

HALTON BOROUGH COUNCIL



*Municipal Building,
Kingsway,
Widnes.
WA8 7QF*

5 July 2016

**TO: MEMBERS OF THE HALTON
BOROUGH COUNCIL**

You are hereby summoned to attend an Ordinary Meeting of the Halton Borough Council to be held in the Council Chamber, Runcorn Town Hall on Wednesday, 13 July 2016 commencing at 6.30 p.m. for the purpose of considering and passing such resolution(s) as may be deemed necessary or desirable in respect of the matters mentioned in the Agenda.

A handwritten signature in black ink, appearing to read 'David W. R.', is centered on the page.

Chief Executive

-AGENDA-

Item No.		Page No.
1.	COUNCIL MINUTES	SEE MINUTE BOOK
2.	APOLOGIES FOR ABSENCE	
3.	THE MAYOR'S ANNOUNCEMENTS	
4.	DECLARATIONS OF INTEREST	
5.	LEADER'S REPORT	
6.	MINUTES OF THE EXECUTIVE BOARD	SEE MINUTE BOOK
	a) 28 January 2016	
	b) 11 February 2016	
	c) 25 February 2016	
	d) 10 March 2016	
	e) 24 March 2016	
	f) 7 April 2016	
	g) 17 May 2016	
	h) 16 June 2016	
7.	MINUTES OF THE HEALTH AND WELLBEING BOARD	SEE MINUTE BOOK
	a) 9 March 2016	
8.	QUESTIONS ASKED UNDER STANDING ORDER 8	
9.	MATTERS REQUIRING A DECISION OF THE COUNCIL	
	a) Annual Reports of the Policy and Performance Boards	1 - 42
	b) Annual Report of the Standards Committee (Minute STC2 refers) Standards Committee had considered the Annual Report of the Operational Director/ Monitoring Officer, which summarised the work of the Committee in the last Municipal Year.	43 - 46
	RECOMMENDED: That the report be noted and referred to Council for information.	

- c) Designation of Statutory Role of Director of Children's Services

Following the recent restructuring of the Council's Senior Management Structure, arising from the resignation of the Strategic Director, People and Economy, it is necessary for the Council to designate one of its senior team as its "statutory" Director of Children's Services in accordance with statutory guidance, a role previously performed by the former SD –People and Economy.

It is therefore **RECOMMENDED: That**

- 1) Tracey Coffey be designated as the Council's "statutory" Director of Children's Services as an individual who has the knowledge, skills and experience to fulfil that role; and
- 2) The Chief Executive, in consultation with the Leader, be authorised to make any other consequential changes in officer delegations, consequent on that restructuring, which need to be done in advance of the usual annual review of the Council's Constitution.

10. MINUTES OF THE POLICY AND PERFORMANCE BOARDS AND THE BUSINESS EFFICIENCY BOARD

SEE MINUTE BOOK

- a) Children, Young People and Families
- b) Employment, Learning, Skills and Community
- c) Health
- d) Safer
- e) Environment and Urban Renewal
- f) Corporate Services
- g) Business Efficiency Board

11. COMMITTEE MINUTES

SEE MINUTE BOOK

- a) Development Control
- b) Regulatory
- c) Standards
- d) Appeals Panel

e) Appointments Committee

12. NOTICE OF MOTION

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13. REPORT OF THE LOCAL GOVERNMENT OMBUDSMAN

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The Local Government Ombudsman has issued a report against the Council following her investigation of an Adult Care Services complaint (Copy enclosed separately).

The Ombudsman has found there has been fault on the part of the Council.

The Council has agreed to take the action which the Ombudsman regards as providing a satisfactory remedy. The Council is in the process of implementing the recommendations contained in the report and will report back to the Ombudsman in due course.

14. PART II

In this case Council has a discretion to exclude the press and public and, in view of the nature of the business to be transacted, it is **RECOMMENDED** that under Section 100A(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 3 of Part 1 of Schedule 12A to the Act.

Please note that if this resolution is passed, members of the press and public will be asked to leave the room prior to the consideration of the following business.

15. ITEMS REQUIRING A DECISION OF THE COUNCIL

a) Proposed Acquisitions (Minute EXB 150 refers)
Executive Board considered the attached Part II report.

67 - 74

RECOMMENDED: That Council approve the allocation of Capital Funding, not exceeding £235k, to acquire the sites outlined in the report.

**Annual Review of Scrutiny by the
Council's Scrutiny Co-ordinator for 2015/16**

I am pleased to provide this brief overview of scrutiny activity at Halton Borough Council for 2015/16 and to commend to you the individual Annual Reports of each Policy & Performance Board (PPB). These reports provide many examples of the excellent work our PPB's do in holding the Executive to account, developing policy and reviewing performance. The detailed work done through the individual topic groups makes a significant contribution to developing new approaches and new ways of working to many of our activities.

The PPB meetings that took place over the last Municipal Year covered issues ranging from reviewing services and financial performance, undertaking pre-scrutiny of items in advance of Executive Board consideration and the development of recommendations to the Executive Board through the Topic Group work each PPB engages in.

It is very clear to me that where pre-scrutiny takes place the added value provided by our PPB's is very much appreciated by Executive Board colleagues.

The involvement of PPB Chairs in the Budget Working Party has continued to ensure that PPB views and concerns are well represented in the budget process. A process that, as all members are well aware of, is getting more and more challenging each year. PPB involvement in focusing and reviewing the Council's priorities will remain an extremely important role.

Finally, I would like to thank the members of the Chairs' Group for the support they have provided me in carrying out the role of Scrutiny Co-ordinator over the past 12 months.

Cllr Tony McDermott
Scrutiny Co-ordinator

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CORPORATE PPB ANNUAL REPORT

Despite the continuing pressure of the Government's austerity programme, which has led to a reduction in funding of over £50 million with a further £31 million to follow, and a reduction of staff of 462, I thank the staff for their diligence in continuing to deliver high quality services to the people of Halton. The Board is assisted in its scrutiny role by the hard work and support of Member Services and the officers who supply the reports that enable the Board to carry out its duty effectively. I am particularly grateful for the support given to me by the Lead Officer, Mark Reaney.

The Board carried out an investigation into the fees and charges the Council requires to fund the services it provides to residents. This has become necessary because of the effects of the austerity programme. These costs must be covered so that these services can continue to be delivered. This was a major task and was accomplished with the help and endeavours of the Management Team.

The Board continues to monitor the implementation of the Discretionary Support Scheme, which has become a necessity for some hard pressed individuals and families. The Board are supportive of the staff who deliver the scheme in an efficient and caring way.

Also, the Board discussed the introduction of the Organisational Strategy 2016/2020 which is required to ensure our staff are trained and skilled up to meet the challenges that the Council faces in dealing with the problem of providing services with less staff and reduced financial support from the Government.

Scrutiny continues of the Council's energy policy, and we are impressed at the savings that have been made. The PPB reviewed the Council's insurance arrangements following good work by the Finance Department, and by readjustment, a reduction of charges was achieved.

The Board is aware of the difficult trading conditions under which the Council's market is trading, and continues to monitor its progress, and is appreciative of the work done by officers in maintaining the trading position.

Information and Communication Technology continues to play an ever increasing role in the Council's business processes and with its links to local residents. The Board is impressed by the efficiency with which this work is delivered by the officers.

The Legal Services Team maintains a heavy workload whilst dealing with the complications of the issues surrounding Mersey Gateway and the Liverpool City Region.

The Board notes the excellent provision of school meals in the borough, and the take up of around 70%.

This report shows the variety and level of work carried out by the Council's officers so I take this opportunity to thank them for what they have achieved.

I would like to thank my Deputy Chair, Councillor Alan Lowe, for the support he has given me and also the Members of the Board for their commitment and work in scrutinising the activities, and the work of the Topic Groups.

– Councillor Bob Gilligan, Chair of Corporate Policy & Performance Board

MEMBERSHIP AND RESPONSIBILITIES

During 2015/2016, the Board comprised of eleven councillors – R. Gilligan (Chair), A Lowe (Vice Chair), M Dennett, C Gerrard, C Loftus, A McInerney, S Osborne, N Plumpton Walsh, J Roberts, C Rowe and K Wainwright.

The Board is responsible for scrutinising performance and formulating policy in relation to Resources, HR and Training, ICT, Property, Democratic Services, Legal Services, Communications and Marketing, Stadium, Civic Catering, Procurement, Corporate Complaints and Area Forums. The Board also has responsibility for monitoring the performance of the reporting departments which during the last year have been Legal and Democratic Services including Communications and Marketing, Human Resources, Financial Services, ICT and Support Services, and the Policy and Performance Divisions.

REVIEW OF THE YEAR

The full Board met five times during the year. Set out below are some of the main initiatives upon which it has worked during that time.

MARKETS

The June meeting received a report providing an update on occupancy rates and level of arrears at Widnes indoor market. The

occupancy rates were high, and compared favourably with other market halls. The rate as at 31 March 2015 was 85%, which compared with 84% at 31 March 2014, and 92% at 31 March 2013. Since January 2015 there had been been:

- Twelve new traders operating in the market hall.
- Ten traders had left, five of which were for economic reasons.
- More traders in the market - 81 compared with 76 in 2014.

A Market Plan was being developed and the Market Management was working the Communications and Marketing Team for market traders to develop a longer term events programme.

The level and amount of arrears was similar to that 12 months' previously. It was noted that Legal Services were adopting a targeted approach which prioritised higher debts.

HEALTH AND SAFETY POLICY

The Strategic Director Community and Resources reported in October on the development of a revised Corporate Health and Safety Policy, for the consideration of Members. The new document highlighted the commitment of the Council to managing health and safety effectively. It was noted that the biennial review of the Policy had been updated to reflect procedural and directorate structure changes. Members commented on the improvements to the Lone Working arrangements, the training which was provided, and the risk assessment procedures. The revised Policy was then approved.

DISCRETIONARY SUPPORT SCHEME

The Discretionary Support Scheme was now in its third year of operation, and the Topic Group had met on 30 September 2015 to review progress with both the Discretionary Support Scheme and the Discretionary Housing Payments Scheme. Details of progress were outlined in a report to the October meeting of the PPB.

The Board considered the proposals to increase the minimum value of food orders placed via the Discretionary Support Scheme from £25 to £40, and a proposal to increase the period of DHP awards from 13 weeks to 18 weeks in order to ensure more stability for payments. The Board recommended that both of those increases be made.

ENERGY

The January meeting received a report from the Strategic Director

People and Economy providing an update on activities aimed at reducing CO2 emissions within the Council and related external activities. The Council had implemented a number of short to medium/long term actions to ensure that carbon emissions and costs were reduced. Overall, the Council's CO2 emissions have significantly reduced from a baseline line in 2006/2007 of 26,338 tonnes of CO2 to 21,124 tonnes in 2014/12015. This represented a reduction of 5,214 tonnes over the period, approximately 20%

FEES AND CHARGES

A considerable amount of work had been carried out by the Fees and Charges Topic Group, which was reported to the PPB in January. The Board was advised that analysis had been undertaken of all fees and charges income generated during 2014/15 by each department.

Those areas generating income above the threshold of £100,000 were identified which had provided a focus for the Topic Group's work. A number of proposed changes to Fees and Charges were considered by the Topic Group for implementation from 1 April 2016 to support development of the Council's 2016/17 budget. In addition the Topic Group had highlighted a number of areas of Fees and Charges to be explored further by officers. The Executive Board was asked to note the outcomes of the review which it was agreed should be incorporated within the proposed Fees and Charges for 2016/17, to be considered by the Executive Board in March 2016. The Executive Board agreed to this course of action.

UNLOCKING OUR POTENTIAL – AN ORGANISATIONAL DEVELOPMENT STRATEGY FOR HALTON BOROUGH COUNCIL 2016/2020.

The February meeting received a report setting out an overview of a significant strategy document which would be the successor to the People Plan. The strategy further developed and built on the achievements of the previous document and was built around five key strategic aims:

- Workforce, skills and development
- Recruitment and retention
- Engagement and recognition
- Health and wellbeing
- Innovation and flexibility

Each strategic aim contained a number of objects and actions with linked outcomes and timescales. The intended benefits were expected to be:

- Help to create flexible and sustainable business by helping to ensure the delivery of quality services.
- Protect the present strengths of the organisation and build for its future.
- Promote the investment in and continue development of our workforce.
- Aid the organisation when undertaking restructures by identifying redeployment opportunities or skills transfers.

The Board approved the submission of the strategy to the Executive Board.

PERFORMANCE ISSUES

During the course of the year the Board considered in detail the performance of the reporting departments. Issues which were overseen during the year included:

- Accident statistics
- Sickness and absence
- School catering and the operation of the Select Stadium

WORK PROGRAMME 2015/16

During 2015/16, the Board had two Topic Groups ongoing. The one overseeing the operation of the Council's Discretionary Support Scheme had been highly effective and provided significant guidance to the Executive Board and officers in relation to that extremely important service. Members had given an indication that that group could remain in place for 2016/17 as there is still work to do.

The other Topic Group related to the review of Fees and Charges which was a major piece of work which concluded towards the end of the year, and reported to the Executive Board which supported its findings. Members are presently giving consideration to adding a further Topic Group for the 2016/17 municipal year.

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Environment and Urban Renewal PPB Annual Report



"I would like to extend my gratitude to all the Members of the Environment and Urban Renewal PPB for their support during this, my second year as Chair.

Members have played a significant role in the continued regeneration of the Borough and its environment in these particularly challenging times.

Over the last 12 months, the Board has responded to, and dealt with, a wide range of issues which demonstrates their level of commitment and positive attitude in reacting swiftly and effectively to matters that are brought before them. These, combined with the Board's experience and abilities help support a continuing improvement in the quality of life in Halton and the opportunities afforded to our communities."

Councillor Bill Woolfall
Chair, Environment and Urban Renewal Policy
and Performance Board

MEMBERSHIP AND RESPONSIBILITIES

During 2015/16 the Board comprised eleven Councillors:-

Councillor Bill Woolfall (Chair)	Labour
Councillor Mike Fry (Vice-Chair)	Labour
Councillor Pauline Hignett	Labour
Councillor Valerie Hill	Labour
Councillor Chris Loftus	Labour
Councillor Andrew MacManus	Labour
Councillor Keith Morley	Labour
Councillor Pauline Sinnott	Labour
Councillor Gareth Stockton	Liberal Democrat
Councillor Andrea Wall	Labour
Councillor Geoff Zygadlo	Labour

The Environment and Urban Renewal Policy and Performance Board's primary function is to focus on the work of the Council (and its partners) in seeking to bring about the Environmental and Urban Renewal of the Borough. It is also charged with scrutinising progress against the Corporate Plan in relation to the Urban Renewal Priority.

The Board is responsible for scrutinising performance and formulating policy in relation to the following areas:

- Highways, Transportation and Logistics (including road maintenance, street lighting, road safety, traffic management, supported bus services and flood risk management)
- Landscape Services, Parks & Countryside, Cemeteries & Crematoria
- Environmental and Regulatory Services
- Major Projects
- Economic Regeneration and Business Development
- Waste Management and Waste Strategy
- Derelict and contaminated Land
- Housing Strategic Policy
- Sustainability, Climate Change and Biodiversity
- Physical Environment and Planning policies

REVIEW OF THE YEAR

The Board met 5 times during 2015/16. As well as considering Executive Board decisions relevant to the work of the Environment and Urban Renewal Board, agreeing the Service Plans of the relevant Departments and monitoring their general activities and performance against them, set out below are some of the main activities and issues which have come before the Board during the year.

The Board reviewed the minutes of meetings of the Executive Board and the Environment and Regeneration Special Strategic Partnership Board and considered questions from the public on relevant matters. It also received, considered reports, agreed decisions and put forward relevant actions on the following issues:

Highways and Transportation

- Nominations were agreed for Members to sit on the Council's Public Transport Advisory Panel for the 2015/16 Municipal Year. These were Councillors M Fry, K. Morley, G. Stockton, and T. McInerney.
- It was also agreed that the Chair and Vice-Chair would sit on the Consultation Review Panel as may be required from time to time.
- Objections to proposed 20 mph speed limits in various locations across the Borough. Following a public consultation 17 letters/emails were received, 16 of which were objections to proposals mainly in Palace Fields Avenue and Beechwood. The recommendations was to go ahead with the proposals except in Beechwood where it was felt there were already a wide range of initiatives in place to reduce speeding. The report, minus the proposals for Beechwood,

were to be submitted to the Executive Board for consideration.

- A new Street Lighting Strategy and Policy was shared, which addressed the need to take action to minimise future growth in energy consumption. The report accompanying the strategy detailed several proposals which were all agreed and the report and strategy were endorsed and subsequently submitted to the Executive Board.
- A summary of the four year implementation programme of Integrated Transport Schemes and Interventions funded through the Integrated Transport Block was provided for information. The report was noted.
- A presentation covering the Liverpool City Region (LCR) 'Transport Plan for Growth', the LCR Long Term Rail Strategy, and new rolling stock procurement for Merseyrail was made by Cllr Liam Robinson, the Chair of Merseytravel. The Board thanked Cllr Robinson for his presentation which was noted.
- A formal consultation regarding the potential introduction of waiting restrictions in Parklands and Ash Priors, Widnes was requested.
- Public questions were received regarding the Council's road safety policy and priorities for the forthcoming year, with a separate question regarding Daresbury ward in particular. Written responses were provided in the minutes for the meeting on 25th November 2015.
- A petition from Year 5 pupils at Murdishaw West Community Primary School, Runcorn requesting the installation of pedestrian crossing facilities on Barnfield Avenue was considered. Following surveys carried out to record both the volumes of traffic and the numbers of pedestrians crossing at three locations, it was agreed to give consideration to the introduction of controlled pedestrian crossing facilities at the junction with the busway and to review existing signage and road markings.
- The annual report for Road Traffic Collision and Casualty Numbers for 2014 was brought to the Board's attention. It was disappointing to note that numbers had increased compared to previous years and achieving further reductions would prove to be extremely challenging when considered in the context of a reduction in Government grants for road safety and continued reductions in the Government Spending Review, alongside the absence of national road casualty reduction targets. The report was noted and it was agreed to continue with the programme of road traffic collision reduction schemes and road safety education, training and publicity.
- Objections to proposed waiting restrictions at both Naughton Road, Widnes

and Hale Village were received. Following consideration of information supplied by officers and residents alike, it was agreed not to move forward with the restrictions at Naughton Road, however those proposed for various roads in Hale Village would be progressed.

- Agreement was sought for approval to Chapters 1-4 of the Draft Highways Asset Management Plan which would allow further development of the remaining Chapters that would cover the Operational Plan and Procedure. The Board agreed to the endorsement of the Chapters and their submission to the Executive Board, and requested that the remaining Chapters of the HAMP be brought before the Board at the appropriate time.
- The objections to proposed 30 mph speed limit in Lunts Health Road, Widnes were noted, however, the Board supported the proposal and the recommendation was to submit to the Executive Board for resolution.

Environmental and Regulatory Services

- Air Quality in Halton: this report contained an overview of air quality, a summary of national and local air quality monitoring, progress against National and European Air Quality legislation and provided a response to a petition for Air Monitors received in 2015. It had 4 recommendations to address the issues raised:- 1) undertake a series of public engagement events to build a greater understanding of the concerns of local people; 2) develop an active multi-agency Air Quality Forum; 3) investigate further opportunities to limit emissions and reduce NO₂; 4) develop an Air Quality Strategy. The Board recommended that the report be submitted to the Executive Board.
- There were several public questions that were brought before the Board following the above report's presentation, and all received appropriate responses (details can be found within the minutes of the 24th June 2015 meeting).
- An update on the Garden Waste Collection service was given, highlighting the changes since it was agreed to start charging for the service. It was noted that the service has had a 36% take-up from eligible households which makes the service self-financing. Board Members wanted their thanks to Officers, who had introduced and managed the scheme, recorded.
- The annual monitoring report for the Liverpool City Region Joint Waste Local Plan was noted with Halton performing well and continuing to improve its waste management procedures.
- The Tree Working Group submitted their detailed findings and recommendations to the Board. These were noted and the report was submitted to the Executive Board for its consideration.

Physical Environment and Planning

- Proposed reforms for the purpose of local plan making were reviewed in line with the review undertaken by the Planning Advisory Service in 2015, and it was agreed that recent and proposed reforms be noted.
- The scale and pace of change for the town and country planning system were highlighted as part of the Government's planning reform agenda. There were several key messages which are detailed in the report to the Board on the 9th September 2015.
- Proposed updates to the Local Development Scheme, and the Local Plan contained within it, were shared with the Board and noted.
- A summary of the Objectively Assessed Need for Housing contained within the Strategic Housing Market Assessment was shared with the Board. This Needs Assessment was commissioned jointly with St Helens and Warrington Councils and was part of the work undertaken to re-examine the appropriateness of the 3 areas (within the Mid-Mersey geography) to be identified as a Housing Market Area. It noted that there would be an anticipated shortfall for the period 2013-17 of 466 dwellings per annum, as well as an annual shortfall of 119 affordable units, across Halton.

Communities

- Consideration was given to a needs assessment for Gypsy and Travellers within Halton, which covered sites, unauthorised encampments, needs and management. The report was noted.
- An update on the Armed Forces Covenant and support given was presented. Halton is part of the pan-Cheshire Covenant which is a voluntary statement of mutual support between the civilian community and its local armed forces community.

WORK PROGRAMME FOR 2015/2016

- The Board were notified that there was an opportunity to contribute towards the Council's Business Plan for 2016/17, although it was clarified that this couldn't be finalised until budget decisions were confirmed in March 2016. It was agreed that a draft plan should be brought back to the Board.
- It was noted that, in line with an organisational restructure across the Council, there would be only one Business Plan for 2016/17.

Members of the Public are welcome at the meetings of the Board. If you would like to know where and when meetings are to be held or if you would like any more information about the Board or its work please contact Mick Noone on 0151 511 7604 or mick.noone@halton.gov.uk

**ANNUAL REPORT
EMPLOYMENT LEARNING, SKILLS AND COMMUNITY POLICY AND
PERFORMANCE BOARD
APRIL 2015 – MARCH 2016**



Cllr. Sue Edge
Chairman

Introduction from Councillor Sue Edge

Chair of the Employment Learning, Skills and Community Policy Performance Board (PPB)

This is my sixth year as Chair of this Policy Performance Board, and this year has brought a significant number of both challenges and opportunities. These include the contribution of the Mersey Gateway to improving skills and providing job opportunities for residents of Halton. We are continuing to work together with our partners across the Liverpool City Region, as part of the new Combined Authority to promote economic growth and provide employment opportunities for residents. In addition we continue to deliver essential services through our libraries, community centres, sports facilities and the continued neighbourhood activity supported by our Community Development Team. The Government's welfare reforms continue to put added pressure on our Employment, Learning and Skills services as we strive to help people improve their employment opportunities in a difficult economic climate. That said, through Halton's Employment Learning and Skills and Community PPB we have overseen a number of positive activities aimed at helping people to find work, growing our local businesses and increase the skills and qualifications of our residents. The review below provides a snapshot of these activities.

I would like to take this opportunity to thank my Member colleagues for their valuable contributions and the support they have shown throughout the year and in particular I want to thank members who have agreed to give up their time to serve on the Inward Investment Scrutiny Topic Group. I would also like to thank officers for working with me to develop an interesting and important range of topics and agenda items for consideration.

Although, there will be difficult times in the year ahead, I am confident that this PPB will continue to explore new and innovative ways of working to ensure that we provide the best possible Employment, Learning, Skills and Community services to the people of Halton.

I look forward to continuing to work together to make the most of the opportunities ahead and rise to challenges we will undoubtedly face.

Councillor Sue Edge

Chair, Employment, Learning, Skills and Community Policy and Performance Board

MEMBERSHIP AND RESPONSIBILITIES

During 2015/16, the Board comprised eleven Councillors – Councillors S. Edge (Chair) A. MacManus (Vice Chair), L. Cassidy, H. Howard, P. Lloyd-Jones, G. Logan, C. Plumpton Walsh , S. Parker, J. Roberts, C. Rowe and S. Baker.

REVIEW OF THE YEAR

The full Board met five times during the year. Set out below are some of the main initiatives that the Board has worked on:

Skills for Growth

The Board reviewed a number of Skills for Growth documents which have been produced by the Liverpool city Region (LCR) that provide an analysis on current and future skills and employment requirements in key growth sectors and flag up future priorities for the Liverpool City Region. The priorities that have been identified range from advanced and higher apprenticeships in engineering to digital and technology solutions. Other 'generic priorities' include digital skills, customer service and a shortage of science graduates and 'headline challenges' which include improved careers advice, tackling long term worklessness, and enhancing links between businesses and education providers.

Inward Investment Scrutiny Review Report and Recommendations

The Board received a report on the recommendations of the Inward investment Scrutiny Topic Group. The report was commissioned as the Liverpool City Region together with the local authorities are looking at the current approach to inward investment and considering how a collaborative approach may make better use of limited resources going forward. The report makes a number of recommendations, including the development and implementation of an investment social media strategy to link Halton with export agencies from around the world and to pursue relationships and links with the top 50 employers in Halton to ensure retention and growth of the businesses. This will include skills development and working with planning to help enable businesses to physically expand and grow.

The Brindley Theatre

The Board received a presentation on the Brindley Theatre, which outlined its recent successes and future priorities. The Board was advised that the Brindley was opened in September 2004 and consisted of a 420 seat theatre; a studio with 108 seats; an education room, gallery, café and bar. The Arts and Events Manager outlined the Venue's awards since its opening and the changes that had been made to the exterior and interior of the building to update and freshen its quality appeal. This included use of new ticketing software and highlighted examples of the Theatre's increased income and general running costs, for example lighting and marketing.

Library Service

The Board received a presentation on the updated Library Service following the implementation of the efficiency review findings in April 2015. The efficiency review had seen savings of £450,000 and resulted in: the reduction in the opening hours of the Libraries; the cancellation of the mobile library; a new staff structure;

and the employment of 25 new staff. The Board were informed of three areas the library service were currently working on; helping to get people online including IT clinics in all libraries; providing a Community Library Service, which includes a pilot program of service delivery with care and residential homes and Learning in Libraries, which includes Lego clubs.

Annual report on the Community Development Service

A report was presented to the Board explaining the role of the Community Development service which supports the creation, development and sustainability of independent local community groups, which in turn generated the capacity for effective and inclusive community engagement with Council departments and services, thus enabling the delivery on many hundreds of community initiatives to tackle strategic objectives and community needs. The work of the Community Development Officers was explained in the report which went on to provide some examples of projects and groups that the team were working with and alongside across the Borough

Department for Work and Pensions (DWP) Work Programme Contract

The Board received an overview of the DWP Work Programme Contract currently being delivered by Halton People into Jobs. In June 2011 Halton Borough Council entered into a subcontracting arrangement with two Prime Contractors (*Ingeus Deloitte* and *A4E*) who had been tasked with delivering the Department for Work and Pensions Work Programme over the next 4 to 5 years. The contract works through payment by results and performance is measured against the Priority Group (PG) customers. The Board were informed of income and expenditure; the lessons learnt to date and key strengths of the programme; and discussed the future strategic direction of the programme as it was currently in year 5. It is hoped that the contract would be extended to year 6.

Liverpool Growth Hub Update

Members of the Board were advised of the development and proposed implementation of the Liverpool City Region Growth Hub Brokerage Service in Halton. The creation of Growth Hubs is a Government initiative intended to; provide clarity, consistency and simplification across the business support agenda; increase the migration of business support from the public to the private sector; and provide gateway support; that is information, guidance and brokerage, to the business community.

Merseyside Business Support Programme

The Board considered a report which provided an update on the delivery of the Merseyside Business Support Programme within Halton. The objective of the Programme is to offer assistance to companies who had been trading for more than 12 months and who had the capacity to expand and increase their workforce. The support is provided by the Merseyside Business Support Programme with initial funding for Halton of £381,852.

Riverside College

The Board considered a presentation from the Principal of Riverside College, Mary Murphy, which outlined the College's strategic priorities and the quality of teaching and learning; enrolments; funding, and key developments. The presentation included information on achievements at Cronton Sixth Form College and Kingsway and provided case studies of A Level students; Vocational students; Adult students and apprentices working with local employers. The

College worked with 657 employers and community groups and other agencies across the Borough. It also employed 347 people and educated a total of 6,134 people in 2014-15.

European Programme 2014 – 2020

Members of the Board were given an update on the European Structural and Investment Funds (ESIF) Programme 2014 to 2020, which included the context at a Liverpool City Region (LCR) level and also details on the funding bids Halton have been developing.

Growing Economic Prosperity in Halton Update

The Board considered a report on business support activities that had been undertaken to support the growth of Halton’s economy. This included the work of the Business Improvement and Growth Team (BIG) who have undertaken ‘customer surveys’ to better understand the needs of our businesses. The Business Improvement and Growth team has also applied a sectoral focus to some of the businesses it supports, maintaining a relationship management & account manager approach, improving communication with businesses through use of the Evolutive and delivering externally funded business support programmes.

Ways to Work Programme

The board received an update on the The Ways to Work project which is a European funded employment support programme for newly unemployed 18-24 year olds in receipt of Job Seekers’ Allowance and Halton is already exceeding the agreed targets. The Ways to Work project will enable an extension and a broadening of the Youth Employment Gateway to reach more residents.

The focus of the Ways to Work project is on young people and those furthest away from labour market.

The Ways to Work project advocates an individualised approach to supporting residents in overcoming barriers to work through offering a broad range of interventions. It is an inclusive programme designed to work with those with multiple barriers including care leavers, those with mental health issues and those with low levels of literacy and numeracy.

Community Centres Annual Report

The Board received an annual report on Community Centres.

Community Centres service consisted of five buildings: Castlefields, Ditton, Grangeway, Murdishaw and Upton. The Centres deliver programmes of community activity, varying models of community cafes and service outlets, for example, a children’s centre, youth centre and day services. The Centres provided a community hub, a central point at the heart of communities for residents to enjoy activities and receive services in their neighbourhoods. It was noted they were based in the most severely deprived wards in the Borough and were well utilised.

Members were advised that the Community Centres were benchmarked through APSE (the Association of Public Service Excellence) against other

Civic, Cultural and Community Venues owned and run by other local authorities.

Members of the Public are welcome at the meetings of the Board. If you would like to know where and when meetings are to be held or if you would like any more information about the Board or its work, please contact Wesley Rourke on 0151 511 8645 or e-mail: Wesley.rourke@halton.gov.uk

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Health Policy and Performance Board

Annual Report

April 2015 - March 2016



I have been a member of the Health Policy and Performance Board since 2007, but I am very pleased to report on the work of the Board during 2015/16 in my new capacity as Chair of the Board.

Firstly I would like to acknowledge the work of Councillor Ellen Cargill, the previous Chair of the Board, for her mentorship over the years which has certainly equipped me with the skills in undertaking this challenging role.

In addition to thanking all members of the Board, I would particularly like to take this opportunity to thank my new Vice Chair, Councillor Stan Hill, who has provided valuable support to me over the past 12 months and also Councillor Mark Dennett, Halton's Mental Health Champion, who has worked very hard in driving forward with improvements in Mental Health provision over the past 12 months.

I would also like to acknowledge the work of Simon Banks, Chief Officer and his team at the NHS Halton Clinical Commissioning Group (CCG) and Sue Wallace Bonner, Director of Adult Social Services for all the help and support given to the Board over the past year too.

The remit of the Board is to scrutinise the Health and Social Care Services provided to the residents of the Borough; we also have a responsibility to scrutinise Hospital Services, including Mental Health Services and the Board take these responsibilities very seriously.

One area that has been a particular focus for the Board this year are the issues that have been raised by Halton residents regarding the issuing of Car Parking Fixed Penalty Notices at Halton and Warrington Hospitals.

This has resulted in the Board meeting with representatives from Warrington and Halton Hospitals NHS Foundation Trust on a number of occasions to address and try and resolve residents' concerns.

This year, the Board were extremely pleased to see the opening of two new Urgent Care Centres in Halton providing easier access to urgent care for local residents. Members have taken the opportunity to visit the new Centres in addition to visiting Learning Disability Day Services.

As usual, 2015/16 has proved to have been a very busy, challenging and interesting time for us all and I'm sure 2016/17 will be no different!

Cllr Joan Lowe, Chair

Health Policy and Performance Board Membership and Responsibility

The Board:

Councillor Joan Lowe (Chair)
Councillor Stan Hill (Vice-Chair)
Councillor Sandra Baker
Councillor Mark Dennett
Councillor Margaret Horabin
Councillor Charlotte Gerrard
Councillor Shaun Osborne
Councillor Martha Lloyd Jones
Councillor Carol Plumpton Walsh
Councillor Pauline Sinnott
Councillor Pamela Wallace

During 2015/16, Tom Baker was Halton Healthwatch's co-opted representation on the Board and we would like to thank Tom for his valuable contribution.

The Lead Officer for the Board is Sue Wallace-Bonner, Director of Adult Social Services.

Responsibility:

The primary responsibility of the Board is to focus on the work of the Council and its Partners, in seeking to improve health in the Borough. This is achieved by scrutinising progress against the aims and objectives outlined in the Council's Corporate Plan in relation to the Health priority.

The Board have met six times in 2015/16. Minutes of the meetings can be found on the [Halton Borough Council website](#). It should also be noted that the Board, at each of their meetings, receive and scrutinise the minutes from Halton's Health and Wellbeing Board and monitors work/progress within this area.

This report summarises some of the key pieces of work the Board have been involved in during 2015/16.

GOVERNMENT POLICY- NHS AND SOCIAL CARE REFORM

Care Act

Throughout the year the Board have received updates on the implementation of the Care Act; Phase 1 of the Care Act came into force on 1st April 2015 which included elements such as the duty to provide prevention, information and advice services, including independent advocacy and Carers being entitled to an assessment and support, with the same rights as any adult service user.

Significant levels of assurance have been provided to the Board that Halton is fully compliant with its legal obligations and as a result of the implementation of the Act there has been an increase in demand for services and assessments; some of this increase in demand has been managed with improvements in sign posting and prevention services. Significantly more individuals are now provided with information and signposted with positive results.

The Board will continue to watch with interest the development of the work nationally taking place on the cap on care costs and the means test which were due to be introduced in April 2016 and the Department of Health has decided to postpone this until April 2020.

Deprivation of Liberty Safeguards

The Deprivation of Liberty Safeguards (DoLS) is one aspect of the Mental Capacity Act (2005). The Safeguards are there to ensure that people in care homes and hospitals are cared for in a way that does not inappropriately restrict their freedom, and if necessary restrictions are only applied in a safe and correct way, and that this is only done when it is in the best interests of the person and there is no other way to provide appropriate care.

Following a Supreme Court judgement in 2014, a DoL can occur in a domestic setting where the State is responsible for imposing those arrangements. This will include a placement in a supported living accommodation in the community. Hence, where there is, or is likely to be, a DOL in such placements must be authorised by the Court of Protection.

As such the Board received a report outlining the impact that this ruling has had within Halton; basically within Halton and across the Country there has been a significant increase since April 2014 on the number of DOLs. There has been mounting criticism of DoLS and as a result the Government requested the Law Commission to undertake a review. The Law Commission has subsequently developed proposals to replace DoLS and following consultation will publish its recommendations in 2016 with a view to achieving legislative reform by 2017 – 18.

Closure of the Independent Living Fund

After an independent review in 2007, the Government acknowledged that the Independent Living Fund (ILF) system was inequitable for people and operated outside of care systems operated by the Local Authority. The Government subsequently decided to close the ILF on 30th June 2015 with the ILF users transferring to the management of the local authority. Although the funding of ILF was to transfer to the local authority an attrition rate of 5% was to be applied to the overall costs that the local authority would receive.

The Board received a report on the work undertaken by the ILF Project Team which was established to review the 51 ILF recipients in Halton and produce support plans to reflect any changes that may be made once the national eligibility criteria was applied. It was noted by the Board that this option reduced the financial risks to the Council whilst reassuring ILF recipients that their needs will be met once ILF ceased its function. The Board were pleased to hear that all the reviews were completed prior to the transfer date.

SERVICES

Urgent Care Centres

The Board were extremely pleased to see the significant progress made in the development of Halton's Urgent Care Centres, with both the Runcorn and Widnes UCCs opening during 2015, which are on the sites of the old Minor Injuries Unit at Halton Hospital and the Widnes Walk in Centre. Staffed by a team of on-site integrated healthcare professionals and with a range of diagnostic facilities, our UCCs are community-based primary care facilities providing access to urgent care to our local population.

The UCCs in Halton are:-

- [Widnes NHS Urgent Care Centre](#) – located at the Health Care Resource Centre, Caldwell Road, Widnes WA8 7GD.
- [Runcorn NHS Urgent Care Centre](#) – located at Halton Hospital, Hospital Way, Runcorn WA7 2DA.

The Centres operate from 7am until 10.30pm (accepting patients up until 10pm), 365 days a year. NOTE: Radiology operates from 8am until 10pm, 365 days a year.

In addition to being able to assess/treat minor illnesses and injuries, the Centres are able to provide care to those presenting at the Centres with a range of other conditions, through the development of the necessary competencies of staff teams and agreed pathways of care.

The UCCs can also receive patients from the ambulance service within agreed protocols and pathways of care.

Mental Health

It should be noted that Mental Health services in Halton are under huge pressure. Nationally the wait times and need for Mental Health services have risen to an all-time high. Halton is no different and we have a significant challenge to ensure our services (both preventative and treatment) meet National standards.

As such the Board have received regular reports from Councillor Mark Dennett, Halton's Mental Health Champion, over the past 12 months outlining improvements in Mental Health provision within Halton.

One such improvement is the commissioning of Admiral Nurses for Dementia, which commenced in February 2016. Admiral Nurses provide families with the knowledge to understand the condition and its effects, the skills and tools to improve communication, and provide emotional and psychological support to help family carers carry on caring for their family member.

Men's Health

In January 2016, the Board received an update from Halton's Director of Public Health in respect of Men's Health in Halton.

Local analysis shows that average male life expectancy in Halton is lower than women, a pattern seen regionally and nationally. National research has shown that men seek advice and help from preventative and medical services less than women. Thus whilst it remains vital that we have high quality universal services, we need to understand when it is also appropriate to have targeted services. There are a range of preventative and support services available in the borough which have been developed to provide specific advice and support to men, such as those detailed in the attached report. These should continue to address the needs of men and provide advice and support in a way that appeal to men.

In July 2015 the Centre for Public Scrutiny and the Men's Health Forum produced a guide designed to help scrutiny of local actions to promote men's health and tackle health inequalities. The report presented to the Board outlined the actions taking place in Halton to address the issues raised in the guide and progress to date.

Homeless Service

Councillor Ron Hignett, Executive Board Portfolio Holder for Physical Environment attended the Board to provide an update on developments in respect of Homelessness and the work of the Housing Solutions Team.

Following the full Strategic Review of Homelessness which took place during 2012 which resulted in the development of the current Homelessness Strategy 2013/18, the associated strategic action plan has continued to be implemented. The Strategy provides clear direction for preventing and addressing Homelessness within Halton and reflects the relevant factors known to affect future homelessness.

The Housing Solutions Team play a key role in addressing homelessness in Halton by proactively working with all client groups to reduce and prevent homelessness.

The Board also received information regarding a Supreme Court Judgement in May 2015 which will impact on future homelessness assessments. The case marks an important change to how Authorities assess homeless people's 'vulnerability' when deciding on whether they have a statutory duty to house them. In effect it will require more applicants to be deemed vulnerable and so have a priority need. It will place additional pressure upon homelessness services and place further pressure upon temporary and long term housing accommodation providers. Authorities will have to widen the criteria for deciding who gets housed as a result of the Supreme Court decision.

The Board noted that for Halton this will likely lead to increased homeless acceptances but it was felt that that the temporary accommodation provision in place within Halton is sufficient to meet these potential demands.

Adult Safeguarding

The Board have received regular reports/updates on Adults Safeguarding issues, including DoLs as referenced earlier in this report, throughout the year.

An example of this includes the Adult Safeguarding report presented to the Board in March which provided the Board with details of the Safeguarding Adults Board (SAB) Annual Report for 2014/15. Although Halton have been producing SAB Annual Reports for a number of years now, the Care Act 2014 has now made it a statutory requirement for SABs to produce Annual Reports.

The Annual Report summarises all of the key achievements and priorities the SAB has been working towards over the last twelve months. The report also sets out the national and local developments on safeguarding adults at risk.

The Board heard with interest the work that had taken place which was associated with the four key priorities, as outlined below:

1. Promote awareness of abuse and the right to a safe and dignified life – particularly among the “vulnerable” and “at risk”, but also among staff, volunteers and the wider community
2. Increase the contribution from service users and carers, ensuring their views and experience inform the Board’s work and service developments. Provide individualised services that keep people safe, but permit informed decisions about risk
3. Ensure there is a strong multi-agency approach to the safety, wellbeing and dignity of all adults at risk
4. Equip employees with the necessary tools and training to safeguard adults at risk and ensure their dignity is respected.

The Board also were interested to hear about the work Halton had recently become involved in, with regards to the Anti - Slavery Network, a multi-agency group that is committed to working together to prevent modern slavery and human trafficking. Nationally, it is a very disturbing and complex problem. Breaking the lives of the vulnerable and voiceless, it represents a grave abuse of human rights and basic dignity.

POLICY

Care Management Strategy

In June 2015, the Board received ‘Making a difference: A strategy for transforming Care Management in Halton 2015-2020, which was developed within a range of national and local policies and themes including the Care Act 2014. As referenced earlier in the Annual Report the Act places additional responsibilities on the Council, one of which being the ‘wellbeing principle’ and the wider focus on the whole population in need of care rather than just those with eligible needs or who are funded by the state.

The implementation of the Care Act has significant implications for the roles of the Adult Social Care workforce as the way people access the care and support system changes and demand increases for assessments and support plans from self-funders and carers.

The strategy presented sets out a framework to build on Halton’s existing care management model and construct a professional, skilled care management service that is fit for purpose and responsive to this future demand.

Respiratory Strategy for Halton 2015 – 2020

Respiratory disease is one of the key contributing factors to reduced life expectancy in Halton and is the third leading cause of death after circulatory disease and cancer.

There are significant health inequalities in Halton concerning respiratory diseases where the mortality rate in our most deprived areas is double that of Halton as a whole.

During 2015 the Board were pleased to receive the new Respiratory Strategy to address respiratory health for Halton from Halton's Director of Public Health. The Strategy identifies key factors influencing respiratory health and provides recommendations for action to prevent respiratory illness, improve identification, treatments and outcomes and ensure provision of appropriate, high quality, primary, secondary and community health and social care services for all ages.

Service Closure Policies and Procedures

From April 2015 the Care Act required local authorities to help develop a social care market that delivers a wide range of sustainable high-quality care and support services, and places responsibility on local authorities to deliver a duty to ensure that needs are met, including when there is a planned or emergency disruption to services. In particular, the Act is explicit in the local authority's responsibility to use market intelligence to have sound market oversight in order to develop a suitable local care and support market, foresee potential risks to disruption to services (i.e. through business failure, withdrawal from market, regulatory compliance etc.) and undertake preventive action to avoid and/or minimise disruption in the event of a care service closure.

In line with the new requirements on the local authority, the Board were presented with three policies and procedure documents that make up the 'Service Closure Policies':

- **An overarching policy in relation to market oversight:** Intelligence gathering, contract monitoring, identifying risks in service continuity, responding to risks, preventing service closure
- **A policy and procedure for responding to a planned service closure:** Covering domiciliary, residential and supported living services. Planned closures may occur for a number of reasons, including business failure, decommissioning or contract default.
- **A policy and procedure for responding to an unplanned service closure:** Covering domiciliary, residential and supported living services, where there is little or no warning of disruption to, or closure of, a service. This may be due to a number of reasons, including fire, flood, disease outbreak, immediate and significant risk of safety.

It is unfortunate that during 2015 these policies had to be used with the closure of a local home.

NHS Halton Clinical Commissioning Group (CCG): Information Management & Technology (IM&T) Strategy 2015-18

NHS Halton CCG has a clearly stated intention to use transformational technologies to meet the needs of Halton's patient population, users and staff and as such in June 2015 the Board received details of NHS Halton CCG's IM&T Strategy.

The Board was advised that the Strategy had been developed in conjunction with a number of key stakeholders. The Strategy identifies what both local priorities were in relation to IM&T and also the wider healthcare economy priorities which spanned a number of organisations and which were likely to span the life of the strategy.

A number of work streams have been identified within the Strategy which had been based on areas that were not currently being met and then identifying the possible solutions that could meet this need; their potential impact on outcomes and also their ease of implementation had also been mapped. As a result it was reported to Board that a number of detailed project plans were now being developed in collaboration with the relevant stakeholders to progress developments and implementation of the Strategy.

'Top Up' Policy

In January 2016, the Board received information regarding Additional Payments (for accommodation), commonly referred to 'Top ups'. Under the Care Act 2014 an individual can choose care home accommodation best suited to their needs. This may be more expensive than the 'going rate' for the type of accommodation that Halton has negotiated with the provider for a person with such needs. In such cases, a 3rd party, usually a nominated family member, will agree to pay the additional amount the provider is asking. Dealing with these 'additional payments', monitoring them and agreeing liability when the 3rd party can no longer continue to make such payments is what the policy presented to the Board sets out.

Because responsibility for top-ups has historically been between the 3rd party and the provider, Halton has never previously required an Additional Payments policy. However, in the light of the changes stemming from the Care Act and advice from Halton's legal department, this approach was no longer regarded as best practice. It could result in a greater risk of litigation in situations where the 3rd party is no longer able to maintain payments. The Act recommends that each Local Authority should have a level of oversight of the Top-Up payments between 3rd party and provider.

As such it was decided that the most appropriate way to achieve this was to have a policy and a tripartite agreement which clearly states that liability lies with the 3rd party if Top-Up payments can no longer be met. Failure to do so could result in prolonged and expensive legal cases involving not only the provider, but also the 3rd party or the person in need of care.

SCRUTINY REVIEWS

Discharge from Hospital

The Discharge from Hospital scrutiny review focused on the quality of the Discharge planning process and associated pathways to those Halton residents who have been admitted to the local Acute Trusts for both elective or emergency care. It examined the services that are already in place and evaluated their effectiveness in meeting the needs of the local population.

The group sought national and local evidence and undertook a range of site visits to understand best practice in and the systems and issues with ensuring timely, safe and effective discharge of people from hospital. Contributors were made by Hospital Discharge Teams, the voluntary sector, Warrington and Halton Hospitals NHS Foundation Trust, St Helens and Knowsley Teaching Hospitals NHS Trust, Care Home support teams, NHS Halton CCG; 2 local GP's and their surgeries and the North West Ambulance Service.

As a result of the review the Board has made a number of recommendations, including that:-

- The Voluntary Sector need to develop a plan with the Acute Hospitals to map out how they will work collaboratively in respect of supporting people through hospital discharge;
- A Community Care Matron with the capacity and skills to prescribe and undertake medication reviews would enhance the Care Home Support Team;
- A review of patients repeatedly re-admitted for treatment of the same condition should consider coding such re-admissions in a different way such as open access. The use of the urgent care centres to deliver a broader range of treatments should be considered;
- Acute Hospitals should continue to ensure the maximum use of their discharges lounges which support a more timely discharge process; and
- Effective communication and timely access to clinical information is key to ensure safe and effective discharge and systems should continue to develop to improve this.

PERFORMANCE

The Health Policy and Performance Board has a key role in monitoring and scrutinising the performance of the Council in delivering outcomes against its key health priorities. Therefore, in line with the Council's performance framework, during the year the Board has been provided with thematic reports which have included information on progress against key performance indicators, milestones and targets relating to Health.

INFORMATION BRIEFING

During 2015/16 the Board continued to receive an Information Briefing Bulletin in advance of each of the Board meetings.

The Information Briefing is a way of trying to manage the size of the agendas of the Board meetings better. Including information on topics which were previously presented to Board as reports only for the Board's information now into the Information Briefing bulletin allows the Board to focus more on areas where decisions etc. are needed.

Areas that have been included in the Information Briefing over the last 12 months have included:-

- Halton's Learning Disability Nursing Team;
- Care Home Support Team;
- Adult Safeguarding;
- People and Economy Directorate Business Plan 2016/19 - Adult Social Care Key Developments;
- Summary of Care Quality Commission GP Inspection Reports;
- Update on implementation of the Loneliness Strategy; and
- Accident and Emergency Attendances.

WORK TOPICS FOR 2016/17:

The Board recognise and value the essential role that carers play in supporting some of the most vulnerable people in our community and with the introduction of the Care Act 2014, Carers are now recognised in law in the same way as those they care for; this means they have the right to an assessment of their needs. As a consequence, the Act has resulted in an unprecedented focus on Carers and their own health and for the first time sets out a set of national criteria to establish whether the Carer is eligible for support.

As such in March 2016, the Board chose Carers as the scrutiny topic to be examined during 2016/17.

The topic will focus on the type and quality of Carers Services provided in Halton and the associated pathways in place to support Carers' ability to access those Services. It will examine these services and associated pathways, with a view to evaluating their effectiveness in meeting the needs of the local population.

Report prepared by Louise Wilson, Development Manager – Urgent and Integrated Care, Policy & Economy Directorate

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**ANNUAL REPORT
CHILDREN AND YOUNG PEOPLE POLICY AND PERFORMANCE BOARD
APRIL 2015 – MARCH 2016**



Cllr. Mark
Dennett
Chairman
Children &
Young People
PPB

“I always like to start by looking back over the previous twelve months. The focus of the Board was very much around the scrutiny of our social care services, ensuring that we continue to provide the support for our children in care and families who come into contact with the social care system, ensuring that the systems and support are in place to protect our young people. The critical need for these services has been highlighted by the cases in Rotherham, and we continue to make sure they are fully supported, especially in these times of savage government cuts.

We have also examined how the education reforms have affected our schools. All of our primary schools are still wrestling with how they can assess our children's progress without levels of attainment to measure against. This is even more highlighted when Her Majesty's Chief Inspector singled out Halton for it's high performance in our schools notably, the proportion of disadvantaged pupils (pupils on Free School Meals (FSM) achieving 5+ A*- C including English and Mathematics at GCSE was the highest in the North West and in the top 10 nationally. Unfortunately, proving these kinds of successes will be even more difficult now with the educational reforms.

As I have done over the last few years, I would like to take this opportunity to congratulate our students who did so well this year, and also thank the parents, carers and teachers who supported them in achieving these fantastic results. The results show Halton's continued commitment to drive up standards and improve the opportunities available to all of our young people as they move into adulthood.

Looking back I think it has been a good and varied ninth year for the board and I would like to thank all of the members of the board, as well as all of the officers involved for their continued support and contribution.

Going forward I intend to look further at the educational reforms and look at ways we can help our family of schools to come together and ensure that our children continue to get the best educational start in life. We will also continue to scrutinise our social care and safeguarding services, ensuring that we do everything we can to support our most vulnerable children and young people.

Finally, I would like to conclude this report by thanking all of the officers and members (of all parties) involved in all of the 'additional duties' that take place to make sure that the children and young people receive that best care and support. Duties such as being a school governor with all of the responsibilities that that entails, statutory inspections of our care homes (Regulation 44) or of our social worker teams (Climbié visits), membership of the Local Safeguarding Board, the Adoptions Panel, the Children and Young People's Trust, to name but a few of the 'extra duties' that both members and officers perform to support and improve the lives of the children and young people of our Borough.”

Councillor Mark Dennett

Chairman, Children, Young People and Families Policy and Performance Board

MEMBERSHIP AND RESPONSIBILITIES

During 2015/16 the Board comprised Eleven Councillors – Councillors M. Dennett (Chairman) Cllr G. Logan (Vice Chairman), L.Cassidy, P.Hignett, M. Horabin, K Loftus, A McInerney, J.Roberts, J. Stockton, A. Wall, B.Woolfall, and Co-optee E Lawler.

The Board is responsible for scrutinising performance and formulating policy in relation to the work of the Council (and its partner agencies within Children’s Trust Arrangements) in seeking: to ensure that children and young people in Halton have the best possible start in life and opportunities to fulfil their potential and succeed; and to scrutinise progress against the Corporate Plan and the Children and Young People’s Plan.

REVIEW OF THE YEAR

The full Board met five times during the year, and set out below are some of the main initiatives that the Board has worked on during the year.

Working with Our Family of Schools

The Board formed a topic group to see how the Authority could better support our family of schools, in light of reducing resources within the authority and increased autonomy of schools. The topic group met four times and made a number of recommendations back to the Board that it felt could improve our support to schools.

Early Years Review

The Board received a report which provided a summary of the school performance data for early years in Halton. The report identified the challenges the Borough faced and described the actions to be taken to raise standards. It also provided details on the progress the Borough was making in terms of the national child measurement programme and similarly the challenges faced in the early years development.

Education Structure

The Board supported a report on the development of Halton’s Education Service. Following the resignation of the Operational Director, Learning and Achievement, the departmental management arrangements were revisited and revised. The report set out the restructure of the roles within the newly named ‘*Education Division*’, which had now transferred to the Organisation and Provision Department, along with the *0-25 Inclusion*, to form the *Education Inclusion and Provision Department*. The restructure would be augmented by Halton’s existing Strategic System Leadership Group which was explained to the board.

Domestic Abuse Service

The board considered a report on a commissioned service from Core Assets Children's Services to deliver a new domestic abuse service for children, young people and families ensuring a co-ordinated approach to support offered. The service provides information, advice and direct support to families in a variety of ways and works directly with parents to reduce the impact of domestic abuse on parenting capacity. The service is supported by HBC Children's Social Care with the Cheshire and Merseyside Local Authority Pre-Proceedings Protocol.

Care Leavers Charter

Members endorsed a revised Care Leavers Charter that reflected their aspirations and expectations in their own words. The Charter had been produced by the young people through consultation with young people to fully reflect the issues that were important to them.

Transformation Plan For Mental Health Services

The Board received a presentation from the NHS Halton Clinical Commissioning Group (CCG) which provided an update on the transformation of the Emotional Health and Wellbeing Services for the Young People of Halton. The presentation outlined the following areas:

- National Policy – '*Future in Mind*';
- What was currently in place in Halton;
- What had been achieved to date;
- What was hoped to be achieved by March 2016;
- The transformational Plan and links to the *All Age Mental Health Strategy*; this included areas for additional investment;
- Eating disorders services; and
- Future opportunities.

Further Developing Links Between Halton's Businesses And Schools

The Board received a report on the work being undertaken to further develop the relationship between the Education and Business sectors in Halton. It was noted that there were a number of interventions that already contributed to promoting strong links between schools and businesses and the report summarised some recent positive activities that had taken place to achieve this. The report also outlined some additional proposals which would inform and complement future design plans, particularly in regard to how schools were supported in engaging with and supporting local employers; but also how students were provided with effective and valuable careers information, advice and guidance.

The report also set out the Liverpool City Region devolution arrangements with Government on this agenda, the main asks are :

- Establish Liverpool City Region Careers Hub
- Government place a duty to co-operate on all nationally funded organisations delivering careers initiatives in the City
- Government to devolve the funding for the National Careers Service to the City Region.

The report concluded by setting out the restructuring of the Education Business Partnership to become the Careers Education and Employment Advice service that will be available to provide services to both schools and employers strengthening the links that already exist in the Halton.

Council Single Business Plan

The Board approved the final draft of the Children, Young People and Families elements of the Council's Single Business Plan for 2016-19. It was noted that since 2010 each Directorate had been required to produce a medium term Business Plan which covered a three year period however a Single Business Plan would now be constructed for the Authority as a whole.

To ensure the production of a Business Plan that enabled the Authority to meet the priorities identified within the Corporate Plan, the information from each Directorate would be set out under the Council's priority headings:

- Children and Young People;
- Employment, Learning and Skills;
- A Safer Halton;
- A Healthy Halton;
- Environment and Regeneration; and
- Corporate Effectiveness and Efficiency

Members regularly considered matters relating to Safeguarding in particular in the work of the Halton Children's Trust and Safeguarding Children's Board. Members received a presentation on Child Sex Exploitation and also reports on Inglefield's Short Break Service, Locality Early intervention, Special Educational Needs Reforms, Complaints and Compliments services and the learning from these. Reports were also received on Independent Living, Children and Families Service, Youth Council Priorities, Prevent Duty, The Education Outcomes for Children in Care and a Scrutiny Topic Update on how we are working with our family of schools.

Members of the Public are welcome at the meetings of the Board. If you would like to know where and when meetings are to be held or if you would like any more information about the Board or its work, please contact Ann McIntyre on 0151 511 7332 ann.mcintyre@halton.gov.uk

**ANNUAL REPORT
SAFEER HALTON POLICY AND PERFORMANCE BOARD
APRIL 2015 – MARCH 2016**



Councillor Dave
Thompson
Chairman

Creating a 'Safer Halton' remains a key priority for the Council and its partners and empowers confidence in our residents and visitors that they are supported and protected from harm.

The Safer Halton Policy and Performance Board remains focussed on meeting the needs of the community as well as exploring and anticipating emerging issues.

I am satisfied, as Chair of the Board that we have considered, responded to, and reported on the main issues affecting Halton and we have also focused on new areas that have not previously been scrutinised. We have challenged the use of Novel/New Psychoactive Substances (so called 'Legal Highs'), forming conclusions before even the government was advising of change. We have also examined this year the work by the Border Agency, RNLI, Port Health and other bodies that also contribute to our safety. The Board has also examined new areas of the work undertaken by Cheshire Police which pose emerging threats to Halton, including the control of dangerous dogs and counter terrorism.

'Chairman's Announcements' were added to the agenda this year to ensure that feedback could be provided to members on actions or issues discussed at the previous meeting.

I thank my colleagues who sit on the Board for their contributions and to those officers who presented to the Board for their through and thought-provoking input. In particular I wish best wishes to Cllr Lea who is standing down as Vice Chair and a member of the Council.

We have also been extremely fortunate to have excellent support and reporting from our officers and I would place on record my thanks to: Chris Patino, Mike Andrews, Jimmy Unsworth, Nicola Hallmark, Natalie Chase-Caffyn, Suzanne Shepherd, Janet Guy, Elspeth Anwar, Lyn Derbyshire, John Williams, Christine Lawley, Jackie Rogers; Peter Kenny, Gill Ferguson, Ann Jones and Bill Seabury.

Councillor Dave Thompson
Chairman, Safer Halton Policy and Performance Board

MEMBERSHIP AND RESPONSIBILITIES

During the municipal year 2015-16 the Board comprised of 11 elected members: Councillors Thompson (Chair), Lea (Vice-Chair), Bradshaw, Edge, Gerrard, Gilligan, Hill, M. Lloyd-Jones, Nolan, Sinnott, and Zygadlo. I would like to extend our particular thanks to Cllr. Ratcliffe who sat on the Board prior to her defeat in the May 2015 elections.

The Board is responsible for scrutinising performance and formulating policy in relation to Community Safety, Domestic Abuse, Safeguarding Adults, Environmental Health and Safer Halton Partnership. The Board is also represented on the Cheshire Police & Crime Panel.

Topic Groups for 15/16:

- Novel/New Psychoactive Substances ('Legal Highs')

The board also agreed a programme of 'scrutiny visits' which are on-going at this time.

REVIEW OF THE YEAR

The full Board met 4 times during the year.

The programme of activity for the Board over the 2015/16 period covers the following:

OVERVIEW AND SCRUTINY

Mounting concerns over the rising trend in the use and abuse of Novel Psychoactive Substances (NPSs), led the PPB to form a scrutiny topic group. The group met monthly to review actions and initiatives aimed at both monitoring and alleviating the problem.

An early recommendation was taken to Executive Board to impose a ban of NPSs on all Council and premises.

Officers and partner agencies fed into the topic group in order to examine the usages and prevalence of NPSs within the Borough; the enforcement options available; and the activity and initiatives aimed at alleviate the issue, and in particular consideration of the welfare of young people across the community. It was noted that there was use of NPSs being made in the borough and that the Council had a role to play with other agencies in tackling this issue.

An amendment to the Statement of Licencing Policy (SOLP), incorporating a commitment for premises to manage drug misuse, was recognised as a key achievement in identifying and tackling the issue.

During a site visit to the Council's commissioned substance misuse service, CRI, the group were impressed by the outstanding work and wide spectrum of activity

taking place. Work includes education and deterrent programmes, through to support and wellbeing services.

The topic group found that the Council had at its disposal sufficient powers to act against any shop or premises selling NPSs and we had a means of influence to see actions being taken across local authority boundaries.

COMMUNITY SAFETY

Community Safety remains a high priority for the Council.

Increased concerns around fraud, scams and counterfeiting, and the impact of this on residents, was highlighted in a report from **Trading Standards**. The service, transferred back to Halton in April 2014 from a joint service with Warrington, covers a vast array of activity aimed at protecting the community and its businesses as consumers – from giving advice through to prosecuting on behalf of victims. The services' Annual Report was noted and the Board particularly emphasized the most vulnerable members of the community and how the work of Trading Standards is critical to their protection. The work of our Trading Standards Officers was felt to be outstanding when set against the context of them having very limited resources.

At the June meeting the Board considered a presentation from Cheshire Police on **dangerous dogs**. Dangerous dogs were found to be an issue for Cheshire Police which most affected Halton. The trigger points for attacks were identified, including lack of castration of male dogs and PC Lennox gave an overview of the incident of both injury and deaths, and the cost to the NHS. The presentation included details of enforcement legislation used to tackle the issue and the community work undertaken to engage with dog owners. The Board noted some crucial issues for Halton, including that dogs were being trafficked through Halton. This matter was subsequently raised with the Police and Crime Commissioner as a concern for the Board.

The Council's adults' **substance misuse services** were the subject of a report delivered to the Board in June. The information presented covered a wide array of activity, feeding back on key intervention programmes and forward-thinking project work. The Board noted that the commissioned substance misuse service, CRI, had undergone a major premises change but had seen no interruption of service.

Additional input to the Board was made in relation to **NPSs**, and this supported the findings of the scrutiny review.

Drug use continued to be a focus of concern for the Board in 2015/16. The multi-agency approach taken in Halton was viewed to be highly successful in reducing drug offences, but also thefts, violence, criminal damage and other offences. The Council is also now equipped with new 'tools and powers' to tackle conduct in private lettings and this further supports actions against properties from which drug activity is noted.

The **Local Alcohol Action Area (LAAA)** project concluded its work and presented

its findings. Halton had been one of just 20 to be designated LAAA areas, underling the hard work undertaken in Halton. The Board praised the approaches taken and the achievements accomplished.

In November the Board received details of the education and prevention work of the **Cheshire Fire and Rescue Service**. As with all the early intervention work taking place across the borough, the multi-agency working practices shared with this service are proving successful. The report focussed not only on the reduction of deliberate fires but also on the service's responsibilities to ensure safety in our homes and on the roads.

Anti-social behaviour figures continue to be monitored through Safer PPB. More serious crime, and in particular the **Integrated Offender Management Scheme (Navigate)** was studied during a presentation in January. The service currently works with the 49 most prolific offenders. Navigate was viewed by the Board as an excellent programme managed by Cheshire Police that was delivering considerable success.

DOMESTIC ABUSE

The reports heard by the Board covered domestic abuse figures and actions. The ongoing work of the Domestic Abuse team within Community Safety continues to challenge the issues faced; educating and informing, reporting and scrutinizing and supporting and facilitating. The Board continue to commend the continued work undertaken to reduce incidence and support victims.

The Board has expressed a wish that the Council work to secure corporate 'White Ribbon' status.

SAFEGUARDING ADULTS

The Board retain an overview of the safeguarding of adults across Halton and received performance figures in respect of this.

A presentation was also received by **North West Ambulance Service**. The Board noted challenges relating to hospital transfers and were pleased with the 'first responder' scheme, working with volunteers across the region.

ENVIRONMENTAL HEALTH

The geography of Halton, and some of the issues this creates, was a running theme of the reports heard by the Board.

At our September meeting the Board received a presentation from the **Port Authority**. This was requested as part of our bid to widen agendas of the Safer PPB to ensure that members had a rounded picture of those issues impacting on the borough. The Manchester Port Health Authority gave a comprehensive overview of their role in environmental health, and in particular in relation to the transport of organic substances and the control of pests. It was felt that their work

at the Port of Runcorn was extremely important.

As part of our efforts to broaden the schedule of activity covered by the Board I further invited the **UK Visa and Immigration Service** to address Members. The presentation given covered the governance of the service, its main concerns and the work programmes aimed at alleviating illegal immigration. The work of the Service was deemed to be comprehensive and important but the Board were concerned that continuing austerity cuts by government would undermine the work of the service.

Local businesses have their part to play in the health of residents, and the borough's commercial food outlets were the focus of a report from the Director of Public Health. This gave the Board an understanding of the **Food Hygiene Rating system** and the Board resolved to lobby their MPs to request that signage be made mandatory in the windows/ entrances of all food establishments. Ministers responded through Derek Twigg MP and Graham Evans MP that the government would consider making signage compulsory in England as it already was in Wales.

The Council's plans to safeguard the welfare of residents during the **Mischief Night/Halloween** period and during **Bonfire Night (Operation Treacle)** are received annually, and feedback emphasised again that the proactive approach taken was successful.

The Board is open to receiving petitions from the public and to responding to public concerns. Residents of the **Royal Avenue** area of Widnes attended the January meeting to raise concerns in relation to the **Multi-Use Games Area (MUGA)** and anti-social behaviour that caused nuisance on site. The Board agreed that a group of members and officers instigate a working group with the involvement of the residents to examine actions that could be taken.

SAFER HALTON PARTNERSHIP

The Board continue to monitor and note the actions of the Partnership, ensuring that significant agenda items are brought to PPB for scrutiny. Feedback from the Board is, in turn, made to the Partnership via my attendance at Partnership meetings.

CHESHIRE POLICE AND CRIME PANEL

The Board received regular updates from the Police and Crime Panel, including taking the opportunity to comment on the **Police and Crime Commissioners Annual Report**.

A new operating model within Cheshire Police was introduced this year and the Board was pleased that two LPUs were formed in Halton and that beat and PCSOs were being allocated to wards. Overall, despite £38 million of cuts in government grant, policing in Halton was felt to be working well.

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REPORT TO:	Standards Committee
DATE:	10 February 2016
REPORTING OFFICER:	Operational Director, Legal and Democratic Services/Monitoring Officer
PORTFOLIO:	Leader
SUBJECT:	Standards Committee Annual Report
WARDS:	Borough-Wide

1.0 PURPOSE OF THE REPORT

1.1 To summarise the work of the Committee in the last municipal year.

2.0 RECOMMENDATION: That the report be noted and referred to Council for information.

3.0 SUPPORTING INFORMATION

3.1 Throughout the year Standards Committee was made up of nine elected members, Councillors P Lloyd Jones (Chair), M Bradshaw, Cassidy, Cole, J Lowe, McDermott, T McInerney, Parker and Wainwright. In addition, there were two co-opted independent members, Mr Tony Luxton and Mrs Anita Morris. The positions for two co-opted Parish Council Members remained vacant throughout the year, although appointments were made at Annual Council for the municipal year 2015/16. The Council's three independent persons under the provisions of the Localism Act were Professor David Norman, Mrs Dianne Howard and Mr Roy Radley and they were all invited to each meeting. The Committee met on one occasion during the year.

3.2 The role of the Standards Committee is to:

- Help Councillor and Co-opted members to observe the Members' Code of Conduct.
- Promote and maintain high standard of conduct by Councillors, Co-opted Members and Church and Parent Governor representatives.
- Advise the Council on the adoption or revision of the Members' Code of Conduct.
- Monitor the operation of the Members' Code of Conduct.
- Provide training to Councillors and Co-opted Members on matters relating to Members conduct.
- Deal with complaints against Councillors and Parish Councillors.
- Deal with matters concerning politically restricted posts.

- Deal with dispensations relating to Declarations of Interest

3.3 At the meeting in February 2015, members considered the Annual Report, which had noted major changes to the Standards regime and the implementation of the Localism Act. The meeting also received an update dealing with issues which had arisen in other parts of the country which had provided an insight into the nature of matters raised and how they had been dealt with elsewhere. Members also received an update on matters arising within Halton. It was noted that no further investigations had been required into any of the three complaints which were received.

4.0 POLICY IMPLICATIONS

4.1 None.

5.0 OTHER IMPLICATIONS

5.1 None.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

None.

6.2 Employment Learning and Skills in Halton

None

6.3 A Healthy Halton

None.

6.4 A Safer Halton

None.

6.5 Halton's Urban Renewal

None.

7.0 RISK ANALYSIS

7.1 No risks have been identified which require control measures.

8.0 EQUALITY AND DIVERSITY ISSUES

8.1 None.

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

9.1 There are no background papers within the meaning of the Act.



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NOTICE OF MOTION

To be submitted to the meeting of Full Council to be held on:

13th July 2016

in accordance with Standing Order Number 6.

	Name (in capitals)	Signature
Proposer:	Cllr Tom McInerney	
Seconder:	Cllr Mark Dennett	

Title **SUPPORTING OUR SCHOOLS**

Motion

Halton Council are committed to having aspirational and effective education for all our children.

Currently, the vast majority of Halton's schools are good or outstanding and we are committed to seeing all our schools achieve the highest standard of attainment.

The partnership between schools in Halton and Halton Council is a strong one which has delivered good educational outcomes for Halton's children, including added value through extra-curricular activities.

The current Tory Government proposed in their March 2016 Budget to force all schools to become Academies by 2022. This is still the Government's ultimate goal.

The Council believes this ideologically driven policy will not deliver the aspirational and effective education we want for all children in Halton.

We believe this Council has a continued role to play in the future education of our children in Halton.

We call on the Secretary of State for Education to allow us to work with all those schools who want to, in creating a new educational partnership.

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Report by the Local Government Ombudsman

Investigation into a complaint against Halton Borough Council (reference number: 14 001 787)

22 March 2016

The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Investigation into complaint number 14 001 787 against Halton Borough Council

Contents

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Introduction..... 3
Legal and administrative background..... 3
How we considered this complaint 5
Investigation 5
Conclusions 11
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Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

Key to names used

Ms X - the complainant

Miss Y - the complainant's sister and the main person affected

Ms Z - another sister of the complainant

Report summary

Adult social care

Ms X complains on behalf of her sister Miss Y who has disabilities. She says that when the Council was appointee for Miss Y between September 2002 and October 2013 it failed to deal properly with her money and then did not appropriately respond to her complaint about this.

Finding

Fault found causing injustice and recommendations made.

Recommendations

To remedy the injustice caused, the Council should:

- apologise to Ms X for the failures identified which affected both Ms X and Miss Y;
- repay £11,700 to Miss Y to put her back in the position she was in before it miscalculated her housing benefit overpayment. The Council has already acknowledged its error here and has repaid Miss Y;
- refund to Miss Y the appointee charges applied from January 2006 until it stopped being her appointee, in recognition of its failure to manage her money properly;
- reimburse Miss Y with the £400 she overpaid for her bills;
- reimburse Ms X with the £292.75 which she spent on clothes for Miss Y;
- pay £500 to Ms X for the avoidable distress, time and trouble it caused her;
- arrange an independent, external process to review its practices in light of this report for the existing 17 service users for whom the Council is currently appointee and who live in a house of multiple occupation (HMO) with people for whom the Council is not appointee. In view of the risks to service users, this should take place as soon as possible to ensure that any safeguarding concerns are acted on at the earliest opportunity.
- make sure it has arrangements in place to:
 - ensure it has more robust ways of dealing with bill payments for service users;
 - ensure it has a quality assurance and monitoring system in place to consider its practice in those cases where it is appointee. This should include best interests decisions which the appointee relies on to make payments;
 - ensure relevant staff receive training in appointeeship, mental capacity, best interests and safeguarding adults so that decisions about people's money are properly made. Also set up routine refresher training for those staff;

- ensure that people in supported accommodation have a fair and accountable system to pay for communal goods;
- review its complaints process and training in the light of these events to ensure it deals with future complaints more effectively; and
- develop guidance to providers on holiday planning for service users.

The Council should confirm to us it has taken this action within three months of the date of this report.

Introduction

1. Ms X complains on behalf of her sister Miss Y. She says that when the Council was appointee for Miss Y between September 2002 and October 2013, it:
 - paid more than Miss Y's fair share for the bills in the supported accommodation she lived in throughout 2011, 2012 and part of 2013;
 - did not refund Ms X for essential items the Council agreed she could buy for Miss Y;
 - billed Miss Y for a holiday which Ms X does not believe she took; and
 - left Miss Y without any money when it took £3,470.88 for an outstanding housing benefit overpayment after Ms X took over as appointee. The overpayment happened over time while the Council was appointee.
2. Ms X says the Council should not have left Miss Y without any money; it should have agreed a repayment plan with Ms X for the housing benefit overpayment. Ms X was appointee at the time the Council took the money but it was the Council's fault the debt had accrued.
3. Ms X would also like the Council to repay Miss Y the money it overcharged her for the bills and reimburse Ms X for the items she bought for Miss Y in good faith.

Legal and administrative background

4. The Ombudsman investigates complaints about 'maladministration' and 'service failure'. In this report, we have used the word fault to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1)*)
5. The Ombudsman cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (*Local Government Act 1974, sections 26B and 34D*).
6. Ms X complained to the Council many times over years, but the Council did not deal with her complaints effectively and this delayed her complaint to the Ombudsman. This is a good reason for us to investigate events of more than 12 months ago.
7. We may investigate a complaint on behalf of someone who has died or who cannot authorise someone to act for them. The complaint may be made by:
 - their personal representative (if they have one); or
 - someone the Ombudsman considers to be suitable.(*Local Government Act 1974, section 26A(2)*)

8. The Council has been dealing with Ms X for many years and she is now appointee for Miss Y; we consider that she is a suitable person to complain on behalf of Miss Y.
9. The Ombudsman may investigate matters coming to our attention during an investigation, if we consider that a member of the public who has not complained may have suffered an injustice as a result. (*Local Government Act 1974, section 26D and 34E*)

Mental capacity

10. The Mental Capacity Act 2005 (the Act) is the legal framework for acting and deciding on behalf of people who lack the mental capacity to decide themselves. The Act and the accompanying Code of Practice 2007 (the Code) describe the steps to take when dealing with someone who may lack capacity to decide for themselves.
11. The Code describes when a person's capacity to decide should be assessed, how to do this, and how to decide on behalf of someone when they cannot. It also says that lack of capacity to decide in some areas of life may be a reason to question that person's capacity to decide in other areas of life.
12. A key principle of the Act is that any act or decision on behalf of a person who lacks capacity must be in that person's best interests. The Act provides a checklist of steps that decision makers must follow to decide what is in a person's best interests. This includes considering the person's past and present wishes and feelings, beliefs and values and the views of other people who are close to the person.
13. Any staff involved in the care of a person who lacks capacity should make sure a record of the process is kept on the person's file, setting out:
 - how the decision was reached;
 - what the reasons were;
 - who was consulted; and
 - what factors were taken into account.

Appointees and benefits

14. An appointee is responsible for making and maintaining any benefit claims on behalf of someone who is incapable of managing their own finances. There can only be one appointee acting on behalf of that person at any one time. An appointee can be held responsible if benefit is overpaid. The appointee must:
 - tell the benefit office about any changes which affect how much the claimant gets; and
 - spend the benefit it receives in the claimant's best interests.
15. The Council's leaflet (dated 2010) about its Deputy and Appointee Service says the Deputy and Appointee Team will "monitor your money" and will "act in the best interest of the client at all times". The leaflet also says "We will pay all your bills on your behalf".

16. Income support is an income related benefit paid by the Department for Work and Pensions (DWP) to working age people who have no income or a low income from working less than 16 hours a week. Income support is not usually available to people with capital over £16,000. People with capital over £6,000 are treated as having more income for each £250 capital they have over a £6,000 lower limit, and their entitlement is therefore reduced according to how much they are over the limit.
17. Housing benefit is a means tested benefit paid by the local council to people on low income, to help with paying rent. Housing benefit is not usually available to people with capital over £16,000. Working age people are treated as having more income for each £250 capital over a £6,000 lower limit, and their entitlement is therefore reduced according to how much they are over the limit.
18. The diminishing capital rule sets out how councils should calculate capital retrospectively if the person's housing benefit award had been lower. It takes into account that, with less benefit paid, the person's capital would have been reducing over time.

Supported accommodation

19. Supported accommodation allows people to rent or own their own home and receive the support they need to live as independently in the community as possible. Service users' needs must be assessed and a support plan developed.

How we considered this complaint

20. This report has been produced following the examination of relevant files and documents and through discussion of these with the complainant and with the Council.
21. The complainant and the Council were given a confidential draft of this report and invited to comment. The comments received were taken into account before the report was finalised.

Investigation

Background

22. Ms X was appointee for her sister, Miss Y. In 2002, when Miss Y moved into supported accommodation, her social worker suggested it would be easier for the Council to take over as appointee as Ms X lived far away.
23. The Council took over as appointee for Miss Y and charged her for the service. Miss Y's statements show various amounts as "appointee fee" including £28.70 in January 2007, £31.62 in April 2007, £77.85 in June 2007 and £82.71 in January 2008. From April 2013 it charged her £5 a week.
24. From 2006 until October 2013, Creative Support, the Care Provider commissioned by the Council, provided Miss Y with support on site at her supported accommodation. Miss Y attended a day service each day where she received some one-to-one support. She

shared the accommodation with one or two others; this varied over the time she was there. Miss Y received housing benefit and income support for many years.

25. Miss Y has two sisters; Ms X and Ms Z. Miss Y has since moved into a care home near Ms X but at the time of these events she lived in a different part of the country. Ms Z lived abroad. For many years, Miss Y visited both sisters regularly, staying several weeks with each. Ms X also visited Miss Y occasionally. From time to time, Ms X asked the Council for money from Miss Y's account; this was for the trips to visit her sisters and at times for clothes or other personal items for Miss Y. Neither sister was otherwise involved in Miss Y's finances.
26. Miss Y's assessment completed by the Council in 2007, says Miss Y does not have the mental capacity to make an informed decision about sharing information. It also says Miss Y can have difficulty understanding simple instruction.
27. Miss Y's care plan dated 2007, and the subsequent reviews dated 2009 and 2010 stated that, as well as support with her finances, Miss Y needed support to:
 - participate in activities;
 - choose her own clothes and jewellery so she felt comfortable and liked how she looked;
 - eat a healthy balanced diet so her weight remained stable; and
 - purchase toiletries and have her hair cut and coloured so she would be clean and look good.

Utility bills

28. When it first became appointee, the Council paid the accommodation's utility bills from a general account and reclaimed contributions from each resident including Miss Y. After 2008, it took the water bill and the TV licence fee in full from Miss Y's account and repaid her when it collected those contributions from the other resident(s).
29. When the Council experienced increasing difficulty collecting the other residents' shares, it changed the arrangement and passed responsibility for the bills to the Care Provider. The Council continued to pay the water bills and TV licence fees in full from Miss Y's account.
30. The Council accepted that between 2008 and 2010 Miss Y "probably overpaid" by around £400 due to some "errors" in the "netting off" against other bills. It said this was offset by the bills for which she did not pay her share, as records show that she "may have benefitted by £409.65".
31. Between 2008 and 2013, Miss Y paid the water and TV licence bills in full but the other residents did not always pay their shares back to her. Between 2010 and 2013 Miss Y received no contributions towards these bills and so overpaid by approximately £402. Miss Y was not charged for her share of gas, electricity, phone and insurance during this

period because the Care Provider failed to invoice. The Care Provider eventually agreed to pay these outstanding bills for all residents. Over this period, Miss Y paid £603.62 water and TV licence but the other residents paid nothing. Miss Y's share of the water and TV bills was £201.00.

32. Between April 2013 and September 2013, when there were three residents, all bills were shared between Miss Y and another resident for whom the Council was also appointee. Miss Y and the other resident were reimbursed when the third resident paid her share.
33. The Council says the payment of utility bills in a house of multiple occupation (HMO) where it is not appointee for all residents, is a complex matter. Each approach creates a risk to one party or another.
34. Miss Y's account shows widely varying amalgamated amounts for bills. We have not been able to discover exactly how much she paid and how much she should have paid. The Council has retrospectively constructed a record of various bills and payments however there is a lack of robust information to evidence the accuracy of this.

Complaint handling

35. Ms X contacted the Council on many occasions to discuss her sister's care and finances. The Council says the majority of this contact was with the social worker and it first recorded a formal complaint in April 2013. It accepted that it had delayed in responding to the issues Ms X had raised, and closed the complaint when Ms X did not reply within 20 days.
36. Ms X was concerned about the way Miss Y's finances were being managed by the Council so she arranged to take over as appointee.
37. In January 2014, Ms X complained to the Council about some of the issues she had previously complained about and some new matters. She asked for information about transactions on the account the Council operated on behalf of Miss Y from before 2010. She had previously asked for this information and the Council had not yet given it to her. She asked why Miss Y was charged a substantial care bill on 24 October 2013 when she had moved out on 14 September 2013. She also asked why the Council had not arranged a payment plan instead of leaving Miss Y with no money, and why she had been charged for a holiday she did not take. The Council says it found it difficult to establish exactly what her complaints were.
38. Ms X also complained about the payment for a freezer which had been purchased jointly by the residents. She asked for more information as she understood Miss Y had paid the full amount and wanted to check she had been reimbursed. The Council had only given Ms X part of the bill so she could not see how it had been paid.
39. In February 2014, Ms X complained to the Council again. She asked again for the statements before 2010 and why some payments made to Ms X did not show on the statements she had received. Ms X queried several payments, including four of £80 which she did not understand, and asked about a payment for £210 with no description. Ms X

also asked to see the Care Provider's accounts for Miss Y so she could check them. The record of bill payments includes information relating to all the residents so the Council said it could not disclose this information to Ms X.

40. Ms X complained to the Council again in June 2014. She said the response it had sent did not show Miss Y had paid fair contributions to the bills. She said she had not received answers to several of her specific complaints. Ms X found it became difficult to speak to anyone at the Council.
41. The Council wrote to Ms X. It said it was satisfied its appointee team had managed Miss Y's finances fairly and appropriately. It explained the four payments she had queried were Miss Y's weekly allowance, which she had not used and it had therefore refunded these to her account. It also explained that it would now credit the £350 charged to Miss Y for a carpet. Ms X understood the Care Provider was responsible for the cost of the carpet. The Council said it refunded the money because both the Council and the Care Provider should have contacted Ms X about the purchase as she was the signatory on Miss Y's tenancy agreement. While the Council says this response addressed all Ms X's concerns, it accepts it had delayed responding to her complaints and could have kept her more informed about progress and given clearer, more detailed information in response.

Benefits overpayments

42. At the end of 2006 Miss Y had a balance of around £9,000 in the account the Council operated on her behalf. In 2009 she had an account balance of about £16,000. By 2012 Miss Y had a balance of around £23,500.
43. In October 2012, the Department for Work and Pensions (DWP) decided Miss Y had received too much income support; it said it had paid her £8,461.28 more than she was entitled to. The Council repaid the income support overpayment from Miss Y's account to the DWP and decided it had paid her over £11,700 too much housing benefit.
44. Miss Y was left with an account balance of just over £13,000; the housing benefit debt she owed to the Council was £11,700.28. The Council considered how she had been spending her benefit over the last few years and felt it was not in her best interest to leave her with only a small balance. It reclaimed half the housing benefit overpayment and agreed a repayment plan for the rest.
45. In January 2013, the Council's benefits service wrote to Miss Y asking for evidence of her capital/shares so it could recalculate the overpayment with accurate figures.
46. On 7 November 2013, the Council repaid the remaining housing benefit overpayment of £3,470.88 from Miss Y's account and transferred a nil balance to Ms X.
47. The Council said it had taken the full amount of the debt because Miss Y was moving into another area and it would then have been difficult to recover. Ms X felt insulted by this and said the Council had no cause to think this. She did not complain about the overpayment because she did not doubt it was due.

48. The Council says it did not apply the diminishing capital rule to calculate the housing benefit overpayment because Miss Y had only supplied three bank statements. It said Miss Y did not respond to its request for evidence of her capital/shares so it could not recalculate the amount.
49. An undated, internal email discussing Ms X's complaint states "we probably should have noticed the level sooner and notified the DWP". It continues "however she would have had to pay back any overpayment of income support and housing benefit in any event" and "would have had to pay her own rent anyway".

Holiday and clothes

50. Ms X says she told staff at the supported accommodation that Miss Y should not go on the holiday they proposed in June 2010. She was told this would be a week in a private villa with pool which she understood to be in Rhodes. Ms X believed this was not suitable for Miss Y; Miss Y needed activities to keep her occupied. She says Miss Y would be able to decide she would like to go on holiday but would not be able to decide about where to go and whether it was suitable.
51. Ms X does not believe Miss Y went on the holiday. She says this because there are no withdrawals from Miss Y's account for spending money, or travel to and from the airport, only around £800 for the holiday. However, the holiday company confirmed that Miss Y travelled to Cyprus for the holiday. Ms X was not aware that Cyprus was considered.
52. The Care Provider's records also support this. The daily notes while she was away include the following comments.
 - We went out for our evening meal of chicken and chips and glass of wine.
 - [Miss Y] didn't want to go in the pool today.
 - We went to the supermarket to buy groceries.
 - She was having a wonderful time.
 - Spent the day in the pool.
 - Sun block applied, sat on lounger.
 - She stayed in the shade.
 - Weather was too hot for her.
 - [Miss Y] has come out in a rash.
53. The notes say staff took Miss Y to a pharmacist who confirmed she had prickly heat rash and recommended cream and anti-histamines.
54. When we asked for care plans and assessments covering the time of the holiday, the Council provided a care plan dated May 2007 and reviews dated November 2009 and

2010. After a second request it provided an assessment dated 2007. None of these identified any need for a holiday other than the ones she regularly took with her sisters and there was no mental capacity assessment or best interest assessment.

55. Council records show Miss Y had around £300 each year for clothes which she bought supported by her care worker. In 2011 however, there is no record of any money for clothes and in April 2012 she had an additional £170 to buy an outfit for a family wedding.
56. Ms X complained to the Council about the clothes Miss Y wore when she visited. She said they were mostly too tight and not appropriate to the time of year. Following a visit in March 2013 when Miss Y arrived with summer clothes, Ms X took over buying Miss Y's clothes.
57. Ms X had to replace most of Miss Y's day clothes in July 2013 because they were unsuitable or too small for her. This cost just under £600; the Council reimbursed Ms X with £400 and Miss Y paid the other £200 from her spending money. Ms X also had to buy Miss Y a winter coat and shoes in September 2013; she says the Council should have refunded her with £142.75 for this, but did not. The Council has no record of agreeing to this.
58. In October 2013 Miss Y moved to a care home near Ms X. The care home asked Ms X to replace and increase the amount of underwear and bedwear for Miss Y, because what she had needed replacing, and she had increasing difficulty with continence. Ms X says she agreed this with the Council and bought the items but it did not refund the £150 she spent. The Council has no record of this agreement. Ms X provided receipts which do not suggest this was an excessive amount.
59. The Council says Miss Y had already had £900 for clothes in 2013 and so should not have needed more in September and October 2013. Ms X says she buys nice clothes and this is not a lot considering how much she had to buy.

The Council's actions

60. Since the events which Ms X complains about, the Council has taken the following action:
 - Reviewed procedures to ensure it monitors capital and promptly notifies relevant agencies where capital exceeds the benefit thresholds;
 - Introduced monthly balance checks and quarterly reviews for each appointee client's finances;
 - Improved communication between the appointeeship team and the benefits service;
 - Improved processes to ensure it applies the diminishing capital rule where appropriate.
61. The Office of the Public Guardian has recently inspected the Council's appointeeship arrangements and found it has robust management procedures in place.

Conclusions

62. For at least seven years and possibly longer, the Council failed to effectively manage Miss Y's money while it was responsible, as appointee, for her financial affairs. It also charged her for doing this. The overpayments of benefits and confusion about household bills resulted from the mismanagement of her money.

Utility Bills

63. Under no circumstances was it acceptable for the Council to pay bills for other residents using Miss Y's money so she carried the risk of non payment. The Council, as appointee, should have ensured the payment from Miss Y's account was for her share only; its actions here were clearly not in her best interests.
64. The Council did not have effective systems in place to ensure that Miss Y's money was properly managed and her bills paid on time. Its records do not clearly show how it spent her money over the whole time it was appointee, and therefore we cannot know whether she paid a fair share.
65. The Council said Miss Y "probably overpaid" about £400. It accepts that for 30 months she paid the water and TV licence in full and was not properly reimbursed. It said this was offset by occasions when she did not pay her share. The Council also accepts that accounting arrangements for the household bills were "complex" and "difficult to disaggregate" but it believes it can demonstrate bills were apportioned correctly most of the time. We accept the Council's position that Miss Y's overpayments were, in effect, reimbursed most of the time. However, we do not consider this was due to robust systems.
66. We are confident that the Council caused Miss Y a financial loss of approximately £400. This relates to the time when she paid the water and TV bills on her own and the Care Provider failed to invoice residents for the other bills. This meant that over this period, Miss Y paid £603 and the other residents paid nothing. Miss Y's share of the water and TV bills was £201 but she paid £603. Since the water and TV bills were paid by Miss Y on behalf of the other residents, she was entitled to have £402 reimbursed to her.
67. Miss Y also paid a share of carpets, white goods and other furnishings which other people, who had not paid towards them, then used. This is not acceptable. In this case, Ms X feels this did not cause Miss Y any significant injustice however there is a risk this practice has caused significant injustice to others in similar circumstances.

Complaint handling

68. Ms X made some serious allegations yet the Council delayed and avoided dealing with them; it gave only superficial responses. Ms X was sure Miss Y was not paying a fair share of the bills and was not satisfied with the responses to her questions and complaints. She had to pursue the Council relentlessly and ultimately took on the responsibility of appointee because the Council failed to respond adequately. This caused Ms X significant and avoidable distress, time and trouble.

69. The Council should have considered the issues Ms X raised under its safeguarding procedures. Ultimately, this meant serious failings continued unchecked and caused Miss Y more risk of harm and distress through lost opportunities and uncertainty. This also caused Ms X more time, trouble and distress.
70. The Council accepts it delayed dealing with Ms X's complaint and says that it should have offered Ms X a stage 2 investigation sooner. However, it should not have needed a further stage to its investigation to recognise the seriousness of the concerns Ms X had raised.

Benefits overpayment

71. Since at least 2006, Miss Y had capital above the lower limit of £6,000 for both income support and housing benefit. At no time between 2006 and 2012 did the Council alert the DWP to this or consider why Miss Y was not spending her income. In fact, it was the DWP that alerted the Council.
72. The Council did not calculate the housing benefit overpayment properly and despite having the records available as appointee, it wrote to Miss Y to ask for statements. When she did not provide the information, it decided that it could not calculate the payment accurately so it would stand at £11,700.
73. While this report was being finalised and in light of our enquiries, the Council reviewed its approach to this overpayment. It found that, had it applied the diminishing capital rule, Miss Y would have been entitled to a credit of £8,080. It also accepts that it should not have recovered the remaining balance of £3,620 because it was due to its own error. It has therefore agreed to refund the full £11,700 to Miss Y.
74. The Council says it considered Miss Y's best interests when it planned to reclaim the housing benefit overpayment of £11,700 in full at the end of 2012. It decided however, although there is no evidence of a formal best interests assessment, that reclaiming the full amount would leave Miss Y with too little money. It therefore took half the amount immediately, and agreed to take the rest in small weekly amounts. One year later, the Council did not consider Miss Y's best interests at all when it took the outstanding debt and left her with a nil balance. Although the Council has now agreed to refund this money to Miss Y in full, this caused significant distress to Ms X as she experienced financial hardship, lost opportunities and stress.

Holiday and clothes

75. The Council's role as appointee gave it responsibility to manage Miss Y's benefits and to spend them in her best interests. Otherwise, it had a responsibility to meet her assessed eligible needs.
76. We know Miss Y did not have the mental capacity to manage her finances in general as this is why the Council was appointee. We also know that she did not have the mental capacity to manage her own tenancy; this was why she received housing related support. Council records show she could not decide about sharing information and had difficulty following simple instructions at times. We are satisfied there was enough reason for the Care Provider and the Council to doubt her capacity to decide whether the holiday was

suitable. The Council knew Ms X was an interested family member and should be involved in decisions about Miss Y.

77. The decision to go on this holiday was not a day-to-day decision. It involved spending a large amount of money, and considering what holiday would be suitable for Miss Y's needs. The Council's responsibility to use Miss Y's money in her best interests meant that when the Care Provider requested payment for the holiday, it should have triggered the Council's own best interests assessment. The Council says it did carry out a best interests decision process but did not record it and cannot locate the Care Provider's risk assessment and care plan. Part of the best interests decision making process is recording the process and the outcome; without a record we cannot accept that this was properly done for either the decision about the holiday or the decision about the money.
78. We have no evidence other than Ms X's word that she told staff Miss Y should not go on the holiday, or that it was unsuitable; only that a holiday was discussed. Anyway, regardless of whether Ms X expressed this view, the Council did not properly consider this and did not decide in Miss Y's best interests. The Council was at fault here and this caused injustice to Miss Y as she was under avoidable, increased risk of harm. It is fortunate that Miss Y was not caused more injustice here than she was.
79. It is of concern that Miss Y's new care home had to ask for new underwear and sleepwear for Miss Y and that Ms X had to buy new daywear for her. Miss Y's care plan set out that she should have support to choose her own clothes and buy items so she felt comfortable and looked good. That all her wardrobe needed changing in such a short time suggests no one had considered whether she was comfortable or looking good.
80. The Council said Miss Y had regular money for clothes and should not have needed this amount of clothes in such a short time. However in 2011 there is no record of money for clothes and in previous years only about £300 a year. We do not consider this was likely to be sufficient to maintain a suitable wardrobe especially in light of her increasing needs and her need to feel comfortable and look good. The Council should have ensured Miss Y's needs were being met and her money spent to improve her quality of life but instead, it caused her distress because she lost the opportunity to do this. The Council did not provide a good reason why it should not reimburse Ms X with the money she spent on Miss Y. It was at fault here and caused Ms X further stress and a financial loss.

Decision

81. We have completed our investigation into this complaint. There was fault by the Council which caused injustice to Ms X and Miss Y. The Council should take the action identified below to remedy that injustice.

Recommendations

To remedy the injustice caused, the Council should:

- apologise to Ms X for the failures identified which affected both Ms X and Miss Y;

- repay £11,700 to Miss Y to put her back in the position she was in before it miscalculated her housing benefit overpayment. The Council has already acknowledged its error here and has repaid Miss Y;
- refund to Miss Y the appointee charges applied from January 2006 until it stopped being her appointee, in recognition of its failure to manage her money properly;
- reimburse Miss Y with the £400 she overpaid for her bills;
- reimburse Ms X with the £292.75 which she spent on clothes for Miss Y;
- pay £500 to Ms X for the avoidable distress, time and trouble it caused her;
- arrange an independent, external process to review its practices in light of this report for the existing 17 service users for whom the Council is currently appointee and who live in a house of multiple occupation (HMO) with people for whom the Council is not appointee. In view of the risks to service users, this should take place as soon as possible to ensure that any safeguarding concerns are acted on at the earliest opportunity.
- make sure it has arrangements in place to:
 - ensure it has more robust ways of dealing with bill payments for service users;
 - ensure it has a quality assurance and monitoring system in place to consider its practice in those cases where it is appointee. This should include best interests decisions which the appointee relies on to make payments;
 - ensure relevant staff receive training in appointeeship, mental capacity, best interests and safeguarding adults so that decisions about people's money are properly made. Also set up routine refresher training for those staff;
 - ensure that people in supported accommodation have a fair and accountable system to pay for communal goods;
 - review its complaints process and training in the light of these events to ensure it deals with future complaints more effectively; and
 - develop guidance to providers on holiday planning for service users.

The Council should confirm to us it has taken this action within three months of the date of this report.

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