablement, which is currently restricted due to historical working practices, rotas and staff terms and conditions e.g. home based workers, staff who walk between clients. This will mean considering using new technology and satellite working. In the medium term this may enable us to work differently and deliver further efficiencies.

6.5 The management structure has been reviewed, with an overall reduction in management posts, from 1 principal manager and two registered managers to 1 registered manager only. The role, function and number of senior care assistants have been reviewed with a reduction from 475.25 hours (16 staff) to 240 hours (8 staff), and a change in role and function from senior care assistants to re-ablement coordinators, whose main role is the assessment and planning for the provision of re-ablement care, in addition they will provide supervisory support to the re-ablement assistants (approximately 60 staff).

6.6 The current night service and Dorset Gardens will continue to be provided. An evaluation of the current End Of Life Service will be completed, which will be presented to the PCT, to enable them to make a decision on the future commissioning of the service.

6.7 The use of short-term re-ablement care can achieve a number of improved outcomes for service users:

Better Health

- Advice and support about keeping healthy
- Improvement in the persons health
- People only go to hospital when they need to

- People who go to hospital will be supported to return home as quickly as possible

Improved quality of Life

- Support to have choice and control in their lives
- Improvement in the persons quality of life and confidence
- Support will be provided at the level the person needs, and work flexibly to meet that persons needs
- Support people when they first need it

Making a positive contribution

- Supported to take part in their community
- Involved in planning their own care and supported to define the outcomes they want from the service

More choice and control

- Plan of care is developed with the person.
- Supported to remain as long as possible independently in the community if that is their wish, and prevent unnecessary admissions to long term care
- The service will work with the person to identify longer term needs and support to access appropriate services

Economic well being

- Helping people when they first need it and supporting people to remain independent, means there will be fewer care costs in the future for the individual and the authority.

Personal dignity and respect

- People are supported to be clean and comfortable and get the support they need with personal care.

7.0 NEXT STEPS

7.1 Phase 1

The Implementation of option 4 requires a number of actions and the involvement of the teams and staff side are essential to this process. An implementation plan has been completed (Appendix 3).

7.2 Phase 2

The future provision of this service could include more developed technology support systems to improve efficiency. In preparation for this we need to address the learning and development needs of the

staff group, this has commenced with access to skills for life training.

8.0 **POLICY IMPLICATIONS**

8.1 Option 4 is consistent with existing Department Of Health guidance

9.0 **FINANCIAL/RESOURCE IMPLICATIONS**

9.1 The proposed re-ablement service would continue to produce savings on long-term care expenditure and reduce the budget for the homecare service.

9.2 It is estimated that approximately £450,000 savings can be delivered.

9.3 In the absence of the true costs of premium pay the costs identified are estimates.

10.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

10.1 **Children & Young People in Halton**

Re-ablement can allow elderly carers for example to be able to regain physical strength and function and continue to offer support in parenting and grand-parenting roles.

The service is currently expanding its criteria to include young people 18 plus.

The development of the role of the new service and key skills of staff will start to look at developing intergenerational activity.

10.2 **Employment, Learning & Skills in Halton**

To support older people remain in/return to work (or volunteer), training or education to enhance their skills, within the context of full equality of opportunity for all.

Develop the skills of the staff teams to enhance their career prospects, and improve basic literacy and technological skills. The care sector is a key area of growth within the Halton economy over the next few years. Skills and learning programmes developed here will be used to strengthen the opportunities available to the whole health and social care sector.

10.3 **A Healthy Halton**

To improve the quality and range of short term re-ablement care services ensuring that the services provided are relevant to the health, social care and cultural needs of the local population and support people to remain as independent as practicable through a

rehabilitative and enabling approach to care delivery.

10.4 **A Safer Halton**

Promote the protection of vulnerable adults through awareness raising, training for staff and participation in strategy meetings and investigations as appropriate.

Ensure all staff have attended equality and diversity training and are encouraged to raise issues in relation to responding incidents of abuse, neglect and victimisation through team meetings and supervisory processes

10.5 **Halton's Urban Renewal**

11.0 **RISK ANALYSIS**

11.1 The risks identified within this option have been addressed during the consultation process.

11.2 Staff side negotiations on changes to terms and conditions may result in delays on planned timescales.

11.3 The new service and rotas have not factored in premium pay as this has not been resolved within the Council. Therefore, should premium pay be negotiated it may impact upon future rotas and the savings achieved may increase, however, they may also reduce dependent upon final negotiations.

11.4 The service has operated with vacancies and short term posts in preparation for the proposed changes, therefore, reducing the impact of any potential redundancies.

12.0 **EQUALITY AND DIVERSITY ISSUES**

12.1 Equality Impact Assessment completed. No adverse impact and positively promotes social inclusion of older people.

Halton Re-ablement Service Specification

1 Service

Halton Re-ablement Service

2 Service Aims

The Halton Re-ablement Service aims to provide a short term time limited service* to support people to retain or regain their independence at times of change and transition, which promotes the health, well being, independence, dignity and social inclusion of the people who use the service. At times of change in circumstances, the service will offer a timely, equitable and flexible response, which ensure appropriate support by the right person, at the right time and in the right place to facilitate the most positive outcome for the service user.

3 Client Group

The criteria for the service is:

- The person must be resident in the Borough of Halton. This means that they either pay their Council Tax to Halton Borough Council or are staying with someone who pays their Council Tax to Halton Borough Council
- The service is available to a person dependent on assessed need and ability of the service to meet those needs
- The person has experienced some loss of physical function due to a change in circumstances
- The person must agree to referral to the Re-ablement Service
- Referring professionals provide sufficient information on the basis of their current involvement to indicate the person may benefit from short term re-ablement

4 Location

The Halton Re-ablement Service will be based at Catalyst House. A satellite Office will be located at Runcorn Town Hall.

*The short term nature of the service is dependent on service users needs, which are identified on admission and within the weekly review system. Therefore, a longer term plan of care could be commissioned at anything from one day to six weeks. If a service users review identifies a longer period of time than six weeks the registered manager of the service will agree this.

5 Hours of Operation

The Re-ablement Service is available seven days a week, 07.30 – 2300 hours. The night service will operate seven days a week, 2300 hrs – 07.30 hrs. Service specification attached.

6 Source of Referral and Treatment Pathway

Referrals to the service are made via telephone to the Contact Centre. Referrals can be from professionals, service users, families or carers.

Professionals are defined as any person providing a service in a capacity other than as family of carers.

A team co-ordinator will complete a re-ablement plan with the service users. The plan will include signposting to other appropriate services to meet the person's needs e.g. Sure Start, Red Cross, Age Concern and Falls.

The co-ordinator will review the person's needs on a weekly basis to progress the re-ablement plan and achieve the outcomes agreed. Once the person's longer term needs have been identified and agreed with the service user referrals will be made for ongoing care and support.

7 Skill Mix and Staff Levels

Title	Skills/Qualifications	Number of Staff
Registered Manager	NVQ 4 Direct Care, Registered Manager	1 WTE
Administration		2 WTE
Re-ablement Co-coordinator/assessment and planning	NVQ 3, supervisory management, assessment, re-ablement planning. Experience of re-ablement work. Car driver (or other see implementation plan)	240 hrs (6.48 WTE)
Title	Skills/Qualifications	Number of Staff
Re-ablement Assistants	NVQ2, re-ablement housework, food hygiene and preparation, person centred care and support, listening,	945 hrs (25.5 WTE) includes annual leave and training 20%

	conversation, basic literacy and numeracy. Experience of re-ablement work. Car driver (or other see implementation plan)	
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8 Response Times

The service will respond to all referrals within 24 hrs.

9 Capacity

The Service Capacity will equate to 845 hrs of direct face to face service user contact (including travel time) this will include 100 hrs re-ablement planning and reviews.

The Service Capacity will be as follows:

Service user level of need	Percentage	Number of service users (input per day)	Hours per week
Low	20%	22 (1 hr per day)	151
Medium	30%	16 (2 hrs per day)	226
High	50%	13 (4 hrs per day)	378
Re-ablement planning and reviews	N/A	N/A	100

The service will have an active caseload of 51 service users at any one time, receiving an average of 855 hours of direct care per week. (122 hrs per day)

10 Cost of the Service per annum

The overall cost of the Re-ablement Service is £935,856, with a unit cost of £21.00.

	Cost at 57 weeks
Registered Manager	£44,109
Administration	£40,260
Re-ablement Co-ordinator (Scale	£204,928

24 plus 10%)	
Re-ablement Assistants	£606,559
Supplies and Services	£10,000
Transport	£30,000
TOTAL	£935,856

11 Performance and Service Quality

The service will be monitored on a quarterly basis, to Health and Community Senior Management Team. Monthly performance reports will be presented to the Intermediate Care Executive Commissioning Board. Service activity reports will be presented by the Principal Manager, Intermediate Care.

Performance Measures will include:

Measure	Who
Numbers admitted onto the service	Service
Service Capacity	Service
Hours of direct care on admission to the service	Service
Barthel Score on admission	Service
Hours of direct care on discharge from the service	Service
Barthel score on discharge from the service	Service
Discharge destination: home with agency, home without agency, LTC, hospital	Service
SU satisfaction questionnaire-on discharge	Service
SU satisfaction questionnaire-annual	HBC performance
Refers questionnaire (professionals)-annual	HBC performance
Service utilisation 3 months post discharge	HBC performance

12 Quality Framework

- Policies and procedures will be developed within the team, which cover access, pathways and processes. Corporate policies for HBC cover practice issues
- Process for record keeping, documentation
- Quality indicators – performance measures will include:
 - Service User satisfaction audits, completed on discharge from the service. Complaints, feedback on all complaints and compliments on a quarterly basis from HBC complaints department, learning identified

➤ Feedback and learning identified from CSCI inspections
An evaluation will be completed six months post implementation and on an annual basis, this will include benchmarking with other services

Halton Re-ablement Service Implementation Plan and Next Steps

Lead Officer: Sue Wallace-Bonner

Action	Detail to include	Responsible Officer	Timescales	Comments
Develop new job description and person specification that reflect the requirements of the new service. Personnel will complete evaluation of the new roles.	<ul style="list-style-type: none"> • Qualifications as outlined in service specification • Requirements in relation to driving 	Jean Dale	Sept 2008	Staff working groups will be developed to support. Guidelines developed to provide context.
Develop process for record keeping and documentation	<ul style="list-style-type: none"> • Care Plans • Support Plans • Reviews 	Jean Dale/ Pam Evison	Oct 2008	Staff working groups will be developed to support
Develop and commission a training specification	<ul style="list-style-type: none"> • Re-ablement • Person Centred Training • NVQ Qualifications • Re-ablement assessment and support planning • Driving lessons • The use of Barthel 	Jean Dale/ Jackie Johnson	Sept 2008	Staff working groups will be developed to support. Guidelines developed to provide context.
Consult and progress with Unison, Staff and	<ul style="list-style-type: none"> • Travel Policy – predominately car drivers 	Sue Wallace-Bonner	Oct 2008	Premium pay issues are being considered corporately,

Personnel changes to staff terms and conditions	<ul style="list-style-type: none"> • Agree process for Staff wishing to relocate to a static base e.g. Oak Meadow, Dorset Gardens • Process to ensure non-car drivers are able to fulfil their duties • Rotas • Office based working 			any agreements will also be implemented within home care. Staff working groups will be developed to support guidelines developed to provide context.
Develop new policies and procedures	<ul style="list-style-type: none"> • Access • Pathways • Discharge planning • Sign posting 	Jean Dale/ Jackie Johnson	Oct 2008	Staff working groups will be developed to support guidelines developed to provide context.
Develop and implement performance management framework and quality assurance framework	<ul style="list-style-type: none"> • SU satisfaction questionnaires • Professional satisfaction questionnaires • Activity and capacity • Reporting and collation information • Complaints and compliments • Service user outcomes 	Sue Wallace-Bonner/ Sandra Harris	Oct 2008	Links to Intermediate care performance management framework and gold standard
To develop a service specification for Dorset Gardens in reach service from home care	<ul style="list-style-type: none"> • Interface with re-ablement service • Management arrangements • Direct care hours 	Jackie Johnson/ Jean Dale	Oct 2008	Staff working groups will be developed to support
To review the current service specification for the night service and ensure it reflects the needs of the service	<ul style="list-style-type: none"> • Direct care hours • Budget • Unit costs • SU outcomes and performance monitoring 	Jean Dale/ Sue Wallace-Bonner	Sept 2008	
Evaluate and present outcomes to the PCT in	<ul style="list-style-type: none"> • Service availability • Unit costs 	Sue Wallace-Bonner/ Jackie Johnson	Sept 2008	

relation to the End Of Life Service	<ul style="list-style-type: none"> • Pathways and processes • SU outcomes 	Jean Dale		
Define staffing establishment across all service areas and process for staff service allocation	<ul style="list-style-type: none"> • Choice • Flexibility • Service users needs 	Sue Wallace-Bonner	Oct 2008	
Discuss new service option and plans with CSCI – possibly register.	<ul style="list-style-type: none"> • Ensure all relevant information is available • Process of deregistration of existing service 	Sue Wallace-Bonner/ Jean Dale	Oct 2008	
Review service user and teams' information. Provide written information booklets	<ul style="list-style-type: none"> • Aims of service • Outcomes • Pathways and processes 	Jean Dale/ Pam Evison	Oct 2008	Staff working groups will be developed to support
Launch and marketing of new Re-ablement Service	<ul style="list-style-type: none"> • 'Closure of existing service' • Launch of new service • Marketing strategy 	Sue Wallace-Bonner/ Jean Dale	New service to be implemented 1 April 2009	Staff working groups will be developed to support
Evaluation at 6 months and 12 months	<ul style="list-style-type: none"> • Service activity • Service user outcomes • Value for money 	Sue Wallace-Bonner/ Jean Dale	Oct 2009 April 2010	Staff working groups will be developed to support
Review of the administration function for all intermediate Care Services is currently being progressed; this will identify the establishment required.		Sandra Harris/ Sue Wallace-Bonner	Sept 2008	

REPORT TO: Executive Board

DATE: 16 October 2008

REPORTING OFFICER: Strategic Director – Health & Community

SUBJECT: Valuing People Now: Transfer the responsibility for the Commissioning of Social Care for Adults with a Learning Disability from the NHS to Local Government and Transfer of the Appropriate Funding

WARD(S) Borough-wide

1.0 **PURPOSE OF THE REPORT**

1.1 To inform the Executive Board of the recently issued Government Guidance on the transfer of responsibility for commissioning social care services from PCT to local authority and the implications for Halton.

2.0 **RECOMMENDATION**

That the Executive Board:

- i) **Note the requirements to reach agreement by 1st December 2008;**
- ii) **Delegate powers to the Portfolio Holder, Health & Social Care and the Strategic Director, Health & Community to settle and submit the Council's submission to the Department of Health in response to the Valuing People Now consultation document.**

3.0 **SUPPORTING INFORMATION**

3.1 In August 2008 the Department of Health issued guidance on the transfer of responsibility for commissioning social care for adults with a learning disability from NHS to local government and the transfer of appropriate funding. Halton & St. Helens Primary Care Trust and the Local Authority are now required to :

- a) Reach agreement via PCT and LA respective governance arrangements on the amounts to be transferred for 2009/10 and informing the Department of Health by 1st December, 2008.
- b) Putting arrangements in place (if they do not already exist) so

that the transfer is effective from April 2009 and local transfers of the amount agreed can be made for 2009/10 (and 2010/11).

- 3.2 This guidance has been expected, following the consultation on Valuing People Now: from Progress to Transformation, the White Paper Our Health, Our Care, Our Say and Putting People First which sets out the adults social care agenda. There have also been a number of investigations/enquiries on NHS services which have raised concern about the safeguarding of adults with learning disabilities e.g. the Cornwall enquiry, and a growing support to move services away from health agency's responsibilities.
- 3.3 In essence, the transfer relates to the responsibility of commissioning of social care for adults with a learning disability resting solely with Local Authorities while the NHS will retain responsibility for commissioning and funding all health care elements including :
- **Specialist learning disability health services** – as set out in the recent Commissioning Specialist Adult Learning Disability Health Service Good Practice guidance.
 - **Forensic Services**
 - **Continuing Care**
 - **Mainstream health care** – encompassing access to services through primary care and general hospitals
- 3.4 It is expected that the transfer will include an appropriate allowance to meet commissioning and planning costs previously incurred by the PCT and that the transfer will be based on the actual spend in 2007/08 and amended by any other changes locally agreed to reflect necessary investment decisions. The amount transferred will be agreed locally and not by a national formulae.
- 3.5 The sum of money reported for 2007/08 which is submitted to the DoH by individual PCTs should be the basis of local discussions about what areas of spend are on health services alone and what can be described on social care related areas.
- 3.6 In addition to the reported sum PCTs may have included some of their spend on services to learning disabled people and their reported spend on primary care services and the spend should also be considered as part of local discussions.
- 3.7 This transfer of funding will be made locally for two years and will include and uplift for inflation beyond 2011 and once agreements have been reached and results analysed at a national level the DoH will consult on determination of allocations for the future.
- 3.8 Agreement to the amount to be transferred will need to be signed off

by respective LA and PCT by the 1st December 2008 and submitted to the DoH with confirmation that the transfer has been made locally by 30th June 2009 and again in 2010 and any major problems that may affect the agreement.

3.9 It is expected that the Strategic Health Authority, the Valuing People Support Team, Deputy Directors of Social Care and Care Partnerships and Learning Disability Partnership Boards will be involved at an early stage of the negotiations

3.10 **Implications for Halton**

Halton PCT and the Council have already entered into a Section 75 Agreement on all service areas. For learning disabilities this means that the local authority is the lead commissioner. A pooled budget arrangement has been in place since 2003 and is currently subject of a 3 year financial plan. This pooled budget stands at £12.5m but has been subject to pressure, which is likely to continue giving growing need and cost.

However, the Council and the PCT have agreed a number of issues which will facilitate this current negotiation particularly :

- The reconfiguration of the Health and Social Care Management Teams for learning disabilities into a hub and spoke model. The hub consisting of social care and health staff has been managed by the local authority since 1st August, 2008.
- The reconfiguration of respite/short break services. The PCT has undertaken to continue to invest in respite services despite the closure of the Croft Unit since July 2008. This means that £200,000 will continue to be invested into the pooled by the PCT per annum.

4.0 **SUMMARY**

4.1 A detailed understanding of the budget and future requirements for the next three years is now available and serves as a good basis for discussion and negotiations between the Council and the PCT to reach agreement by 1st December 2008.

4.2 This guidance is in line with national policy on the service for adults with learning disability moving away from a medical model to one of social inclusion including employment.

4.3 A working group made up of Directorate and Corporate representatives has been established to drive forward the agreement with the PCT and we anticipate the work being completed by the end of November 2008.

5.0 **POLICY IMPLICATIONS**

5.1 The Council already have the commissioning lead for services for adults with learning disability.

6.0 **FINANCIAL IMPLICATIONS**

6.1 To be confirmed following negotiations, although the PCT commitment to be no less than current investment levels.

7.0 **IMPLICATIONS FOR THE COUNCIL'S PRIORITIES**

7.1 **Children & Young People in Halton**

The guidance makes reference to the need to take into account the transition of children moving into adult services during the next two years when agreeing funding arrangements. The Directorate has a record of those young people whose needs should be included in the agreement .

7.2 **Employment, Learning & Skills in Halton**

Increased commissioning responsibilities by Social Care may increase the opportunities for adults with learning disabilities to enter into work. Employment and learning opportunities are always raised as high priorities when adults with learning disabilities are consulted..

7.3 **A Healthy Halton**

This new arrangement will increase the opportunities for adults with learning disabilities to access mainstream activities and promotes the social model of disability It promotes social inclusion and the tailoring of services to meet individual need.

7.4 **A Safer Halton**

None identified.

7.5 **Halton's Urban Renewal**

None identified.

8.0 **RISK ANALYSIS**

8.1 Failure to reach agreement with the PCT by 1st December 2008 will be noted by the Department of Health and could lead to intervention from external inspectors.

8.2 There are a number of issues which remain to be resolved and which will need to be considered as integral to the negotiations. These are :

- a) **Retraction of Supporting People funding** – In the current year this retraction stands £996,00 on the PCT side. Future funding arrangements still remain to be agreed.
- b) **Infrastructure Costs** – It is expected that the PCT will contribute to the costs to the council under these new arrangements.
- c) **Current Contributions by the PCT** – The PCT only contributes to the cost of staff, the cost of the Croft and the Section 64 Arrangements. While one off contributions have been made in the last two years the only commitment to recurring growth has been £250k.

9.0 **EQUALITY AND DIVERSITY ISSUES**

9.1 This guidance aims to support vulnerable people in the community and continues the move from the medical model to the social inclusion model for some of the most excluded members of the community.

10.0 **LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972**

None identified.

By virtue of paragraph(s) 1, 2, 3, 4 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted