WIRRAL

Cabinet

Date:	**Thursday, 9 April 2009**
Time:	**6.15 pm**
Venue:	Committee Room 1 - Wallasey Town Hall

Contact Officer:	Andrew Mossop
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AGENDA

1. **MINUTES**

   The minutes of the last meeting have been printed and published.

   The following two minutes have been called in:

   Minute 407 (Asset Management Update)

   Minute 436 (Parenting and Preventing Commissioning)

   and all members and relevant Chief Officers have been notified.

   RECOMMENDATION: That the minutes, with the exception of the above two minutes, be approved and adopted.

2. **DECLARATIONS OF INTEREST**

   The members of the Cabinet are invited to consider whether they have a personal or prejudicial interest in connection with any of the items on this agenda and, if so, to declare it and state the nature of such interest.

CHILDREN'S SERVICES AND LIFELONG LEARNING

3. **ADMISSION ARRANGEMENTS FOR COMMUNITY SECONDARY SCHOOLS 2010-11 (Pages 1 - 20)**

SOCIAL CARE AND INCLUSION

22.   **EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

The following items contain exempt information.

RECOMMENDATION: That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by the relevant paragraphs of Part I of Schedule 12A (as amended) to that Act.

FINANCE AND BEST VALUE

24.   **ANY OTHER BUSINESS**

To consider any other business that the Chair accepts as being urgent.

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WIRRAL COUNCIL

CABINET – 9TH APRIL, 2009

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

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ADMISSION ARRANGEMENTS FOR COMMUNITY SECONDARY SCHOOLS 2010-2011

Executive Summary

1.0   This report invites the Cabinet to determine the Authority's admission arrangements for community secondary schools and the coordinated admissions scheme for 2010-2011.

Background

2.0   The Authority is required to consult on its admission arrangements for secondary schools and determine the arrangements by April of the pervious year. Regulations made in 2003 also require the Authority to have in place a coordinated scheme for admissions to all secondary schools in 2010-11. A copy of the proposed scheme is attached (Appendix 1).

Responses to the Consultation

3.0   There were no responses to the consultation.

Changes to the Coordinated Scheme

4.0   Following the initiation of consultation in December 2008 there have been two factors which have an impact on secondary admission arrangements.

4.1   The first is the approval by the Secretary of State of the new Birkenhead High School Academy. The Academy is now included in the coordinated admission arrangements from September 2010. Also from September 2010 Wirral Grammar School for Girls and West Kirby Grammar School for Girls are Foundation Schools, responsible for their own admission arrangements. From April 2009 Bebington High School is also a Trust school responsible for its own admission arrangements.

4.2   The School Admissions Code 2009 also has an impact on local arrangements in the following ways.

(a)   The Authority will be unable to inform admissions authorities for voluntary aided, foundation and academies of the rank order of parents' preferences.

(b)   There is now a national closing date for secondary applications of 31st October in the offer year.

(c)   The fair access protocol must be extended to include the list of categories of children set out in appendix 3 of the code.

4.3 In view of the above statutory changes Amendments have been made to the coordinated scheme. The Admissions Forum has also agreed to establish a working party to review the Fair Access Protocol (d) so as to ensure undersubscribed schools do not admit a greater proportion of children with challenging behaviour than other schools.

Admission Numbers

5.0 For Community Schools these are indicated in Appendix 2.

Financial and Staffing Implications

6.0 There are none.

Human Rights Implications

7.0 There are none.

Equal Opportunities Implications

8.0 There are none.

Planning Implications

9.0 There are none.

Local Agenda 21 Statement

10.0 There are none.

Local Member Support Implications

10.0 All wards are affected by this report.

Community Safety Implications

11.0 There are none.

Social Inclusion Implications

12.0 There are none.

Anti-Poverty Implications

13.0 There are none.

Background Papers

14.0 The School Admissions Code of Practice 2009.

Recommendations

That Cabinet agree the proposed admission arrangements and coordinated scheme for 2010-2011.

Howard Cooper
Director of Children's Services

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WIRRAL

SCHEME FOR THE CO-ORDINATION OF ADMISSION ARRANGEMENTS FOR MAINTAINED SECONDARY SCHOOLS

This scheme fulfils the requirements of a qualifying scheme under the Education (Coordination of Admission Arrangements) (Secondary Schools)(England) Regulations 2002 for the area of Wirral Borough Council. It builds on the well-established coordination of secondary school admissions that have been a longstanding feature of local practice.

The scheme applied for admissions to secondary schools for the academic year 2005/2006, which was the initial year, and for subsequent years subject to any review. The following admissions authorities are covered by the scheme:

ADMISSIONS AUTHORITY	NUMBER & TYPE OF SCHOOLS
Wirral Borough Council	11 Community Secondary Schools
The governing bodies of the following schools:	
St John Plessington Catholic College	Voluntary Aided School
St Anselm's College	Voluntary Aided School
St Mary's Catholic College	Voluntary Aided School
Upton Hall School FCJ	Voluntary Aided School
Ridgeway High School	Foundation School
South Wirral High School	Foundation School
Calday Grange Grammar School	Foundation School
West Kirby Grammar School for Girls	Foundation School
Wirral Grammar School for Girls	Foundation School
Wirral Grammar School for Boys	Foundation School
Bebington High School	Trust School
Birkenhead High School Girls Academy	Academy

Applications for school places in the normal admission round (that is for admission to Year 7)

1.1   Wirral Authority will act as the co-ordinating authority for all applications.

1.2   All parents who live in the area administered by Wirral Borough Council must apply for places in maintained secondary schools either in Wirral or in the area of another local education authority by completing the Wirral Parental Preference Form.

1.3   Parental Preference Forms will be distributed to the parents of Year 6 pupils in September 2009. We will accept only one application form per child. If parents are separated, they must reach agreement as to the preferences for school places. If agreement cannot be reached, or if neither parent has been granted a Specific Issues Order in this respect, then we will accept the application from the parent with whom the child is "ordinarily resident". Parents who wish a different address to be used because they are moving house must provide verification of the move, e.g. independent evidence such as tenancy agreement or an exchange of contracts in a house purchase (and evidence that there home has been sold).

1.4   Parents will be invited to express preferences for up to five schools and to outline reasons in support of their preferences. Parents should rank schools in the order of their preference. Preference forms should be returned to the Children and Young People's Department by 31st October 2009. Schools which receive preference forms directly should forward them to the Children and Young People's Department.

1.5   If a child is eligible for a place in more than one school, they will be offered the school which their parent has ranked as the highest preference.

1.6   Applications for voluntary aided and foundation schools will be sent to the relevant admissions authorities by the Children and Young People's Department.

1.7   Applications for a school place in the area of another Local Authority will be sent to that Authority along with any details and supporting evidence provided by the parent by the 15th November 2009.

1.8   Aided and Foundation Schools in Wirral are required to send to the Children and Young People's Department by the 19th January lists of pupils to whom they can offer places and lists of pupils in rank order who cannot be offered places.

1.9   On the 1st February 2010 the Authority will notify other Authorities of provisional allocations of places in Wirral secondary schools.

1.10   When the Authority receives from other Authorities details of their provisional allocation for Wirral children seeking places in schools maintained by them, the

Authority will then offer the highest preference if they are eligible for more than one school.

1.11   On 23 February Wirral Authority will inform schools and neighbouring Authorities of the final allocations. Letters will be posted to parents on 1st March.

1.12   If a parent is unsuccessful with all of their applications their child will be offered a place at the nearest appropriate school where there are places available after all preferences have been considered.

How decisions on applications for places in Year 7 will be made

2.1   Each secondary high school has a published admission number. Places will be allocated up to but not beyond this number.

2.2   <u>Community Schools</u>

Places at community schools will be decided by the Director of Children's Services in accordance with the following arrangements:

 2.2.1   <u>Community All Ability Schools</u>

Applications for community all ability schools will be ranked in order according to the following criteria:

(a)   Children who are in care.

(b)   Pupils who have a medical reason for attending a particular school. (A letter in support from a health care professional will be required as evidence).

(c)   Pupils who have a brother or sister (including half or step-brothers and sisters living in the same household) at the school when the pupil starts school (and of statutory school age).

d) The Authority will then take account of where the child lives. We will give priority to those pupils who live nearest to the school. We use a computer mapping system, based on Ordnance Survey maps, to measure distances from your home to the school gate nearest to your child's home using the shortest road route unless it is possible to use a footpath which we consider a safe walking route.

(e) Where the final place in a year group is offered to one of twins (or triplets etc) it will be our policy to admit the other twin (or triplets, etc) too even if that means going above the admission number.

Admissions to Grammar Schools

3.1 Admissions authorities for the grammar schools in Wirral will allocate places only to children who have achieved the required standard. If they are over subscribed with children who have achieved the standard, they will not be able to offer places to all; they will use other non-academic criteria to decide which children should be offered places. Parents who wish their child to be assessed for grammar school education should inform the Children and Young People's Department by 27th September, 2009. The Authority will inform the governors of Upton Hall School and St. Anselm's College of the details of the children whose parents wish them to be assessed for a place at those schools; those children will be assessed by the schools themselves. The Authority will make the arrangements to assess all other children.

The Authority conducts the assessment arrangements for Calday Grange Grammar School, West Kirby Grammar School, Wirral Grammar School for Boys and Wirral Grammar School for Girls. All the grammar schools are foundation schools, they have criteria to determine which children will be given places if more children achieve the standard than there are places available.

The assessment is based on the results of two verbal reasoning tests that pupils take in the autumn term of the final year of primary education. The test does not take into account what pupils have learnt at primary school. They have been designed to predict a pupil's potential performance at secondary school and so

preparation for the verbal reasoning tests, apart from the practice tests, is not necessary. However, we will provide a familiarisation pack to help children prepare for the tests.

So that children are not disadvantaged because of their date of birth, in each case the score is changed by using conversion tables to take account of each child's exact age in years and months. The two test scores are then added together. Children who reach the required score will be deemed to have reached the grammar school standard unless their primary school head teacher refers them to the Independent Assessment Board.

Independent Assessment Board

As soon as the test results are known, the Authority will tell primary school head teachers the scores of their pupils and the required score for the grammar school standard. The Authority will invite head teachers to make representations on behalf of any children whose test results do not, in their view, reflect the children's potential. Since there is a strong relationship between verbal reasoning scores and potential, these cases will be quite rare.

The Authority will also refer to the Board the cases of any pupils who have been given extra time in the tests because of a disability.

The Authority will then arrange a meeting of an Independent Assessment Board. The Board is made up of four headteachers (two from primary schools, two from grammar schools) and is chaired by an inspector from the Children and Young People's Department. None of the Board will have any personal interest in any of the pupils they are asked to assess.

In some cases parents may feel that certain factors may have affected the child's academic performance (for example, if his or her education has been severely disrupted because of ill health, change of schools, or any other reason). If this does apply, it is important that parents should inform their child's headteacher, in writing, no later than 17 December 2009. The information will be considered by the Independent Assessment Board if the child's case is referred to the Board.

For each child whose case is referred, the Board will see:

- the child's verbal reasoning test scores and papers
- the representations made by the primary school head teacher with supporting evidence if necessary, and
- confidential information from parents and reports from other professional agencies such as educational psychologists, social workers. doctors and so on.

The Board then uses its professional judgement to decide whether the evidence clearly shows that the results of the verbal reasoning tests did not truly reflect the child's ability. The Board will decide in each case whether or not the child has reached the grammar school standard.

3.3   At the end of the process, the Authority will have a list of the children who have reached the grammar school standard. This does not necessarily mean that they will go to a grammar school; that will depend on the number of preferences that we have for the grammar schools. If a grammar school is oversubscribed, the governors use other criteria to decide who should be given places.

Admissions to Foundation Trust Schools and theAcademy

4.   The governing bodies of these schools publish their own admission arrangements which include the criteria which the governing bodies will use if their school is oversubscribed.

Admission to Voluntary Aided Schools

5.   The governing bodies of St John Plessington Catholic College, St Anselm's College, St Mary's Catholic College and Upton Hall School FCJ publish their own admission arrangements which include the criteria which they will use to determine priorities if their school is oversubscribed.

Children with Statements

6.   All schools will be required to admit a pupil if he or she has a Statement of special educational needs naming the school.

Allocation of Places

7. Parents resident in Wirral will be informed in writing by the Director of Children's Services on the 1 March 2010 of the school allocated to their child. This will include the allocation of a place in a school of another Authority if the parent's application for a place there has been successful. The letter will also inform parents of their right to appeal to an independent panel and who to contact to make an appeal.

Late Applications

8. Preferences which are received by 31 October 2009 will be dealt with according to the arrangements described in paragraphs 1 to 3. Preferences which are received on or after 1 November 2009 will be dealt with after places have been allocated on the 1st March 2010. At that point some schools may be full and no more places will be allocated at those schools. In the case of schools which have places available, places will be allocated in accordance with the arrangements described in paragraphs 2 and 3. A second round of tests for grammar school assessment will be held in March 2010.

Places which become available after 1st March

9.1 Places which become available after 1st March, for instance because parents turn down a place that has been allocated, will be re-allocated up to the school's admission number. If there are more requests for to a particular school than there are places available, the Authority (for community schools) will use the same criteria as for the initial allocation. In most cases the re-allocation will be made depending on where the children live. If this is the case, the Authority will keep a list in order of those who will have priority because they live nearer the school in question.

9.2 In the autumn term the Authority will hold a waiting list for children whose parents would still like them to be considered for a place at a school which is full at the beginning of the term. If places become available after the start of the autumn term, they will be offered to children on the waiting list, following the same criteria as when places were first offered. The waiting list will be kept open until the last day of the autumn term.

Admissions to schools other than at the normal time of admission

10.1   Admissions to schools other than at the normal admission age are managed in accordance with the arrangements set out for the admission at the normal time of admission. Parents will be invited to express a preference for one or more schools. Preferences for foundation or voluntary aided schools will be forwarded to the relevant governing bodies for consideration.

10.2   If a parent expresses a preference for one or more community schools, the Authority will request from the Headteacher of the child's current or previous school, information relating to the child's curriculum record, attendance and behaviour. This information together with a copy of the parent's preference form and any relevant documentation from other agencies such as the Education Social Welfare Service will then be forwarded to the Headteacher of the school(s) requested for comments. The Director of Children's Services will then decide whether or not to offer a place at the school.

10.3   The governing body will inform the Authority within

10.4   10 school days of receipt of the preference form whether they will offer a place.

10.4   If a parent expresses a preference for one or more of the foundation or voluntary aided grammar schools then their child will be assessed by the school or schools concerned and a decision made by the governing body as to whether to offer a place.   The governing body will inform the Authority of the outcome of the application.

10.5   If there are places available in more than one of the preferred schools the Authority will offer the child the school of their parent's highest preference. Parents will be informed by the Director of Children's Services of the school allocated in writing. The letter will also inform the parent of their right to appeal to an independent panel and who to contact to make an appeal.

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FAIR ACCESS OR IN YEAR ADMISSIONS PROTOCOL

1.   All requests for places in year will be considered with reference to the Authority's current admission arrangements. The vast majority of requests will be agreed or refused with reference to two important factors: parental preference, and the availability of places within the relevant year group.

2.   Where places are available in the relevant year group it is unlawful to refuse a parent's preference on the grounds of a pupil's previously poor attendance or behaviour. Admissions Code of Practice 2008 restricts refusal of parental preference to those situations where schools are either in special measures or have recently come out of special measures.

3.   In view of the "Guidance on Hard to Place Children" (DfES 2004 and the subsequent Guidance on Fair Access Protocols 2007), there are a small group of pupils for whom the normal arrangements will be varied. These are as follows:

   (a)   Children in care. Looked After Children will be placed in the school of their carers preference irrespective of the availability of places in the year group. However, the Authority will give careful consideration to the reasons given in support of a preference and monitor the flow of such requests.

   (b)   Children who have recently experienced a traumatic family or domestic event or for whom there are clear medical grounds to support placement in a particular secondary school. Such cases will be discussed in detail with the headteacher concerned before placement is confirmed. Again such placements will be made above the published admission number if necessary.

         (All pupils in categories (a) and (b) have to meet the appropriate standard for admission to grammar school. There would also be a requirement on the relevant admission's authority to consider any religious reasons given in support of a placement request).

(c)   In accordance with the Admissions Code 2009 protocols must include, as a minimum, children of compulsory school age in the following categories:

- Children attending PRUs who need to be reintegrated back into mainstream education;

- Children who have been out of education for longer than one school term;

- Children whose parents have been unable to find them a place after moving to the area, because of a shortage of places;

- Children withdrawn from schools by their family, following fixed term exclusions and unable to find another place;

- Children of refugees and asylum seekers;

- Homeless children;

- Children with unsupportive family backgrounds, where a place has not been sought;

- Children known to the police or other agencies;

- Children without a school place and with a history of serious attendance problems;

- Traveller children;

- Children who are carers;

- Children with special educational needs (but without a statement);

- Children with disabilities or medical conditions;

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- Children returning from the criminal justice system; and

- Children of UK service personnel and other Crown Servants.

4. There is a small group of pupils for whom placement and transfer requests are problematic because of their poor records of attendance or behaviour. Headteachers should not support transfer requests for such pupils but should refer the case to the Principal Officer (Admissions and Exclusions). A decision will then be taken on whether the possibility of a 'managed move' to an alternative school should be discussed with headteachers and the parent. For pupils who are at risk of permanent exclusion and on the roll of a Wirral school it is open to the headteacher to refer the case to the Principal Officer (Admissions and Exclusions) to consider the possibility of a managed transfer.

5. Pupils in category 4 above who have moved to live on the Wirral will have their parent's request considered with reference to the normal admission arrangements. It is unlawful to refuse their preference if there are places available in the relevant year group.

6. Pupils who have been permanently excluded will normally be placed on the roll of WASP (Wirral Alternative School Provision). In a minority of cases where the exclusion was as the result of a 'one off incident' such pupils will be transferred immediately to an alternative school. Such transfers will be agreed with the parent and relevant headteacher. All secondary schools will take a minimum number of 1, or the number of permanent exclusions in the previous academic year, as the agreed quota of permanently excluded pupils for placement.

The majority of such pupils will have spent some time in the relevant alternative base or PRU. The transfer to a school will be decided at the Wirral Excluded Pupils Monitoring Panel (WEMP) on which headteachers are represented. All such placements will be initially on a trial basis for a minimum of six weeks. Confirmation of placement or the school roll will be subject to satisfactory report.

ADMINISTRATIVE PROCEDURES FOR TRANSFERS AND PLACEMENTS

The Authority coordinates all parental requests for in-year transfers and placements.

1.   Upon receipt of a transfer request Pupil Services staff will establish whether or not the request has been discussed with the headteacher of the pupil's current school. If this is not the case, parents will be advised to contact the headteacher to discuss their request.

2.   If the parents have discussed the request with the headteacher the transfer request form will be acknowledged and parents informed that Pupil Services will request completion of appropriate documentation to forward to their preferred school. Requests for transfer in Y10 and Y11 will be discouraged on educational grounds, but parents have the ultimate right to proceed with the request.

3.   The Transfer of Information Form will be sent to the pupil's current school for completion. The headteacher of the school must sign this information form. The form should be returned to Pupil Services within 10 school days.

4.   Upon receipt of the Transfer Request Form from the current school the decision will be taken either to refuse or to proceed.

5.   If it is decided to proceed with the request, all relevant documentation will be forwarded to the requested school and the headteacher asked for comments. This documentation should include the parents' request form, reports from the current school and any other information from ESWs, Social Workers, EPs etc. (In the case of a voluntary aided or foundation school the request will be forwarded to the governors of the school).

6.   The headteacher of the requested school should reply to the Authority within 5 school days, with comments expressing any reservations regarding admission of the pupil. The Authority will enter into discussion with the headteacher regarding any reservations. These discussions should be undertaken within 5 school days. Where it would be helpful, the Principal Officer (Admissions and Exclusions) may

facilitate meetings between the parents and the schools involved in order to resolve any difficulties.

7. For Community Schools the Authority will consider all available information and decide whether to agree or refuse the request. For Foundation and Voluntary Aided Schools a decision will be communicated to Pupil Services.

8. If the request is agreed headteachers will be informed of the decision, with any relevant explanation. Parents will be informed in writing and advised to contact the headteacher of the new school to arrange admission.

9. If the request is refused headteachers are informed of the decision and parents are informed in writing and given details of their statutory right to appeal. If a parent lodges an appeal, copies of the relevant documentation will be sent to the preferred school.

10. The time taken for a transfer request to be processed should be as short as possible. The Authority guarantees that parents will be informed of the outcome of their request within 15 school days.

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**WIRRAL COMMUNITY SECONDARY SCHOOLS
PROPOSED ADMISSION NUMBERS FOR 2010-11**

Community Schools	Proposed Admission Number for 2010-2011
Hilbre High School Humanities College	180
Mosslands School	265
Oldershaw School	200
Park High School	250
Pensby High School for Boys	150
Pensby High School for Girls	150
Prenton High School for Girls	158
Rock Ferry High School	246
Wallasey School	250
Weatherhead High School Media Arts College	254
Woodchurch High School Engineering College	279

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WIRRAL COUNCIL

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

CABINET MEETING – 9th APRIL, 2009

ADMISSION ARRANGEMENTS FOR COMMUNITY AND VOLUNTARY CONTROLLED PRIMARY SCHOOLS 2010-2011

Executive Summary

1.0   This report invites the Cabinet to determine the admissions arrangements for community and voluntary controlled primary schools and the coordinated admissions scheme for 2010-2011.

Background

2.0   The Authority is required to consult on its admission arrangements and to determine the arrangements by April of the preceding year. Regulations also require the Authority to have in place a coordinated scheme for admission to all primary schools. A copy of the proposed scheme is attached (Appendix 1).

Response to the Consultation

3.0   There are no responses to the consultation.

Changes to the Coordinated Scheme

4.0   Following the approval by the Secretary of State the new Birkenhead High School Academy is now included in the scheme.

4.1   Following the 2009 Code of Practice on Admissions the scheme has been amended to include the national closing date for primary applications as the 15th January. The Authority will also be unable to provide details of the order of preference on an application form to other admissions authorities.

Admission Numbers

5.0   Appendix 2 details the proposed school admission numbers for 2010-2011.

Financial and Staffing Implications

6.0   There are none.

Equal Opportunities Implications

7.0   There are none.

Human Rights Implications

8.0   There are none.

Local Agenda 21 Statement

9.0   There are none.

Planning Implications

11.0   There are none.

Local Member Support Implications

12.0   All wards are affected by this report.

Community Safety Implications

13.0   There are none.

Social Inclusion Implications

14.0   There are none.

Anti-Poverty Implications

15.0   There are none.

Background Papers

16.0   The School Admissions Code 2009.

Recommendations

That Cabinet agree the proposed admission arrangements and coordinated scheme for 2010-2011.

Howard Cooper
Director of Children's Services

WIRRAL

SCHEME FOR THE CO-ORDINATION OF ADMISSION ARRANGEMENTS FOR MAINTAINED PRIMARY SCHOOLS IN THE WIRRAL AREA

This scheme fulfils the requirements of a qualifying scheme under the Education (Co-ordination of Admission Arrangements) (Primary Schools) (England) Regulations 2002 for the area of Wirral Borough Council. It builds on the well established co-ordination of primary school admissions that have been a longstanding feature of local practice.

The scheme applied to arrangements whereby children are to be admitted to primary schools in the academic year 2006/2007 which was the initial year, and for subsequent years, subject to any review. The following admissions authorities are covered by the scheme:

Admissions Authority	Number & Type of Schools
Wirral Borough Council	61 Community Primary Schools 4 Voluntary Controlled Primary Schools
Christ Church (Moreton) CE Primary School Governing Body	1 Voluntary Aided Primary School
Christ The King Catholic Primary School Governing Body	1 Voluntary Aided Primary School
Dawpool CE Primary School Governing Body	1 Voluntary Aided Primary School
Holy Cross Catholic Primary School Governing Body	1 Voluntary Aided Primary School
Ladymount Catholic Primary School Governing Body	1 Voluntary Aided Primary School
Our Lady and St Edwards Catholic Primary School Governing Body	1 Voluntary Aided Primary School
Our Lady of Lourdes Catholic Primary School Governing Body	1 Voluntary Aided Primary School
Our Lady of Pity Catholic Primary School Governing Body	1 Voluntary Aided Primary School
Sacred Heart Catholic Primary School Governing Body	1 Voluntary Aided Primary School
St Alban's Catholic Primary School Governing Body	1 Voluntary Aided Primary School
St Andrew's CE Primary School Governing Body	1 Voluntary Aided Primary School
St Anne's Catholic Primary School Governing Body	1 Voluntary Aided Primary School
St John's Catholic Junior School Governing Body	1 Voluntary Aided Primary School

St Joseph's (Birkenhead) Catholic Primary School Governing Body	1 Voluntary Aided Primary School
St Joseph's (Upton) Catholic Primary School Governing Body	1 Voluntary Aided Primary School
St Joseph's (Wallasey) Catholic Primary School Governing Body	1 Voluntary Aided Primary School
St Laurence's Catholic Primary School Governing Body	1 Voluntary Aided Primary School
St Michael & All Angels Catholic Primary School Governing Body	1 Voluntary Aided Primary School
St Paul's Catholic Primary School Governing Body	1 Voluntary Aided Primary School
St Peter & St Paul Catholic Primary School Governing Body	1 Voluntary Aided Primary School
St Peter's Catholic Primary School Governing Body	1 Voluntary Aided Primary School
St Peter's CE Primary School Governing Body	1 Voluntary Aided Primary School
St Saviour's CE Primary School Governing Body	1 Voluntary Aided Primary School
St Werburgh's Catholic Primary School Governing Body	1 Voluntary Aided Primary School
The Priory CE Primary School Governing Body	1 Voluntary Aided Primary School
Woodchurch CE Primary School Governing Body	1 Voluntary Aided Primary School
Birkenhead High School Academy	1 Academy

1. Applications for school places in the normal admissions round (that is, for admission in Foundation 2)

1.1 Wirral Authority will act as the co-ordinating authority for all applications.

1.2 All applications from parents resident in Wirral for a school maintained by Wirral Authority must be made on the common Primary School Application Form. Forms will be generated and distributed centrally by the Mainstream Admissions & Transport Section of the Children & Young People's Department in September 2009.

The form provides an opportunity for the parent to:

apply for up to 3 schools

rank the schools applied for in order of preference

1.2   Applications for all schools including Voluntary Aided schools must also be made on the common Primary School Application Form.

1.3   Schools in the scheme should not deal with application forms. They should forward them directly to the Children and Young People's Department.

1.4   Parents must return forms to the Children and Young People's Department by the 15th January 2009 to ensure the allocation of a school place on the last weekday in March 2010. Applications received after the published deadline of 15th January will be dealt with once the offer of places has been sent to parents on the last weekday in March.

1.5   Parents can apply for school places only from the 1st September preceding admission to Foundation 2, that is, at the beginning of the academic year in which their child's 4th birthday falls. Children are admitted to school at the beginning of the academic year in which their 5th birthday falls.

1.6   Applications from separated parents. We will accept only one application form per child. It is essential that agreement is reached by the parents of a child as to the preferences for school places. If agreement cannot be reached, or if neither parent has been granted a Specific Issues Order in this respect, then we will accept the application from the parent with whom the child is "ordinarily resident".

1.7   Parents who wish a different address to be used because they are moving house must provide verification of the move, i.e. independent evidence such as tenancy agreement or an exchange of contracts in a house purchase and proof of sale of their previous property.

1.8   Parents applying for a school place in an area of another Local Authority will be required to complete that Authority's application form.

2.   Dealing with preference forms

2.1 The Authority will, by applying the Council's admissions criteria, rank the order of priority of each application for community schools and voluntary controlled schools.

2.2 The Authority will provide Voluntary Aided Schools with details of those preference forms which include an application for their school by 30th January 2010.

2.3 The Governing Bodies of voluntary aided schools will rank each application by applying the school's admission criteria and notify the Mainstream Admissions & Transport Section of their ranking by 21st February 2010.

2.4 Where a pupil is eligible to receive an offer of two or more school places then the Authority will allocate the highest priority preference.

2.5 The Mainstream Admissions & Transport Section will notify the Governing Body of Catholic and Church of England voluntary aided primary schools of those pupils who will be allocated places at their school and those who will not be allocated places because they will be allocated places at a higher preference school by 23rd March 2010.

2.6 On the 23rd March 2010 we will inform neighbouring LEA's of any pupils who are not resident in Wirral and to whom the Authority will be offering a place at a Wirral schools.

3. **Determination of Applications for Community and Controlled Schools**

3.1 Applications for all Community schools and also for Holy Trinity Primary School (Hoylake), St Bridget's CE Primary School (West Kirby) and Bidston CE Primary School will be determined on the following basis:

3.1.1 All children who live in the school's catchment area will be eligible for a place so long as they have applied before the 15th January so long as there is space within the school's admission number. If there are more applications than there are places available then eligibility will be determined in accordance with the following scheme of priorities:

All children in care then:

1st priority to:

- Children who already have older brothers or sisters at the school when they are due to start school. If there are more children with older brothers or sisters at the school than there are places available, we will give priority to children with the youngest brothers or sisters at the school.

2nd priority to:

- Children who have valid medical reasons for going to the school

3rd priority to:

- Children who live nearest to the school

3.1.2   If children do not live in the school's catchment area and if places remain available, their eligibility will be determined in accordance with the following scheme of priorities.

1st priority to:

- Children who already have older brothers or sisters (including half or step-brothers and sisters living in the same household) at the school when they are due to start school. If there are more children with older brothers or sisters at the school than there are places available, we will give priority to children with the youngest brothers or sisters at the school. (We will also treat a brother or sister at the junior school as a sibling)

2nd priority to:

- Children who have valid medical reasons for going to the school

3rd priority to:

- Pupils who live nearest to the school. We measure distances from home to the school gate nearest to the child's home using the shortest road route, unless it is possible to use a footpath which we consider to be a safe walking route.

Places will be allocated up to the school's admission number to children who live out of zone according to their place in the rank determined by the scheme of priorities set out above.

3.2   Christ Church CE School in Birkenhead has different priorities for accepting pupils if there are not enough places at the school. It shares its zone with three other schools - Cole Street Primary School, Woodchurch Road Primary School and Woodlands Primary School.   We give priority as detailed below in 3.2.1 and 3.2.2.

3.2.1   All children who live in the school's catchment area will be eligible for a place so long as they have applied before the 15th January. If there are more children in this category than places available, the following criteria will be used to decide priorities.

   i)   children in public care (children who are looked after by a local authority)

   ii)   children with brothers or sisters at the school (including half or step-brothers and sisters living in the same household) when they are due to start school. If there are more children with older brothers or sisters at the school than there are places available, we will give priority to children with the youngest brothers or sisters at the school.

   iii)   children with particular medical or social needs; and

   iv)   children living nearest to the school. We measure distances from home to the school gate nearest to the child's home using the shortest road route, unless it is possible to use a footpath which we consider to be a safe walking route.

3.2.2   If children do not live in the school's catchment area and if places remain available, their eligibility will be determined in accordance with the following scheme of priorities.

   1st priority to:
   • Children who already have older brothers or sisters (including half or step-brothers and sisters living in the same household) at the school when they are due to start school. If there are more children with older brothers or sisters at the

school than there are places available, we will give priority to children with the youngest brothers or sisters at the school.

2nd priority to:

- Children who have valid medical reasons for going to the school

3rd priority to:

- Pupils who live nearest to the school. We measure distances from home to the school gate nearest to the child's home using the shortest road route, unless it is possible to use a footpath which we consider to be a safe walking route.

Places will be allocated up to the school's admission number to children who live out of zone according to their place in the rank determined by the scheme of priorities set out above.

3.3   For community and voluntary aided schools, where the final place in a year group is offered to one of twins (or triplets etc) it will be our policy to admit the other twin too even if that means going above the admission number but not if it would require the Authority to take qualifying measures.

3.4   Applications for the Catholic and Church of England voluntary aided schools will be determined by the governing bodies of these schools in accordance with their published admission criteria.

3.5   Where it is not possible to allocate a place at any of the schools applied for, children resident in Wirral will be allocated a place at the nearest appropriate school where there are places available. "Appropriate " means community school if the parents' preferences indicate preferences for non-denominational education; or a Catholic school or C of E school if the parents indicated a preference for education in a school of that denomination.

3.6   All schools will be required to admit a pupil if he or she has a Statement of special educational needs naming the school.

4. Offer of Places

4.1 Parents will be informed by the Director of Children's Services of the school allocated in writing on the last weekday in March. The letter will also inform the parent of their right to appeal to an independent panel and who to contact to make an appeal.

4.2 If places become available before the start of the autumn term, the Authority will allocate them to children whose parents have either lodged an appeal but not been successful or who have expressed a continuing interest in a place at the school concerned. Parents can do this by indicating so on the reply slip attached to the allocation letter. If there are more children interested in a particular school than places available, the Authority will use the same criteria to determine priorities as is used for the initial allocation.

4.3 Children whose parents applied before 15th January will have priority over children whose parents applied after that date, provided they tell us that they continue to want a place at that school.

5. Late Applications

5.1 Applications received after the published deadline of 15th January will be dealt with after the offer of places have been sent to parents. We will send applications for voluntary aided schools to the governors of the schools concerned in the first week in April or if received after that date, within five days.

5.2 We will deal with preferences for community and controlled school in the date order we receive them. We will allocate places up to the school's admission number. If we receive several applications on the same day for the same school, we will use the following scheme of priorities

    i) children living in the school catchment area with priority being given to:

1st priority to:
- Children in care.

Page 30

2nd priority to:

- Children who already have older brothers or sisters (including half or step-brothers and sisters living in the same household) at the school when they are due to start school. If there are more children with older brothers or sisters at the school than there are places available, we will give priority to children with the youngest brothers or sisters at the school.

3rd priority to:

- Children who have valid medical reasons for going to the school. (A letter in support of the child's admission to a particular school will be required)

then

ii) out of zone priorities (as per paragraph 3.1.2)

5.3   Parents will be notified in writing by the Children and Young People's Department. The letter will also inform the parent of their right to appeal for any Wirral school and who to contact to make an appeal.

5.4   Applications for Catholic or Church of England Aided Primary Schools and the Academy received after the published deadline of 15th January will be determined by reference to the schools' published admission arrangements and the governors will inform the Children and Young People's Department of the outcome of the applications. Parents will be notified in writing by the Children and Young People's Department. The letter will also inform the parent of their right to appeal and who to contact to make an appeal.

6.   Waiting Lists

6.1   If at the end of the Summer Term a school is believed to be full, the Authority will close the procedures and make no more reallocations. However, it may be that places will become available at the beginning of or during the Autumn Term. The Authority will keep a waiting list of children whose parents are interested in obtaining a place at the school if a place becomes available. The Authority will write to the parents of those children included in 4.2 who have expressed a continuing interest. This waiting list will be held open during the Autumn Term. Priority on the waiting list

for community and controlled schools will be given to children in accordance with the following criteria:

i)   children living in the school's catchment area; if priorities have to be determined the Authority will use the out of zone criteria

ii)   children living out of zone, if priorities have to be determined the Authority will use the out of zone criteria listed in paragraph 3.1.2

The Authority will contact parents directly if a vacancy does occur. The Authority will cease to hold the waiting list at the end of the Autumn Term.

7.   Applications outside of the normal round of admissions

7.1   Applications for all schools including Voluntary Aided schools must also be made on the common Primary School Application Form.

7.2   Schools should not deal with application forms. Any forms received by schools should be forwarded to the Children and Young People's Department.

7.3   The Authority will provide Voluntary Aided Schools and Academy with copies of those application forms which include a preference for their school.

7.4   The Governing Bodies of Voluntary Aided schools and Academy will consider each application by applying the school's admission criteria and notify the Pupil Services Section of their decision.

7.5   Where a pupil is eligible to receive an offer of two or more school places then the highest priority preference will take precedence.

7.6   All parents will be informed by the Children and Young People's Department of the school place allocated by letter. The letter will also inform the parent of their right to appeal and who to contact to make an appeal.

7.7   We arrange for children in Years 1 and 2 to start at a community or controlled primary school in a similar way as reception-age children. The appropriate year group is determined by the chronological age of the child.

Key Stage 1 - We will offer children places at their catchment school as long as this will not bring the class size to more than 30 and if we cannot offer an alternative school place within two miles of the parents home address.

We will agree a place in an out-of-zone school as long as:

i)   there is room within the admission number; and

ii)   there are not already 30 children in the class.

Where a school, which is below its admission number, has organised its Key Stage 1 into classes of 30 and the only way to admit another child would require the Authority to take Qualifying Measures (that is would require the Authority to provide additional resources in terms of staff and accommodation at the school.), these are grounds on which the Authority may refuse an application.

Key Stage 2 – Children are automatically entitled to a place at their catchment school even though the school may be on or above its admission number.

We will agree a place in an out-of-zone school as long as there is room within the admission number.

The Authority will not keep waiting lists for places in Year 1 and above.

8	**Determination of Pupils transferring from Infant to Junior Schools**

8.1   All children who are on roll at the Infant School listed below are eligible to transfer to the junior school linked with that infant school even if they do not live in the school's catchment area. Children who live in the catchment area of the Junior School are also eligible.

Black Horse Hill Infant School to Black Horse Hill Junior School

Brackenwood Infant School to Brackenwood Junior School

Greasby Infant School to Greasby Junior School

Overchurch Infant School to Overchurch Junior School

Town Lane Infant School to Higher Bebington Junior school

8.2   Admissions to St John's Junior School are detailed by the governing body in

accordance with the school's admission arrangements.

WIRRAL COMMUNITY AND VOLUNTARY CONTROLLED PRIMARY SCHOOLS

PROPOSED ADMISSION NUMBERS FOR 2010-11

SCHOOL	ADMISSION NUMBER 2010 - 2011
Barnston Primary	45
Bedford Drive Primary	58
Bidston Avenue Primary	60
Black Horse Hill Infant	60
Black Horse Hill Junior	60
Bidston Village Church of England Primary School	50
Black Horse Hill Junior	60
Brackenwood Infant	60
Brackenwood Junior	60
Brookdale Primary	30
Brookhurst Primary	30
Castleway Primary	30
Cathcart Street Primary	30
Christchurch CE Primary (B)	34
Church Drive Primary	40
Cole Street Primary	30
Devonshire Park Primary	60
Eastway Primary	30
Egremont Primary	57
Fender Primary	30
Gayton Primary	30
Greasby Infant	60
Greasby Junior	77
Great Meols Primary	60
Greenleas Primary	42
Grove Street Primary	60
Heswall Primary	30
Heygarth Primary	45
Higher Bebington Junior	85
Hillside Primary	30
Hoylake Holy Trinity CE Primary	30
Irby Primary	30
Kingsway Primary	29
Leasowe Primary	30
Lingham Primary	57
Liscard Primary	89
Manor Primary	30
Mendell Primary	25
Mersey Park Primary	60
Millfields Primary	24

JB4559/AMP/24.3.09

Mount Primary	45
New Brighton Primary	70
Overchurch Infant	90
Overchurch Junior	103
Park Primary School	50
Pensby Primary	30
Portland Primary	30
Poulton Lancelyn Primary	60
Prenton Primary	60
Raeburn Primary	55
Riverside Primary	43
Rock Ferry Primary	47
Sandbrook Primary	30
Somerville Primary	75
St. Bridget's CE Primary	56
St. George's Primary	109
Stanton Road Primary	45
Thingwall Primary	30
Thornton Hough Primary	23
Town Lane Infant	74
Townfield Primary	60
Well Lane Primary	30
West Kirby Primary	37
Woodchurch Road Primary	71
Woodlands Primary	44
Woodslee Primary	46

WIRRAL COUNCIL

CABINET – 9th APRIL 2009

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

STANTON ROAD PRIMARY SCHOOL - DETERMINATION OF BUILDING CONTRACT AND PROPOSALS FOR NEW CONTRACT TO BUILD NEW KITCHEN / DINING FACILITIES

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EXECUTIVE SUMMARY

This report explains how the above building contract has been determined due to the approved contractor being taken into receivership, and it includes proposals for awarding a contract for the remaining works to the second lowest of the original tenderers.

1.   Background

1.1   Stanton Road School occupies purpose built 1930's buildings on a suburban site in Stanton Road, Bebington.

1.2   Health and safety issues have been the main driver of an improvement scheme, including the replacement of the kitchen/dining facility, which was provided from a 1950's HORSA building - one of only three remaining in the Borough. A poorly designed glass corridor located in the reception and Year 1 classroom area provided covered ingress/egress to a number of classrooms and the dining room, but required constant maintenance to prevent water ingress and improve stability and gave serious health and safety concerns.

1.3   The existing school kitchen was taken out of service in July 2008, and was subsequently demolished, together with the glazed corridor, in anticipation of works commencing on the construction of a new kitchen and dining facilities, for completion before the new school year in September 2009.

1.4   The scheme includes the re-development of the existing hall into a Foundation class base which will permit the removal of temporary accommodation housing a class-base and a number of resource areas. These are planned to be incorporated into the new build together with accessible toileting facilities.

1.5   Upon completion of the main scheme all HORSA and mobile accommodation will have been removed from the site, with the exception of the single mobile used by the pre-school group.

1.6   Tenders for the new kitchen/dining hall facility, accessible corridor/resource area and re-modelling of the existing hall into a foundation stage teaching area were reported to Cabinet on 27 November 2008 (Minute 272 refers)., as follows, with the tender received from EJ Horrocks Ltd being represented as Tender 2:

No.	Contractor	Amount	Local Labour
Tender 1	PT Ltd.	783,755.41	TBC
Tender 2		808,883.00	25%
Tender 3		819,750.00	30%
Tender 4		835,989.00	50%
Tender 5		842,929.00	TBC
Tender 6		849,970.00	75%

All tenderers were asked to submit on a fixed price basis and include a contract period of 30 working weeks.

The total cost of the scheme based upon the lowest tender submitted by PT Ltd, is

Building Works	£783,755.41
Departmental Charges including:	
Professional Fees	
Clerk Of Works Salary	
Planning Supervisor	
Others (Planning & Building Regulation Fees etc)	£117,563.00
TOTAL	£901,318.41

1.7   Following that meeting, a contract was drawn up, with a 30 week contract period, with PT Limited, who commenced work on site on 19 January 2009, with a contract completion date of 14 August 2009.

1.8   PT Limited proceded diligently with the works for 3 weeks, up until Friday 06 February 2009, but failed to attend on site on Monday 09 February 2009. Wirral were informed later that day that a winding-up notice had been served on PT Limited, and that an Administrator would be appointed later that week.

1.9   The works undertaken included site set-up, ground excavations, and laying in-situ concrete foundations, which were protected from the frost at the start of their curing period. These foundations shall be subject to a strength-test before they can be taken on by any third party, and the stability of the excavations will need to be checked. The cost implications of taking over these preliminary works will not be able to be ascertained until works re-commence on site. No payments shall be made to PT Limited's receivers until these costs have been ascertained.

1.10   On 16 February Wirral were informed that Naismiths LLP had been appointed as agents for the Receivers for PT Limited who are K Bailey and J Newall for PKF (UK) LLP, Sovereign House Queen Street, Manchester, M2 5HR the Joint Administrative Receivers, and on 24 February Wirral received their first proposal that the contract be novated to a company operating under the name of Pentagon Ltd, of North Wales, under the same terms and conditions as the contract with PT Limited.

1.11   This proposal was given serious consideration, with references, credentials, trading history, and a proposed programme and plan of work sought from Pentagon Limited. Unfortunately, officers in CYPD and Technical Services were unable to recommend the suggested novation to Pentagon Limited due to:

   1. At the time of enquiry, Pentagon Limited were not registered with either Constructionline or CHAS, which is a requirement under the Council's Procurement Rules.

2. It is understood that Pentagon Limited have now applied for registration as above, but, even if this is successful, it is unlikely that the notational value set by Constructionline would be high enough for these contract works.
3. The references and track history of works provided by Pentagon Limited are generally for work of a domestic scale, and the past annual turnover of the entire company is currently below the value of this single project.
4. With the disruption and delays caused to the school to date, officers would be wary of awarding the outstanding works to a company with an uncertain track record.

1.12   Safe, alternative arrangements for the movement of pupils are in place and the temporary provision of meals from Town Lane Primary School has been organised. It is important that action is taken as soon as possible to provide the most secure option to contract completion.

2.   Proposals

2.1   The second lowest tender out of six received in October 2008 was from EJ Horrocks Limited of Merseyside, who have a notational value rating with Constructionline in excess of £3M. EJ Horrocks Limited are currently undertaking work of a similar value to this contract at Oldershaw High School, and have recently completed works of a similar form of construction at Town Lane Primary School, amongst other successful contracts for Wirral.

2.2   EJ Horrocks Limited have confirmed that they would stand by their October 08 tender figure, should they be asked to complete this contract, and have submitted a fully-priced specification, health & safety plan and programme for completion of these works in 32 weeks at a cost of £808,883.00.

2.3   With Members' approval, it is envisaged that a contract could be in place for a start on site in early May, and completion of the new kitchen/dining hall facility, accessible corridor/resource area and re-modelling of the existing hall into a foundation stage teaching area by Christmas 2009.

2.4   It is proposed, therefore, that
1. the main contract works be let to EJ Horrocks Limited for completion within a 32 week contract period, for their tendered sum of £808,883.00, and
2. the suitability of the groundworks and foundation works undertaken by PT Limited be assessed once possession is gained of the site, and any cost implications arising are addressed.

3.   Financial implications

3.1   All Professional Services for the scheme are being provided by staff within the Technical Services Department.

3.2   Internal Audit were consulted at contract reallocation stage and are satisfied with the procurement process proposed in 2.4 above.

3.3   The cost for the works, subject to an assessment and testing of those preliminary works undertaken by PT Limited, shall be as the tender figure submitted by EJ Horrocks Limited on 20 October 2008;

Building Works	£808,883.00
Departmental Charges at 15%, including: -	
Professional Fees	
Clerk Of Works Salary	
CDM Coordinator	
Building Regulation Fees	
Planning Fees	£121,332.45

OVERALL ANTICIPATED TOTAL COST OF THE WORKS £ 924,215.45

3.4 Funding available for the works is as follows:

DCSF Capital allocation modernization 2007/08	£400,000.00
DCSF Capital allocation modernization 2008/09	£400,000.00
Schools Access Initiative 2008/09	£ 75,000.00
Extended Schools Capital 2008/09	£ 50,000.00
School Devolved Formula Capital	£100,000.00

OVERALL FUNDING AVAILABLE FOR THE WORKS £1,035,000.00

4. Staffing implications

4.1 There are no staffing implications for the school within the proposals during or following completion.

5. Equal opportunities implications

5.1 There are no implications in this report for equal opportunities in relation to women, ethnic minorities, or the elderly.

5.2

5.2 Access will be provided for children and adults with disabilities to all areas of the proposed scheme. The scheme will enhance the level and ease of access to the school.

6. Community safety implications

6.1 The design of this project will take into account best practice to reduce the risk of crime and the local Crime Reduction Officer has been consulted.

7. Local Agenda 21 implications

7.1 The new extension will incorporate the latest technology features for sustainable building and the use of materials which will provide a large degree of de-construction and recycling ability.

7.2 Incorporation of renewable energy sources are planned i.e. solar water heating, photovoltaic panels to provide electrical energy along with an educational display board for teaching purposes (not used as solar shade), intelligent lighting system, solar glass to

prevent heat gain, high insulation values with passive air controls to reduce mechanical ventilation and recycling materials incorporated within the new constructions (recycling aggregates).

7.3 Thermal insulation is to be provided to meet the standards and guidelines recommended by the DCSF in the school premises regulations 1996 and part L2 of the Building Regulations. The design will also follow the DETR/DCSF guidelines for "Energy efficient design of new buildings and extensions for schools and colleges.

7.4 Low energy electrical fittings, heating controls and water saving devices will all be used as far as possible to help reduce the consumption of natural resources.

7.5 All timber used will be from sustainable sources as by regulated by the FSC (Forestry Stewardship Council) or equivalent.

7.6 EJ Horrocks Limited have stated that they will use their best endeavours to ensure that not less than 25% of site labour will be established residents of the Metropolitan Borough of Wirral. Every effort will be made to increase this figure and source materials from local suppliers once construction commences. This will be monitored by officers involved in the contract.

7.7 A "Site Waste Management Plan" will be incorporated in line with recent statutory requirements.

8. Planning implications

8.1 Planning permission and building regulations approval has been granted.

8.2 The current Building Regulations (Part L2B), which came into effect on 06 April 2006, require that, when carrying out an extension or major works to building services on an existing building with a total useful floor area of over 1000 sq.m., 'consequential improvements' to the energy performance of the overall building shall be required where it is technically, functionally and economically feasible. The value of these consequential improvements shall generally be deemed under Requirement 17D to be not less than 10% of the value of the principal works. New boilers installed to the school in 2006 may be attributed to this area.

9. Anti-poverty implications

9.1 There are none arising directly from this report.

10. Social inclusion implications

10.1 The scheme will provide full accessibility for pupils, staff and visitors in a safe and inclusive environment.

11. Local Member Support implications

11.1 Stanton Road Primary school is in the Bebington ward.

12. Background papers

12.1 The information used in preparation of this report is contained within CYPD's bidding documents, the Architect's file C18287 and the Quantity Surveyor's working papers

13. Recommendations

That

(1) the contract works be let to EJ Horrocks Limited for completion within a 32 week contract period, for their tendered sum of £808,883.00, and

(2) the suitability of the groundworks and foundation works undertaken by PT Limited be assessed once possession is gained of the site, and any cost implications arising are addressed satisfactorily.

Howard Cooper
Director of Children's Services

METROPOLITAN BOROUGH OF WIRRAL

CABINET – 9 APRIL 2009

REPORT OF THE DIRECTOR OF CHILDREN'S SERVICES

PROVISION OF A NEW SCHOOL AT PARK PRIMARY SCHOOL - SCHEME AND ESTIMATE REPORT

1.0   EXECUTIVE SUMMARY

1.1   This report describes the work required to provide a new primary school and demolition of the existing school at Park Primary School and sets out the costs of the scheme.

1.2   Cabinet is asked to consider and approve the proposal.

2.0   Background

2.1   Following a consultation period in 2006, the DCSF announced details of the National Primary Strategy for Change Programme in December 2007. This initiative is the mechanism for capital investment in primary schools, alongside the Building Schools for the Future (BSF) programme in secondary schools.

Ὀ The Primary Strategy covers all primary schools; community including special, Aided and Controlled and is intended to be a fourteen year capital investment programme in primary schools. It links to the standards agenda and other key primary issues, including the removal of surplus places.

Cabinet confirmed the principles of the Primary Strategy for Change at its meeting of 22 May 2008 (minute 19 refers) with particular reference to Park Primary School following phase 3 of the Authority's Primary Places Review.

2.2   In September 2008 Park Primary School relocated temporarily to the former Poulton Primary School building. This is to allow the Park site to be cleared prior to the rebuilding works. Cabinet was advised of this procedure at its meeting of 16 October 2008 (minute 218 refers). The anticipated opening of the new school is October 2010.

3.0   Proposals

3.1   The proposed scheme comprises a full replacement of the existing school accommodation following demolition of the existing school buildings. The scheme comprises the construction of a new one and a half form entry school with nursery provision.

3.2   The proposed two-storey building will be located in Love Lane adjacent to Central Park in Wallasey. The main road is close to the western end of the site and background noise issues have been taken into account in designing

and locating the building. Negotiations are ongoing into the feasibility of acquiring additional land from the neighbouring recreation ground currently used by the school to enhance the existing play area. Any existing public facilities will be relocated elsewhere in the park following consultation.

Teaching accommodation will comprise:
- 12 no classrooms
- 1 no After School Area
- 1 no Parents/Community room
- 1 no Main Hall (used also for dining)
- 1 no Multi Use Central Atrium
- 1 no Library Resource Centre
- Small Groups Rooms

plus the following staff and administration areas:
- Heads Office/ Meeting Room
- Staffroom (incl PPA room)
- General Office
- Medical Bay (adjacent)
- Entrance/Reception
- SEN Therapy/MI Room
- Interview/Social Care
- Kitchen
- Store rooms

The accommodation as designated is capable of taking 360 pupils a larger number than currently on roll (315 NOR Jan '09). The design is such that further growth beyond this could be accommodated in the short term by re-designation of spaces.

3.3   The style of architecture will be contemporary and predominantly of brick construction. The building will provide a good quality learning and working environment for all users, with attractive pupil support and personal spaces to encourage well-being, self-esteem and a sense of ownership. The building also includes outdoor learning areas to all classrooms, covered areas to the ground floor and balconies to the first floor. These areas will provide natural lighting and ventilation and could host a variety of learning activities. The building will also make maximum use of the open aspect over the park.

3.4   The work will include all necessary finishes, fitted furniture, heating, lighting, power, sprinkler system, fire and intruder alarms.

3.5   External provision will include hard and soft landscaping; play area and multi-use games area; external dining area; covered outdoor learning areas; service yard and car park.

3.6   The new building will be designed to be efficient and economic to operate and maintain. It is intended that the building will use, as far as is economically possible, ecologically responsible materials to create a pupil-orientated

environment in accordance with DCSF recommendations and guidance. The scheme will achieve a 60% reduction in carbon emissions when compared with 2002 approved levels and achieve a BREEAM (Building Research Establishment Environment Assessment Method) rating of "very good".

3.7 The detailed design is being developed in consultation with a range of stakeholders including staff, governors, pupils, parents and the LA Primary Team and this will continue throughout the design process.

4.0 Financial and Staffing Implications

4.1 The Department of Technical Services will provide all Professional Services.

4.2 The Director of Technical Services in accordance with the Construction (Design and Management) Regulations will carry out the role of CDM Coordinator.

4.3 It is anticipated that there will be no increase in fuel revenue costs at the school as a result of this scheme as the new building will be considerably more energy efficient and built to a higher standard than the current regulations require. The Energy Conservation Unit within the Department of Technical Services will closely monitor costs.

4.4 There are no staffing implications with the proposals.

4.5 The value of the contract will exceed the relevant threshold under European regulatory regime for "works," the preferred procurement route will be via a restricted tendering procedure with an advertisement placed in the Official Journal of the European Union (OJEU.).

An evaluation panel will be formed in accordance with the Authorities Constitution (Contact Procedure Rules 14.3) with the addition of a representative from the school.

On receipt of expressions of interest a pre-qualification questionnaire (PQQ) will be issued to companies wishing to tender for the works. The companies who are in the top six returned PQQ's as evaluated by the panel will be invited to tender for the works. The most economically advantageous tender received by the Authority will be accepted using as a basis an appropriate cost/quality evaluation model, which will be lodged with the Central Procurement Unit prior to receipt of tenders.

The use of an existing framework is also under consideration.

4.6 The Estimate for this work is set out below. All costs are at third quarter 2009.

Building costs   £ 5,056,818

Departmental Charges including:
        Professional Fees

Clerk of Works Salary
CDM Coordinator
Planning and building regulation fees @ 12.5%   £   632,102

£ 5,688,920

ICT Costs (infrastructure and hardware) @ 10%
Furniture fittings and Equipment (FF&E) @ 5%   £750,000

TOTAL   **£6,438,920**

ICT and FF&E costs are initial allocations. All costs will be subject to ongoing review and value engineering as the scheme is developed.

The scheme will be funded from the following:-

Primary Capital Programme (DCSF Grant) 2009/10 & 2009/10
£ 5,438,920

Council Capital receipt (following sale of former Poulton Primary School site)
£1,000,000

TOTAL   **£ 6,438,920**

There will be further discussion with the school with regard to the use of Devolved Formula Capital as the detailed design is developed.

4.7   Whilst it is acknowledged that ICT is an integral part of the project scope, it is anticipated that the ICT and FF&E elements of the contract will be dealt with as separate items within the contract and as such, will be awarded via standard Council procurement arrangements.

5.0   Equal Opportunities Implications

5.1   There are no specific implications in this report for equal opportunities, including women, ethnic minorities or the elderly. Access will be provided for children and adults with disabilities to all areas of this building. The new building will also comply with current recommendations on design for the deaf and partially sighted. An Equality Impact Assessment has been carried out for this project and there are no negative impacts identified for any specific groups.

6.0   Planning Implications

6.1   Planning Permission and Building Control approval will be required for this project.

6.2 The Park School site is within a Primarily Residential Area in the adopted Wirral Unitary Development Plan (UDP) and redevelopment of the school buildings is acceptable in principle in accordance with Policy HS15. The former bowling green is within the Greenspace Proposal GR2/129 subject to Policy GR1 in the UDP and its use as an additional playing field for the school is acceptable in principle. Land to the south east of the school grounds, previously used as allotments has now been incorporated within the publicly accessible open area of the park, offsetting any potential loss of existing public open space in the immediate locality.

7.0 Community Safety Implications

7.1 The design of this project will take account of best practice to reduce the risk of crime and the local crime prevention officer has been consulted and will continue to be consulted as part of the ongoing design process.

8.0 Human Rights Implications

8.1 There are no specific human rights implications within this report.

9.0 Local Agenda 21 Implications

9.1 The design will follow the DETR/DfES guidelines for "Energy efficient design of new buildings and extensions for schools and colleges." The scheme will achieve a 60% reduction in carbon emissions when compared with 2002 approved levels and achieve a BREEAM (Building Research Establishment Environment Assessment Method) rating of "very good". It will be constructed to energy standards better than current regulations require.

9.2 Low energy electrical fittings, heating controls, water saving devices (including rain water recycling), biomass boilers, passive ventilation and very high levels of insulation provision will all be used as far as possible to help reduce the consumption of natural resources.

9.3 All timber used will be from sustainable sources regulated by the Forestry Stewardship Council.

9.4 Agreements will be negotiated with the successful contractor to provide training and employment opportunities for the local community and source materials from local suppliers once construction commences.

10.0 Access to Information Act

10.1 The information used in the preparation of this report was obtained in consultation with the Children and Young Peoples Department and with reference to their bidding documents. No other background papers have been used in the preparation of this report with the exception of the Architects file C18478 and the Quantity Surveyors working papers.

11.0   Local Member Support Implications

11.1   Park Primary School is in the Liscard Ward.

12.0   Recommendations

That

(1) the Scheme and Estimate, as presented, be accepted;

(2) the Director of Technical Services be authorised to seek tenders for the project;

(3) the Director of Technical Services be authorised to obtain all necessary statutory approvals for the project.

HOWARD COOPER
Director of Children's Services

This report was prepared by Bryan Gilbert who can be contacted on 606 2392
DSC/BG/C18478 12/02/09
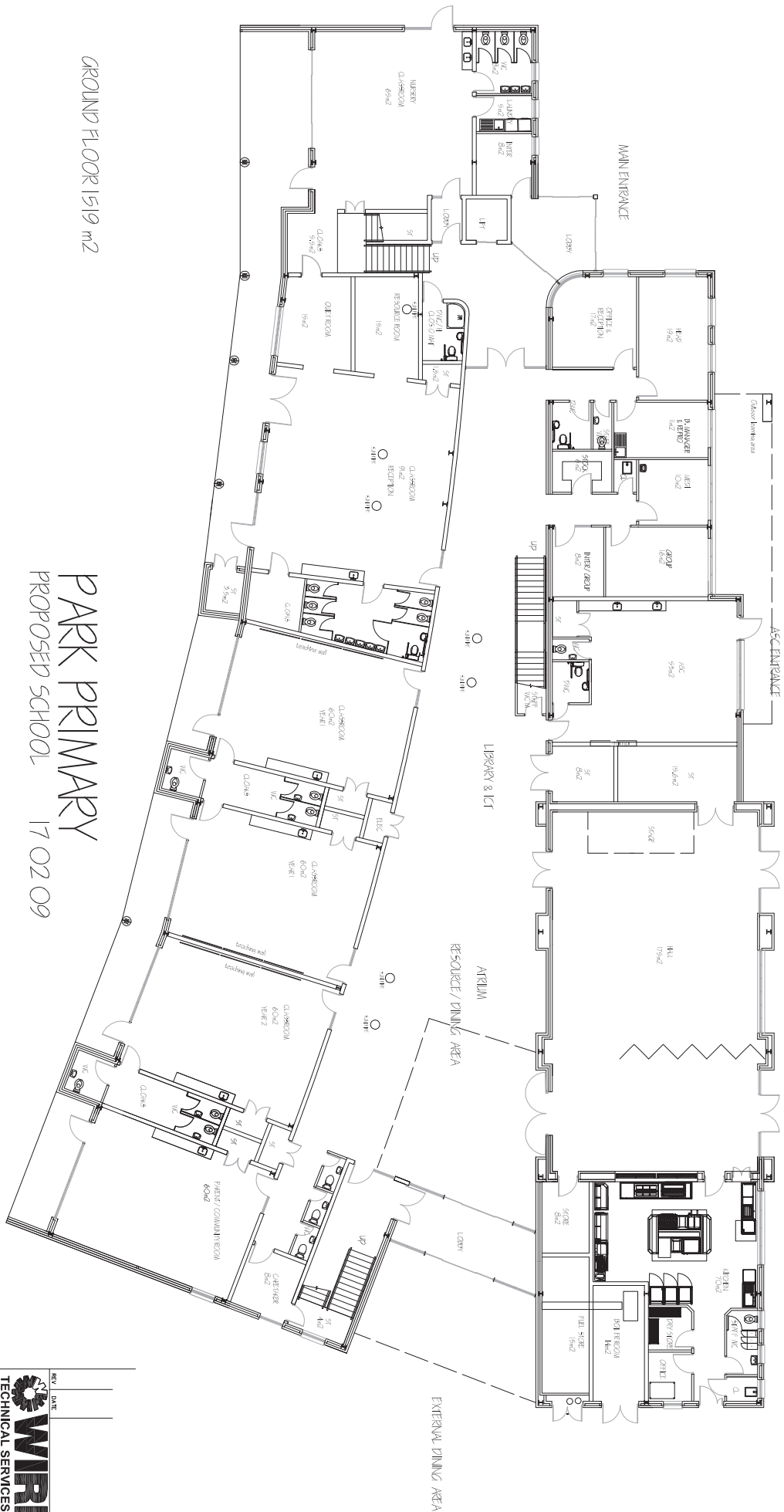
GROUND FLOOR 1519 m2

PARK PRIMARY
PROPOSED SCHOOL   17 02 09

MAIN ENTRANCE

NURSERY
65m2

LAUNDRY 5m2

INTER
8m2

LOBBY

UP

LIFT

CLOAKS 16m2

RESOURCE / RECEPTION
16m2

CLOAKS 16m2

OUT / ROOM 19m2

TEACH CLOAK

WC 5m2

OFFICE & RECEPTION
17m2

HEAD 19m2

LOBBY

CLASSROOM
RECEPTION
96m2

B. MANAGER & RETRO
11m2

WC

STORE 6m2

MED
10m2

Outdoor learning area

GROUP
16m2

INTER / GROUP 8m2

UP

ASC
92m2

ST

WC

Teaching wall

CLOAKS

CLASSROOM
60m2
YEAR 1

CLOAKS

WC

WC

ST

ELEC

CLASSROOM
60m2
YEAR 1

Teaching wall

Teaching wall

CLASSROOM
60m2
YEAR 2

WC

CLOAKS

ST

ST

WC

PARENT / COMMUNITY ROOM
60m2

CARETAKER 8m2

UP

LIBRARY & ICT

ASC ENTRANCE

ST
16m2

ST
8m2

STORE

HALL
175m2

ATRIUM
RESOURCE / DINING AREA

LOBBY

STORE
8m2

KITCHEN
70m2

FUEL STORE

BOILER ROOM
15m2

PLANT ROOM
14m2

OFFICE

EXTERNAL DINING AREA

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Page 51

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PROJECT TITLE:
PARK PRIMARY SCHOOL
WOODSTOCK ROAD
WALLASEY

DRAWING TITLE:
PROPOSED NEW SCHOOL
ELEVATIONS

WIRRAL
TECHNICAL SERVICES DEPARTMENT

Cheshire Lines Building,
Canning Street,
Birkenhead,
Wirral, CH41 1ND.
Tel. 0151 - 606 2000
Fax 0151 - 606 2398
e-Mail: technicalservices@wirral.gov.uk

DATE	17/02/09
DRAWN	SJC
REVIEWED	GM
AUTHORISED	
SCALE	1:100
	Printed @ A1

DRAWING NO: C18478/05

REV:

Q.A. DOCUMENT REFERENCE: 249.0-D (06 AUGUST 2009)

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51

1

CR

Church Walk

Car Park

67

09

LOVE LANE

Ward Bdy

El Sub Sta

Park Primary School

Playground

CK ROAD

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WIRRAL COUNCIL

CABINET – 9th April 2009

REPORT OF THE JOINT DIRECTOR OF PUBLIC HEALTH AND DIRECTOR OF CHILDREN'S SERVICES

TEENAGE PREGNANCY PRIORITY ACTION PLAN PROGRESS AND NATIONAL SUPPORT TEAM FOR TEENAGE PREGNANCY RECOMMENDATIONS

1.　**EXECUTIVE SUMMARY**

1.1.　The Department of Health's National Support Team for Teenage Pregnancy visited Wirral, by invitation, in July 2008. The purpose of this visit was to evaluate progress made so far in Wirral to reduce the number of teenage conceptions, and recommend actions to accelerate the pace of change. This report outlines progress against the recommendations and priority actions to be implemented in Wirral to turn the curve of rising under 18 conception rates in order to meet the 2010 target of a 50% reduction. Cabinet is asked to consider progress to date and support the implementation of the National Support Team (NST) recommendations in full.

2.　**BACKGROUND**

The National Teenage Pregnancy Strategy was launched in 1999 with two specific objectives:

- To reduce the number of teenage conceptions by 50% by 2010 (by teenager we mean those becoming pregnant under the age of 18, with the data being captured for 16 – 17 year olds and those aged 15 years and under).

- To increase the number of teenage parents in education employment or training

2.1.　Data relating to teenage conceptions, inevitably, is not available instantly. This report covers data between 2003 and 2007. In Wirral, under-18 conceptions increased between the years 2003 to 2006, having previously fallen between 1998 and 2002. The results for the latest reporting period, year ending 2007 were announced on 28th February 2009, these show a fall in the rate for Wirral (6.7% reduction) as shown in the table below.

1

	Number of conceptions	Rate per 1,000 young women under 18 years	% ending in termination
1998	314	50.6	43%
2006	312	47.8	48%
2007	303	47.2	53%

2.2.   The recent reduction for teenage conceptions in Wirral is against the national trend and is therefore a positive indication that Wirral's performance is improving. This is illustrated in Figure 1 below. However, the graph also shows the extent of the challenge if targets for 2010 are to be met.
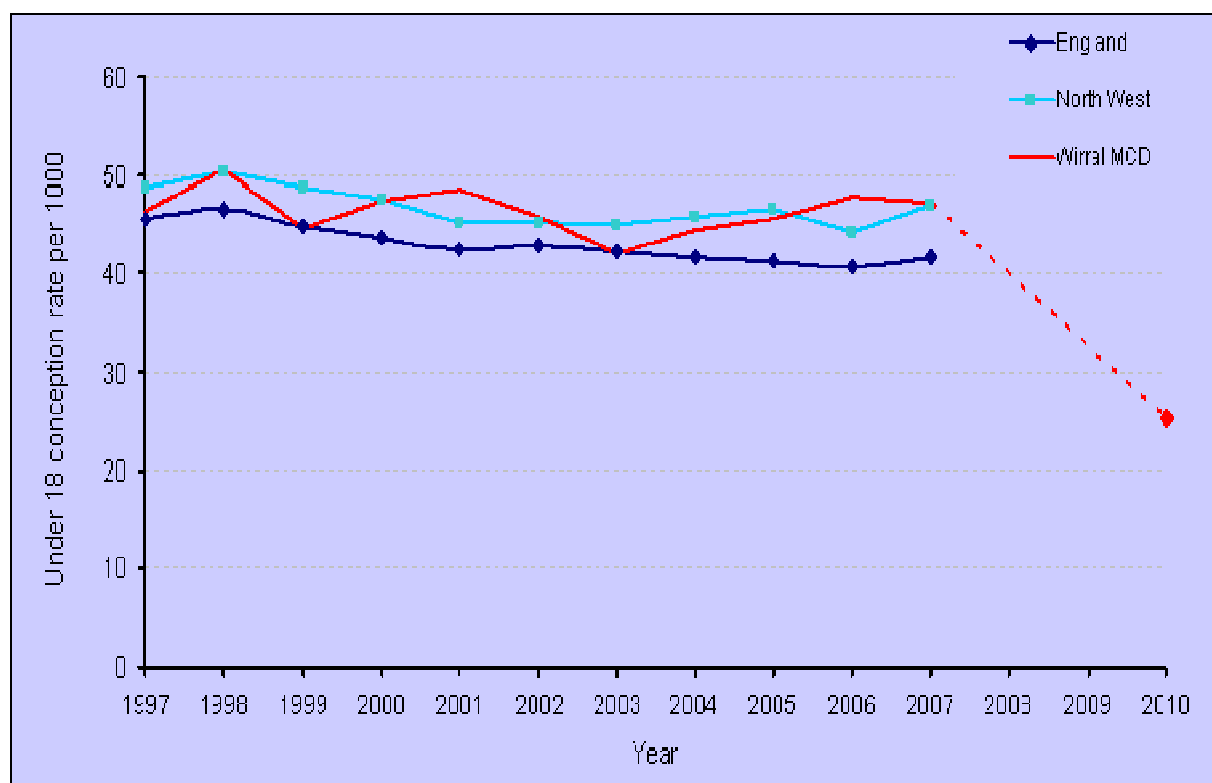
fig 1

2.3   The National Support Team produced the following diagram to support greater understanding of the complex issues affecting young people which may contribute to teenage pregnancy. These factors are relevant to both young men and women.

2

Looked after children / young people leaving care

Behavioural problems

Poor educational attainment

Sexual abuse in childhood

Disengagement from school / poor attendance

Social deprivation

Lack of confidence in resisting pressure to have sex

Emotional well-being

Mental health problems

Cultural influence

Low aspirations

Low self-esteem

Peer influence

Ethnicity

Alcohol/substance misuse

Teenage Pregnancy

More likely to have sex early

Parental influence

Teenage mother

Less likely to use contraception

Poor and inconsistent contraceptive use among young people

Fear of parents/carers finding out

Lack of confidence in mainstream health services

Poor knowledge and skills among young people in relation to sex, relationships and sexual health risks

Lack of easy access to contraception

Parents and professionals lack confidence to discuss sex and relationship issues with young people

Young people lack skills and confidence to make and carry through positive choices

Low knowledge levels among boys and young men

2.4   The nationally recognised risk factors for a young person becoming a teenage parent include:

- Early first sex – girls having sex under 16 are 3 times more likely to become pregnant than those who delay first sex. High quality sex and relationship education is associated with young people delaying their first sexual experience and being able to resist peer pressure.

- Involvement in crime – teenage boys and girls who are in trouble with the police are 3 times more likely to become a teenage parent.

- Alcohol and substance misuse – many young women report going further than they intended, or not remembering whether they have had sex because they were drunk.

3

- Educational attainment – among girls leaving school at 16 with no qualifications one in 3 will have a birth under 18 (compared with 1 in 100 for girls leaving school at 17 or over). However even areas with high deprivation scores can have lower levels of teenage conceptions, if school attainment is higher.

- Looked after children – teenage motherhood is 3 times higher among looked after under 18s

- Poor mental health – confidence and self esteem enable young people to make informed choices, young people who are unhappy at school or excluded for behavioural issues are more likely to become teenage parents.

- Health inequalities begin from birth. In the first year of life a child born to a teenage mother has a 60% higher risk of death than those of a child born to parents aged 18 or over. The longer term outcomes for a child born to a teenage mother are also not as good in terms of poverty, health and education. Indeed they are more likely to become a teenage parent themselves and perpetuate the cycle of deprivation.

2.5   The four wards of Birkenhead, Bidston, Tranmere and Seacombe account for one in three of all teenage conceptions. This is associated with the relationship between deprivation and teenage pregnancy.

3.   **NATIONAL SUPPORT TEAM FINDINGS**

3.1   As the under-18 conception rate for Wirral had risen for the three years to 2006 the Wirral Teenage Pregnancy Steering Group invited the Department of Health National Support Team (NST) for Teenage Pregnancy to assess the current partnership approach and provide recommendations to enable us to achieve the under-18 conception target by 2010. The NST visited in July 2008 and interviewed a range of stakeholders including the Chief Executives of NHS Wirral and Local Authority, the Lead Member for Children's Services and Lifelong Learning, Director of Children's Services, Joint Director of Public Health and Heads of Branch within the Children and Young People's Department.

3.2   The NST identified the overall strengths within Wirral, including the inclusion of teenage conceptions in the LAA and Children and Young People's Plan, and commented on the enthusiasm and commitment to improve performance within the LA and the NHS Wirral. However, they also highlighted evidence that adults needed to be bolder and more confident when talking about sexual health and wellbeing across Wirral children's services and emphasised the need for us to be less cautious when discussing sexual health and wellbeing with young people in order to 'turn the curve' of teenage conceptions. The NST advised Wirral that the 50% reduction of teenage conceptions by 2010 was possible if their key recommendations relating to Strategy,

4

Data, Communication and Implementation of the Teenage Pregnancy Strategy are implemented. This would equate to a reduction of 144 conceptions.

On their return visit in October 2008, the NST met with NHS Wirral and Wirral Council Chief Executives, Director of Children's Services, Joint Director of Public Health and other Heads of Service to hear about progress made since their visit in July and to identify areas where they could offer further support. They congratulated Wirral on the progress made (see Appendix 1).

3.3   The following is a summary of the NST key recommendations and actions taken so far to implement them. The Wirral Teenage Pregnancy Priority Action Plan is included at Appendix 2.

4.   **Strategic Recommendations**

4.1   National Support Team Recommendations

The National Support Team recommended that a Strategic Leadership Group should meet, chaired by the Director of Children's Services, to drive forward the agenda, and for the Local Authority and NHS Wirral to foster a philosophy of Teenage Pregnancy Prevention being everyone's responsibility.

Action taken so far

The Strategic Leaders Group has been established and has identified 'Accountable Leads' with responsibility for driving forward the NST recommendations and priority actions. The following leaders were identified, all of whom are now active members of the Teenage Pregnancy Steering Group:

Data	Tony Kinsella (NHS Wirral)
Communication	Emma Degg (Wirral MBC)
Commissioning	Teresa Williams (NHS Wirral) & Tricia Hopkinson
Sexual Health Services	Deborah Williams (NHS Wirral)
Sexual Health Policy	Anne Tattersall (NHS Wirral)
Borough Wide SRE	Peter Edmondson (Wirral MBC)
Workforce Training	Huw Wilkie (Wirral MBC)
Targeted Youth Support	Steve Pimblett (Wirral MBC)
Children in Care	Simon Garner (Wirral MBC)

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4.2 The Teenage Pregnancy Steering Group, chaired by the Head of Branch, Children's Social Care, has commissioned bespoke 'Turning the Curve' training for steering group members, (March 2009), to ensure the agenda is shaped to maximise the opportunity to achieve the required reduction in teenage conceptions.

4.3 The Head of Health and Wellbeing for Children and Young People, recruited by NHS Wirral, took up post in January 2009, to provide additional strategic leadership and drive to improving children and young people's health and wellbeing, including teenage pregnancy. This is a joint post between the NHS and the Local Authority. In addition, the Health and Wellbeing Charter for Children and Young People launched in July 2008, outlines partnership responsibilities in ensuring improved health and wellbeing outcomes for all children and young people living in Wirral.

Future action planned during 2009/10

Future plans include: consolidating strengthened reporting arrangements, and the role of accountable leads in delivering the action plan; embedding teenage pregnancy developments within the overall joint commissioning framework. Additionally, governance arrangements will be strengthened through elected member training.

5. DATA RECOMMENDATIONS

5.1 National Support Team Recommendations

The NST recommended a more intelligent use of data analysis to monitor performance outcomes and investment of resources and for ongoing and routine data sharing processes across agencies to be established and facilitated by a performance Management Sub Group.

Action taken so far

In response, an Accountable Lead for data has been identified with responsibility for chairing the Teenage Pregnancy Performance Management Sub Group. More joined-up systems are currently being introduced, to ensure that the Teenage Pregnancy Monitoring Data Set is complete and updated on a regular basis. Teenage pregnancy data is included as part of the Joint Strategic Needs Assessment (JSNA) and the mapping of conceptions by outcome (termination and birth) is currently underway. In addition, GONW have funded 2 half day workshops across the partnership to offer further assistance with data collection, analysis and use of teenage pregnancy and risk factor data.

Future action planned during 2009/10

Key Performance Indicators are being identified; the Steering Group will agree KPI's for performance management and the data set will be refined, with any data set gaps resolved.

6

6. **COMMUNICATION RECOMMENDATIONS**

6.1   National Support Team recommendations

In order to foster a philosophy of teenage pregnancy prevention being everyone's responsibility, the NST recommended the development of a specific Teenage Pregnancy Communication Strategy and Action Plan, linked to a broader Children and Young People's Communication Strategy using the Health and Wellbeing Charter. They also suggested a thorough review of current publicity and branding to include internal and external communication, media handling protocols and young people's service publicity with explicit and consistent branding. In addition they advised that we identify and train media spokespeople, including young people.

6.2   Action taken so far

In response, a relevant Accountable Lead has been identified and the Media and Communication sub group has been resurrected with additional resources allocated within the Teenage Pregnancy Area Based Grant to provide media training and workshops for Teenage Pregnancy Steering Group members, Head Teachers, Governors and young people who will be trained as teenage pregnancy spokes people. Following the success of the Local Government Association (LGA) event held in London in November 2008, which focused on the importance of preventing teenage pregnancy, Government Office North West (GONW) is supporting a similar event planned for Elected Members in Wirral on 21st April 2009.

Future action planned during 2009/10

The Teenage Pregnancy Communication Strategy and Action Plan is on target to be confirmed in May 2009. A new awareness raising campaign, as part of this strategy, is due to commence in August 2009.

7. **IMPLEMENTATION RECOMMENDATIONS**

7.1   Contraception and Sexual Health Services

7.1.1   National Support Team Recommendations

The NST recommended the need for a clear Contraception and Sexual Health Joint Commissioning Plan, which feeds into the 0-19 year's joint commissioning framework, developed in partnership and informed by an up to date sexual health needs assessment for young people. They also highlighted the need for designated young

7

people's services with an emphasis on positive sexual health and wellbeing, to be delivered in a variety of settings, including outreach and domiciliary settings, available 7 days a week and to target 'hotspot' areas.

7.1.2   Action taken so far

Accountable Leads have been identified to drive forward these actions. John Moore's University has been commissioned to undertake a Comprehensive Sexual Health Needs Assessment specifically examining the needs of Wirral young people following NST recommendations. Furthermore, the Health Services in Schools initiative has been positively received by the Wirral Association of Secondary Heads (WASH) with 6 schools currently working with the Implementation Manager to establish this service within their school by March 2009, and a further 6 currently being identified for the next phase. This is funded by NHS Wirral. Discussions are also underway with the Catholic Secondary Schools to develop a model which takes account of specific faith issues.

Future action planned during 2009/10

The Sexual Health joint commissioning plan will be developed; part of this will involve commissioning additional contraceptive services. Health and Wellbeing Services will continue to be rolled out to all secondary schools, and there will be a review of the impact of the Health and Wellbeing Charter, involving young people.

7.2   Sex and Relationship Education

7.2.1   National Support Team recommendations

The National Support Team recommended that there should be senior strategic level leadership and direction of Sex and Relationship education (SRE) in the LA and NHS Wirral, the development of a borough-wide Sexual Health Policy for Young People Under-19 years of age has been agreed by the Children & Young Peoples Partnership Board (CYPPB). This should enable staff working with young people to offer basic sexual health advice and sign posting with confidence.

Action taken so far

A permanent SRE Policy and Curriculum post has been recruited as part of the Healthy Schools Team within NHS Wirral to focus solely on SRE within school and non school settings. Two secondary schools (Oldershaw and South Wirral High) have been involved in the North West SRE Key Stage 3 Pilot, with 4 teaching staff trained in delivery of this new resource and curriculum. Evaluation of the pilot is currently being undertaken by John Moore's University.

Future action planned during 2009/10

8

A Borough wide approach to SRE will be developed; Teenage Pregnancy Champions will work with Head Teachers and Governors.

7.3   Workforce and Targeted Recommendations

7.3.1   National Support Team recommendations

The NST recommended the need for workforce training to be established as part of the corporate Children's Workforce Strategy, and the need for risk factors related to Teenage Pregnancy to be explicitly included in holistic risk assessments.

Action taken so far

Accountable Leads have been identified to drive these areas of work forward. Basic Sexual Health Training is now being delivered to all Area Team members and associated teams working with children and young people in Wirral, to provide staff with the basic knowledge and skills required to offer advice, support and signposting in relation to young people's sexual health and wellbeing. In addition, the Teenage Pregnancy Pathway and Health Visitor Protocol and Care Package have been updated and the underlying risk factors surrounding teenage pregnancy have been included within the Common Assessment Framework 'quick reference' leaflets.

7.3.2   A multi agency Teenage Pregnancy Sharing Good Practice Day held on 26th January 2009 highlighted the work undertaken by a range of services to prevent teenage pregnancy and promote positive sexual health and wellbeing.

Additional resources have been agreed through NHS Wirral to build capacity, skills and workforce confidence in teaching this agenda and preventing teenage conceptions

Future action planned during 2009/10

Further training will be delivered as part of the overall Workforce Development strategy. This will be a rolling programme of training, involving young people in the design and delivery. Training will include those working with specialist groups of young people.

7.4   Children in Care Recommendations

7.4.1   National Support Team recommendations

The NST recommended that we specifically improve access to sexual health services for Children in Care and Care Leavers and for the role of Corporate Parent to explicitly include the promotion of positive sexual health and wellbeing.

Action taken so far

9

The Accountable lead has been identified to progress this area and Children in Care (CIC) and Care Leavers will be included as part of the young people sexual health needs assessment.

Future action planned during 2009/10

Foster carers awareness and role in preventing teenage conceptions will be strengthened through the work of the dedicated foster carer trainer; young people will be assessed and receive support through use of the risk assessment toolkit and increased access to services will be developed through the Care Leavers drop in centre.

8.   **SUPPORT REQUIRED FROM MEMBERS**

8.1   The prevention of teenage conceptions is a sensitive issue and attracts considerable attention as a result. One of the key challenges highlighted through the NST visit to Wirral was the need to be more bold and confident when talking about sex and relationships. It is likely that the development of some of the above initiatives will attract media and public attention, however, in order to reduce conceptions by 50% by 2010 all interventions must be implemented. It is vital, therefore, that support to implement these interventions is committed and evident from members.

9.   **STAFFING IMPLICATIONS**

9.1   There are none as a direct consequence of this report.

10.   **EQUAL OPPORTUNITIES IMPLICATIONS**

10.1   There are none as a direct consequence of this report.

11.   **COMMUNITY SAFETY IMPLICATIONS**

11.1   There are none as a direct consequence of this report.

12.   **LOCAL AGENDA 21 IMPLICATIONS**

12.1   There are none as a direct consequence of this report.

13.   **PLANNING IMPLICATIONS**

13.1   There are none as a direct consequence of this report.

14.   **ANTI –POVERTY IMPLICATIONS/SOCIAL INCLUSION IMPLICATIONS**

14.1   Babies born to teenage mothers have an increased risk of poverty and achieving less well at school.

15.   **LOCAL MEMBER SUPPORT IMPLICATIONS**

10

15.1 See 8 above.

16. **BACKGROUND PAPERS**

- DH (2008) Feedback to Wirral from Teenage Pregnancy National Support Team – 15 July 2008

- Teenage Pregnancy Priority Action Plan

17. **RECOMMENDATIONS**

17.1 Cabinet is asked to note the progress made so far in implementing the recommendations of the National Support Team, and the challenging agenda to be implemented in a very short space of time if Wirral is to meet the 2010 target of a 50% reduction.

17.2 Cabinet is also asked to support the proposed event for Elected Members on 21st April 2009 and to recognise the role of members in championing and scrutinising the implementation of the Teenage Pregnancy Priority Action Plan, which incorporates the NST recommendations.

LEAD OFFICER DETAILS

Marie Armitage, Joint Director of Public Health

Howard Cooper, Director of Children's Services

This report was prepared by Wendy Nulty, Teenage Pregnancy Co-ordinator on 0151 651 3993.

11

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Steve Maddox,
Chief Executive,
Wirral Borough Council

Friday 11th October 2008

Wellington House
133-155 Waterloo Road
London
SE1 8UG

Tel: 020 7972
Fax: 020 7972 4202

Dear Steve,

Teenage Pregnancy National Support Team (NST) - Follow Up Support

Thank you for arranging for members of your senior management team to meet with the Teenage Pregnancy NST on Wednesday 1st October 2008 to review and agree the actions needed to implement the recommendations made during our recent visit to Wirral, and the support we will provide to you in achieving these. It was a very useful and productive meeting and I wish to congratulate you on the progress made already in such a short timescale.

The document attached provides an outline of our discussion, highlighting the NST support and actions that we agreed. The support will be led and co-ordinated by Sue Jablonskas, Teenage Pregnancy NST Associate Delivery Manager. Sue will ensure that relevant National Support Team members and consultants will be available to offer the appropriate support and guidance on their areas of expertise. Sue will also work closely with Wendy Nicholson, your Regional Teenage Pregnancy Co-ordinator.

Sue's contact details are:
Mobile: 07826 874 955, Email: sue.jablonskas@dh.gsi.gov.uk

However, please do contact me directly if you would like to discuss anything further.

Please find attached the actions and support agreed at our recent meeting. We look forward to continue working with you over the coming months.

Very best wishes,

Yours sincerely

Dr Avril Howarth
National Delivery Manager
Mobile: 07776 244 485
Email: avril.howarth@dh.gsi.gov.uk

c.c. Howard Cooper, Director of Children's Services, Wirral Borough Council
Julia Hassall, Head of Branch – Children's Social Care, Wirral Borough Council
Wendy Nicholson, Regional Teenage Pregnancy Co-ordinator, GONW
Wendy Nulty, Teenage Pregnancy Coordinator, Wirral Borough Council

Meeting on Wednesday 1st October 2008

Attendees:
Steve Maddox, Chief Executive, Wirral Borough Council
Kathy Doran, Chief Executive, Wirral Primary Care Trust
Howard Cooper, Director of Children's Services, Wirral Borough Council
Marie Armitage, Director of Public Health, Wirral Primary Care Trust
Julia Hassall, Head of Branch – Children's Social care, Wirral Borough Council
Avril Howarth, National Delivery Manager, Teenage Pregnancy National Support Team
Sue Jablonskas, Associate Delivery Manager, Teenage Pregnancy National Support Team

Progress, Actions and Support Agreed:

NST PRIORTY ACTION RECOMMENDATIONS & PROGRESS	FURTHER ACTION AND SUPPORT
Strategy • We strongly recommend that the current teenage pregnancy structures be reviewed, led by the Strategic Leadership Group to ensure: - Teenage Pregnancy prevention is integrated into the wider agenda including Joint Commissioning processes, LAA performance monitoring, and the proposed Performance Management Sub Group, - Interconnectedness at a strategic level with a clear accountability and performance management framework, that empowers middle management to deliver the action plan, - Intelligent use of data analysis to monitor performance outcomes and make investment decisions leading into commissioning, - Clarification of the role, function, location and management arrangements of the Teenage Pregnancy Co-ordinator (TPC).	Examples of performance monitoring and management processes requested. NST referred to the GONW work on Outcomes Based Accountability. Julia will discuss this with Wendy Nulty and contact Sue Jablonskas if further support is required.
• We recommend a process of raising awareness and empowering all elected members, including lead members to be confident champions for Teenage	Avril forwarded information on the National LGA event to be held on 19th November for Elected Members. A briefing paper for elected members is to be launched at this event. A

children, schools and families

Pregnancy prevention.	local event will be planned after this date and NST will support this and suggest Members from other areas who could contribute to this event. Wirral will consider other opportunities of raising awareness of members e.g. Health and Social care Scrutiny.
Progress The Strategic Leadership Group has been established and has met. It will continue to meet monthly. The group has worked through the priority actions and has reviewed the leads for each, engaging people at the right level within organisations.	
Data • We recommend that ongoing and routine data sharing processes across agencies are established. The Performance Management Sub Group should facilitate this process. These data should be used to identify indicators for performance monitoring and to inform targeted interventions. **Progress** The Performance Management Sub Group has been established.	Sue Jablonskas to send electronic copies of the National and NW data toolkits. Sue will also provide information on the work commissioned by GONW with CLES so that Wirral can access one of the sessions on offer.
Communication • We recommend the development of a specific Teenage Pregnancy Communication Strategy and Action Plan, linked to a broader Children and Young People's communications strategy using the Health and Wellbeing Charter. **Progress** A LA Communications lead has been identified to take this work forward and to work with Communications lead from the PCT. Additional resources have been identified for this work. Local young people will be involved in developing this work.	

Implementation **Contraception/Sexual Health** **Advice & Services** • We recommend that there needs to be a clear Contraception and Sexual Health Joint Commissioning plan, developed in partnership and informed by an up-to-date young people's Sexual Health Needs Assessment. This plan should feed into the 0-19 years joint commissioning framework. • There needs to be designated young people's services with an emphasis on positive sexual health and wellbeing. These should be delivered in a variety of settings, including outreach and domiciliary settings, available 7 days a week and in hotspot areas with an emphasis on school and FE based services by January 2009. • The draft Sexual Health policy needs to be urgently updated in light of recent guidance, and operational by September 2008. **Progress** 2 people identified to lead on this work and will link with joint commissioning. 'You're Welcome' standards will be incorporated into all services. The PCT PEC has allocated £20,000 per school to develop holistic health services, including contraceptive services. The SH policy is complete. **Delivery of Sex and Relationships Education SRE)/Personal, Social, Health and Economic (PSHE) Education** • We recommend senior strategic level leadership and direction of SRE in the LA and PCT to ensure a borough-wide Sex and Relationships Education (SRE) approach incorporating policy, training and schemes of work, is further developed. **Progress** Senior lead identified.	 The area will consider whether they would like some input from Gill Frances into an event for Schools, which NST would support. The area asked the NST to suggest appropriate titles for the Senior Strategic lead for SRE

Targeted Work
   • We recommend that the risk factors related to Teenage Pregnancy are explicitly included in holistic risk assessments. There needs to be greater synergy between the Teenage Pregnancy strategy, Safeguarding and other strategies addressing risk taking behaviours to ensure a consistent and co-ordinated approach to early identification of risk. This needs to be clearly communicated across the whole workforce to ensure accurate targeting.
 	
   • We recommend that access to sexual health services for Children in Care and for Care Leavers is improved. The role of Corporate Parent should explicitly include promotion of positive sexual health and wellbeing.
 	
Progress
A Strategic Director has been identified to lead this work. A resource pack is being developed for children in care.
	Sue Jablonskas will send an electronic copy of the 'risk factors' document.
	The area requested information on work with boys and young men and Sue Jablonskas has provided Wendy Nulty with information and contacts in other areas.
	
	The area requested examples of work on re-integration of school age mothers.
	Sue Jablonskas will provide information and contacts.

Workforce Training • We recommend jointly commissioned workforce training is established as part of the corporate Children's Workforce Strategy. **Progress** This work has been integrated into the work of the well established Workforce Group. Some training has gone out for tender. On-site training will be delivered in the 11 MALTS. SH/TP training starts on 20th November 2008.	Howard asked Avril to present at the Learning Together Partnership event on 9 January 2009. Avrl has accepted this and contact has been made with Professor David Cracknell

Wirral Teenage Pregnancy Strategic Priority Action Plan

2009-2011

"Teenage pregnancy prevention is everybody's business"

(Teenage Pregnancy NST 2008)

Introduction

The following Teenage Pregnancy Strategic Priority Action Plan aims to outline the actions the Teenage Pregnancy Partnership will undertake over the next two years to ensure Wirral maximises its potential to turn the curve of rising conception rates and poor health and social care outcomes that often follow a teenage conception.

The actions contained within this plan will contribute towards the following indicators and vital signs:

NI112

VSB08

Reducing the under 18 conception rate continues to be a priority within the Wirral Metropolitan Borough Council and NHS Wirral.

According to figures released by Office of National Statistics, 312 young people under the age of 18 years became pregnant during 2006 in Wirral. This equates to 6 pregnancies each week, 48% of which will end in a termination. Despite observing a decrease of over 5% since the 1998 baseline, Wirral has seen a year on year increase in the under 18 conception rate since 2003 and according to 2006 figures now experiences the highest rate of conceptions in Merseyside. The under 16 conception rate has shown a similar steady increase and approximately 60 of the 312 conceptions are to young women aged 13-15 years. Between 75% and 80% of all under 18 conceptions are to young women aged 16-17 years.

Figure 1 on the following page illustrates the under 18 conception rates for Wirral since 1997 compared to the national and regional rates. The pink dashed line represents the trajectory required in order to reach the 2010 target of a 50% reduction

As a result of the observed year on year increase in the under 18 conception rate, the Teenage Pregnancy Steering Group invited the Department of Health Teenage Pregnancy National Support Team to Wirral in July 2008, to review current picture and provide steer and recommendations on how locally Wirral can accelerate the reduction of under 18 conceptions in order to meet the 2010 target.

This strategic action plan incorporates the priority actions and recommendations provided by the Teenage Pregnancy National Support Team in July 2008.

Figure 1: Under 18 conception rates 1997-2006
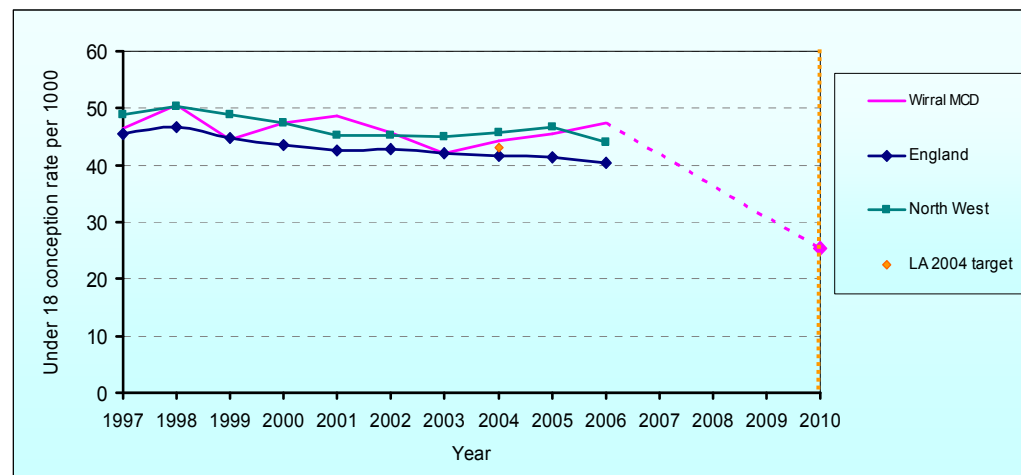
Why is preventing teenage pregnancy so important?

Whilst the average age of first sex nationally is16 years and is increasing, we know that young people who have unprotected sex under the age of 18 years who then become pregnant are more likely to experience negative health and social outcomes. The majority of teenage pregnancies are unplanned and 48% of all under 18 conceptions in Wirral end in termination. In addition to being at increased risk of Sexually Transmitted Infections and HIV those who become pregnant under the age of 18 are more likely to experience poorer long term outcomes. Whilst many teenage parents do a fantastic job of raising children, research shows that teenage parents are more likely to experience:

Research also demonstrates that children of teenage parents are more likely to experience the following outcomes:

What are the risk factors associated with teenage pregnancy and early sex?

Risky behaviours

- Early onset of sexual activity – girls under 16 years are three times more likely to become pregnant than those who have first sex over 16 years

- Poor contraceptive use – around a quarter of boys and a third of girls who left school with no qualifications did not use contraception at first sex compared to only 6% of boys and 8% of girls who left school at 17 or older with qualifications

- Mental health, conduct disorder or involvement in crime – a study of women with conduct disorder showed that a third became pregnant before the age of 17 years

- Alcohol and substance misuse – 20% of white young women report going further sexually than intended because they were drunk. Young people who use alcohol are less likely to use contraception and regret the experience

- Teenage motherhood – around 20% of births conceived under 18 years are second or subsequent births

- Repeat abortions – around 7.5% of abortions under 18 years follow either a previous abortion or pregnancy

Education related factors

- Low educational attainment

- Disengagement from school

- Leaving school at 16 with no qualifications

Educational attainment & teenage pregnancy in 20% most deprived wards

77.4 — < 40%
63.2 — 40-60%
43.4 — > 60%
% girls with 5+ GCSEs A-C

Figure 2: Educational attainment and teenage pregnancy

Family and background factors

- Living in care – by the age of 20 years 25% of children who had been in care were young parents, 40% were mothers
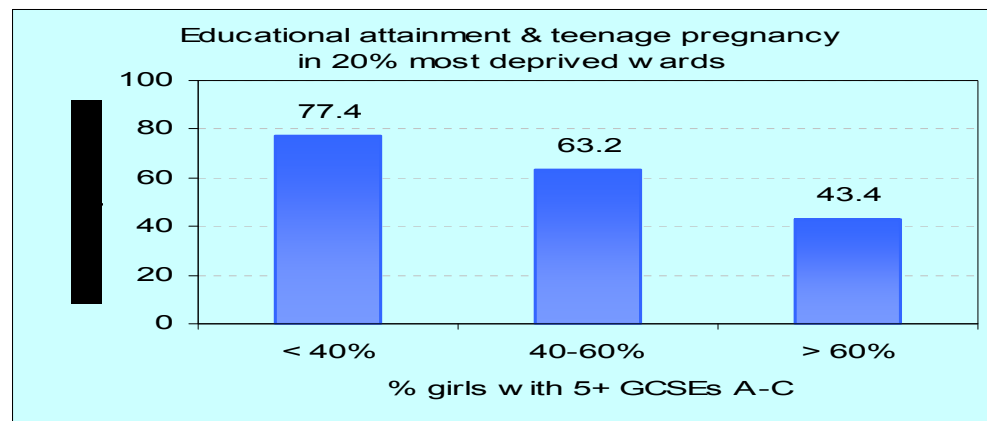
- Daughter of a teenage mother – according to 1970 British cohort dataset, being a daughter of a teenage mother was the strongest predictor of teenage motherhood

- Ethnicity – rates of teenage motherhood significantly higher of mothers of missed white and black Caribbean, other black and black Caribbean ethnicity. White British mothers are also over represented among teenage mothers, while all Asian ethnic groups are under represented

- Parental aspirations – Low educational aspirations for their daughters at age 10 years is an important predictor of teenage pregnancy

What works in preventing teenage pregnancy and early sex?

Teenage pregnancy can be described as both a cause and consequence of poor socioeconomic, health and wellbeing factors. As a result the influencing factors are complex and not one individual intervention is likely to directly result in a reduction in conception rate. Figure 2 on the following page illustrates the complexity of the influencing factors which could contribute to early sex and teenage pregnancy.

In 2006 the Teenage Pregnancy Unit conducted an in depth analysis comparing high achieving areas (with good reductions in under 18 conceptions rates) with static or poor performing areas. This 'deep dive' highlighted key characteristics of an effective strategy, where if all or most were in place, were likely to experience an effective reduction in rates. These are outlined below:

1. Strong strategic leadership

2. Effective communication

3. Effective analysis and use of data

4. Young people friendly sexual health services

5. Good quality sex and relationship education in school and non school settings

6. Issue based youth work

7. Work on raising aspiration

8. Targeted work with vulnerable young people

9. Supporting parents

Figure 3. Teenage Pregnancy and influencing factors
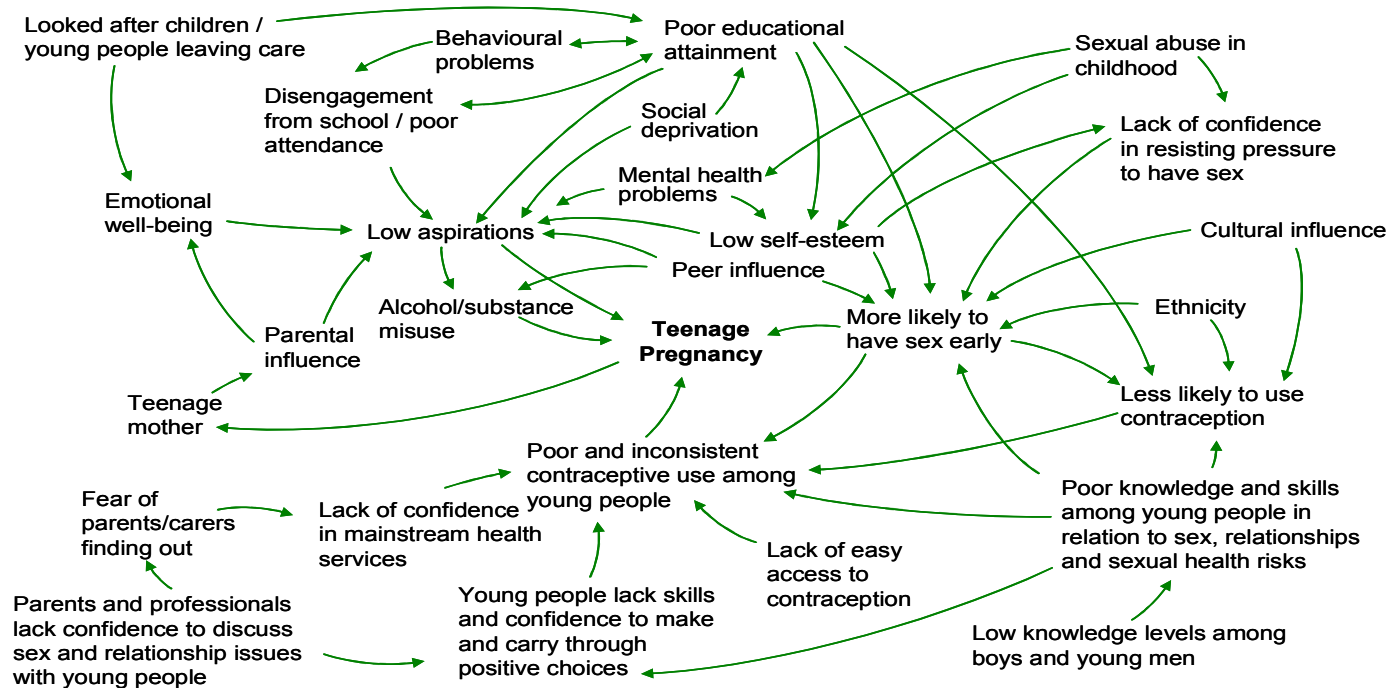
Recommendations from the Teenage Pregnancy National Support Team Visit – July 2008

The Department of Health's Teenage Pregnancy National Support Team provided recommendations which focused on reaching the challenging 2010 target of a 50% reduction. All recommendations will be considered and incorporated into the actions within this document and particular emphasis has been on ensuring the following priority actions highlighted by NST are acted upon during 09-11:

National Support Team Priority Actions

Strategy

- *Current structures to be reviewed led by a Strategic Leadership Group*

- *Teenage Pregnancy integrated into the wider agenda (Joint Commissioning and LAA Performance monitoring)*

- *Interconnectedness at a strategic level with clear accountability and performance management framework*

- *Intelligent use of data analysis for performance monitoring and decision making*

- *Raising awareness and empowering all elected members to be confident champions*

Data

- *Ongoing and routine data sharing processes across agencies*

Communication

- *Development of a specific Teenage Pregnancy Communication Strategy and Action Plan linked to a broader Children and Young People's communication strategy using the health and wellbeing charter*

Implementation

- *Development of a clear Contraception and Sexual Health Joint Commissioning plan, developed inpartnership and informed by an up to date young people's sexual health needs assessment*

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- *There needs to be a designated young people's service with an emphasis on positive sexual health and wellbeing. Variety of settings, including outreach and domiciliary, available 7 days a week and in hotspot areas with an emphasis on school and FE based services*

- *The Sexual Health Policy and Guidance needs to be urgently updated in light of recent guidance*

- *Senior strategic level leadership and direction in the LA and PCT to ensure a borough wide Sex and Relationships Education (SRE) approach incorporating policy, training and schemes of work, is further developed.*

- *Jointly commissioned workforce training is established as part of the Corporate Workforce Strategy*

- *The risk factors related to teenage pregnancy are explicitly included in holistic risk assessments. There needs to be greater synergy between the Teenage Pregnancy Strategy, Safeguarding and other strategies addressing risk taking behaviour to ensure a consistent and coordinated approach to early identification of risk. This needs to be clearly communicated across the whole workforce to ensure accurate targeting*

- *Access to sexual health services for Children in Care and for Care Leavers is improved. The role of Corporate Parent should explicitly include promotion of positive sexual health and wellbeing*

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Action	Timescale	Lead	Monitoring / Indicator	RAG rating	Comments on Progress
STRATEGIC					
Teenage pregnancy incorporated into joint commissioning processes informed by comprehensive needs assessments	Ongoing	Joint Commissioning Manager / Public Health Commissioning Manager	Evidence of joint commissioning processes including teenage pregnancy	Amber	Teenage Pregnancy incorporated into 0 – 19 commissioning process (09/11). Teenage pregnancy to be incorporated into each ECM outcome group.
Clear accountability structures established	April 2009	Teenage Pregnancy Coordinator	Structure established and agreed	Green	Accountable Leads confirmed for each element of the plan. Outcomes Based Accountability training to be delivered in March / November to ensure plan and agenda for TPSG delivers results.
Strategic Leadership Group to meet to monitor progress against NST recommendations	Quarterly	Teenage Pregnancy Coordinator	Steer and feedback reported to TPSG	Green	Third Strategic Leadership Group held on 19th March 2009. Role in driving forward the improvement trajectory confirmed.
Awareness raising event for elected members to be held	June 2009	Teenage Pregnancy Coordinator	Report on outcomes from event	Green	Event scheduled for 21st April, invitations circulated to all Elected Members. NST

					supporting delivery.
Senior strategic teenage pregnancy champions to be identified	June 2009	Teenage Pregnancy Coordinator	Numbers and roles of champions reported	Green	CYPMB presentation to confirm the role of Champions. Champions identified, champions packs issued on 16th January 2009. Follow up guidance letter issued on 13th March.
Current and future investment options reviewed by TPSG	June 2009	Teenage Pregnancy Coordinator	Agreements documented	Green	09/10 budget setting to be confirmed in May 2009.
DATA					
Performance Management Group to be chaired by Accountable lead for data	Ongoing	Head of Performance	Minutes recorded and exception reporting fed into TPSG	Green	Group chaired by Tony Kinsella, Head of Performance, NHS Wirral
Identification by all partners of suitable representatives (including deputies) for Performance Management Sub Group	January 2009	Head of Performance	Exception reporting to TPSG	Green	All representatives identified by partner agencies
Attendance by all partners at the Performance Management Sub Group (Feb 2009)	February 2009	Head of Performance	As Above	Green	All representatives attending regular PMSG meetings
Refine and update TP dataset	February 2009	Head of Performance	As above	Green	TP data set has been refined
All dataset gaps resolved or proxy's developed	February – May 2009	Head of Performance	As above		To be actioned

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TPSG to agree and identify KPI's for performance management	June 2009	Head of Performance	KPIs used by TPSG in performance management		To be actioned
Targets and tolerance levels for KPI's to be established by the TPSG	June 2009	Head of Performance	As above		To be actioned
First draft of TP KPI report	July 2009	Head of Performance	Report		To be actioned
Review data set and performance management arrangements	October 2009 and January 2010	Head of Performance	Outcomes of review recorded		To be actioned
Information sharing agreements established between CYPD and NHS Wirral	Sept 2009	Head of Performance	Exception reporting to TPSG	Amber	Agreements for sharing data now in place.
COMMUNICATION					
Re-establish Media and Communication Implementation Group	February 2009	Head of Marketing	Regular reporting into TPSG	Green	The group was re-established in February 2009.
Teenage Pregnancy Communication Strategy and Action Plan developed	May 2009	Head of Marketing	Strategy and Action Plan approved	Green	The strategy and action plan has been approved and will be circulated at the next TPSG meeting in May.
Teenage Pregnancy Communication Strategy and Action Plan linked into broader Children and Young People's communication strategy.	May 2009	Head of Marketing		Amber	This action is currently in progress.
Awareness raising campaign to staff about the links between aspiration and	August 2009	Head of Marketing	Evaluation of campaign recognition etc		This campaign is detailed in the strategy and action plan, and will be implemented through

teenage pregnancy					an email newsletter and area team meetings in August 2009.
Social Marketing approaches used in developing and targeting programmes and campaigns to those must vulnerable to teenage pregnancy	August 2009 and ongoing	Head of Marketing	Social marketing campaign	Amber	NHS Wirral Performance and intelligence Team produced a social marketing briefing for teenage pregnancy which has been used to develop the media and communications strategy
Internal communications strengthened by yearly themed update on teenage pregnancy, regular reporting on prevention and support to CYPSMB, TPSG, PEC, Governors and School Forums, Link Forum and other groups as appropriate	Ongoing	Head of Marketing	Overview of communication activity		Regular reporting to CYPMB now happening, Themed update during 2008/9. Schedule of reporting / communications to be developed.
Young people trained as media spokespeople for teenage pregnancy and positive sexual health and wellbeing	Sept 2009	Head of Marketing	Number of young people trained		To be actioned
Improve information and dissemination of information regarding young people's services.	May 2009 then ongoing	Head of Marketing	Increased awareness reported from staff and public of local services Monitor uptake of services		To be actioned
CONTRACEPTIVE & SEXUAL HEALTH SERVICES					
Contraception and Sexual	March	Health	Increase in access to		To be actioned

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Health Joint Commissioning Plan developed, implemented and fed into 0-19 joint commissioning	2011	Promotion Strategy Manager Public Health Commissioning Manager	young people friendly contraception services		
Specification for young peoples sexual health services to be developed for all services	March 2011	Health Promotion Strategy Manager	Specifications developed and adhered to		To be actioned
Comprehensive Sexual Health Needs Assessment undertaken	April 2009	Health Promotion Strategy Manager	Findings presented to TPSG and incorporated into joint commissioning plan	Amber	JMU commissioned to undertake the Sexual Health Needs Assessment - due for completion by June 2009.
Additional contraception services are delivered in a timely and accessible way	March 2011	Health Promotion Strategy Manager	Evidence of increase in access to sexual health services by young people		To be actioned
Increase in number of clinical and non clinical staff trained to give brief advice on LARC	March 2010	Health Promotion Strategy Manager	Number of staff trained		To be actioned
Increase number of staff trained in LARC methods	March 2010	Health Promotion Strategy Manager	Number of staff trained		To be actioned
Implementation of condom distribution scheme across Wirral	December 2009	Health Promotion Strategy Manager	Number of young people accessing service and yearly audit		Need to identify potential service provider and draw up contract
Contraception pathway created within termination	April 2009	Health Promotion	Pathway created		To be actioned

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service pathway for all termination providers		Strategy Manager			
Audit current EHC in pharmacies scheme available to young people aged 16 year and over	June 2009	Health Promotion Strategy Manager	Audit completed and recommendations acted upon		To be actioned
EHC to be made available to young people under the age of 16 years in pharmacies	March 2010	Health Promotion Strategy Manager	EHC uptake		To be actioned
Implementation of the You're Welcome Quality Criteria Self Assessment in Pharmacies, Termination Services, Sexual Health Services and GP Practices	August 2009	Health Promotion Strategy Manager	Number of services completing self assessment toolkit		To be actioned
All SLAs and Service Specifications for the above services to explicitly include that services should be working towards receiving the You're Welcome Quality mark.	April 2010	Health Promotion Strategy Manager	Evidence of inclusion of You're Welcome in specifications and SLAs		To be actioned
Health and Wellbeing Services (including sexual health provision) will be available in all secondary schools	March 2010	Health Promotion Strategy Manager	Evidence of uptake and audit of services in schools	Amber	Currently working with the 12 schools in the first phase to implement Health Services in Schools.
Contraception pathway developed for all pregnant teenagers continuing with their pregnancy from booking in to discharge	September 2009	Health Promotion Strategy Manager	Increased uptake of contraception post natally		To be actioned

Teenage Pregnancy Prevention Pathway developed	September 2009	Health Promotion Strategy Manager	Audit of use of pathway		To be actioned
Comprehensive Sexual Health Needs Assessment undertaken	April 2009	Health Promotion Strategy Manager	Findings reported to TPSG	Amber	JMU commissioned to undertake Sexual Health Needs Assessment - due to complete by June 2009.
Validation of Health and Wellbeing Charter for Children and Young People by young people	December 2009	Health Promotion Strategy Manager	Evidence of validation by young people	Green	Validation of the charter was undertaken with the pupil panel on 5th March 2009.
SEX AND RELATIONSHIP EDUCATION AND PERSONAL SOCIAL HEALTH EDUCATION					
Borough wide sex and relationship education approach created and adopted by all schools and all agencies working with children and young people	December 2009	Head of Branch Participation and Inclusion	Audit of SRE	Amber	Curriculum and Policy Lead for SRE post offered (awaiting references/NHS checks etc) to work across Children's Services within Healthy Schools Programme
Senior strategic leader identified to drive sex and relationship education forward in Wirral	June 2009	Head of Branch Participation and Inclusion	Leader identified	Green	Leader identified and Curriculum and policy Lead post recruited within Healthy Schools
Teenage Pregnancy Strategy Champions identified to work with schools head s and governors	June 2009	Head of Branch Participation and Inclusion	Champions identified	Amber	Initial letter sent to potential Champions with poor return – hoping for more positive response from second letter
Sex Education Forum toolkit used by all secondary schools to evaluate their SRE	March 2010	Head of Branch Participation and Inclusion	Number of schools completing toolkit		To be actioned via Curriculum and Policy Lead
SRE Policy and Curriculum Lead recruited	April 2009	Head of Branch	Post filled	Amber	Post appointed March 2009 – awaiting references/NHS

		Participation and Inclusion			checks
Primary schools to provide consistent programme of SRE and SEAL	December 2009	Head of Branch Participation and Inclusion	Evidence of implementation of curriculum		To be actioned
Involvement of School Improvement Partners in progressing the SRE and Teenage Pregnancy agendas within schools	December 2009	Head of Branch Participation and Inclusion	Evidence of progress of agendas as a result of SIP involvement	Amber	Initial meeting held between TP Coordinator and School Improvement Partners, March 2009, to brief them on priorities to engage schools in terms of TP prevention and support
TARGETED SUPPORT					
Risk factors relating to teenage pregnancy are explicitly included in holistic risk assessments as a result of training	Ongoing	Head of Youth Offending Service	Number of staff trained in Teenage Pregnancy and Assessment	Amber	Training delivered to 40 members of staff between November 2008 and March 2009, four further training sessions will be delivered in 2009.
Risk Assessment Tool developed following Targeted Youth Support pilot	June 2009	Head of Youth Offending Service	Audit of tool after 6 months		To be actioned
Develop targeted action pathway on teenage pregnancy for each district following targeted youth support pilot	December 2009	Head of Youth Offending Service	Number of young people engaged through targeted action and evidence of improved outcomes		To be actioned
Development of targeted work with boys and young men which includes delay messages	August 2009	Head of Youth Offending Service	Number of young people and evidence of improved outcomes		To be actioned
Reintegration policy for school age parents to be	August 2009	Head of Youth Offending	Increase in referrals to Learning Mentor and		To be actioned

refreshed and communicated to all schools and relevant partner organisations		Service	evidence of improved outcomes		
Explore the potential to deliver Train the Trainer programmes for 'All Different All Beautiful'	June 2009	Head of Youth Offending Service	Outcome reported to TPSG	Green	This action was explored at the TPSG meeting on 11th March 2009, it will be reconsidered when Brook are aware of their available capacity. -
Develop role models programme to raise aspiration as part of TYS and Communication Strategy	March 2010	Head of Youth Offending Service	Programme outcomes and outputs reported		To be actioned
WORKFORCE DEVELOPMENT AND TRAINING					
Develop a rolling programme of tiered multi agency relationships and sexual Health Training for all professionals and volunteers working face to face with young people	April 2009	Training and Development Manager	Number of staff who have been trained by agency and tier of training	Amber	Training delivered to 40 members of staff between November 2008 and March 2009, four further training sessions will be delivered in 2009.
To increase the number of social care staff who undertake sexual health and relationship training (including the PSHE CPD)	Ongoing	Training and Development Manager	Numbers attending and feedback from participants		To be actioned
Increase the number of staff trained as trainers of 'delay training'	September 2009	Training and Development Manager	Number attending training and feedback		To be actioned
Ensure teenage pregnancy prevention training is part of Wirral's Corporate Workface	September 2009	Training and Development Manager	Evidence of action within strategy		To be actioned

Strategy					
Basic Sexual Health Training and Teenage Pregnancy and Assessment Training to become mandatory for staff working with children and young people	April 2010	Training and Development Manager	Evidence of new starters attending training	Green	Training programme finished for 2009, the evaluation is in progress. The option of delivering training to complete Area Teams is to be considered for future training events.
Ensure You're Welcome training is part of local training and development programme	July 2009	Training and Development Manager	Numbers attending and feedback		To be actioned
PSHE CPD to be offered to wider audience of staff including learning mentors, social care staff and youth service staff	September 2009	Training and Development Manager	Uptake by agency monitored and feedback		To be actioned
Ensure the ongoing involvement of young people to inform design and delivery of integrated borough wide training programmes	March 2011	Training and Development Manager	Evidence of young people's involvement		To be actioned
Training audit undertaken to measure delivery and effectiveness of training	March 2009	Training and Development Manager	Audit reported to TPSG		Awaiting feedback from Accountable Lead
Increase uptake of Speakeasy training by parents and carers	June 09 and ongoing	Training and Development Manager	Number of parents and carers attending training Feedback on training		To be actioned
Prevention of teenage pregnancy to be included in generic parenting programmes	December 2009	Training and Development Manager	Evidence of inclusion in programmes and numbers attending		To be actioned

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Sexual Health and Autistic Spectrum training to be delivered	December 2009	Training and Development Manager	Number of staff trained		To be actioned
CHILDREN IN CARE					
Foster care trainer will provide training to promote positive sexual health and wellbeing as part of regular training	April 09 and ongoing	Strategic Services Manager	Evidence of sexual health and wellbeing incorporated into training		Foster carer trainer now in post, actioning this recommendation.
Foster carers working with teen and pre teens will be actively encouraged to attend Let's Make it Happen Training	Ongoing	Strategic Services Manager	Number of foster carers attending training Feedback from foster carers	Green	Training for Foster Carers now embedded within recruitment programme
Let's Make it Happen training to be delivered to staff across partnership targeted at those services with poorest uptake previously	Ongoing	Strategic Services Manager	Number of staff trained by service Feedback from staff	Amber	Training is being delivered, however no identifiable lead is in place at the moment for this training.
Ensure all those who have received Child Concern Model training are invited to attend half day Teenage Pregnancy and Assessment training	Bimonthly	Strategic Services Manager	Number of staff attending Teenage Pregnancy and Assessment Training		To be actioned
Systems in place to ensure that all Children in Care are referred directly to LAC Nurses to ensure health plans are in place when children become looked after	April 09 and ongoing	Strategic Services Manager	Regular reporting by Accountable Lead on proportion of health plans in place before children become looked after		System in place, subject to ongoing review.
Pilot use of Teenage Pregnancy Risk Assessment Tool with LAC Nurses	Sept 2009	Strategic Services Manager	Evaluation of tool		To be actioned.

Explore potential to develop holistic health drop in for Children in Care and Care Leavers which will include sexual health services	Sept 2009	Strategic Services Manager	Update on progress and agreed actions to TPSG		To be actioned.
Incorporate the role of corporate parent and sexual health in appropriate events and training e.g. elected members training	Ongoing	Strategic Services Manager	Update and feedback in events provided to TPSG	Green	Elected Members Event arranged for 21.4.09
SUPPORTING TEENAGE PARENTS					
Refresh and re launch of guidance for schools in supporting school age parents to remain in education, employment and training	September 2009	Teenage Pregnancy Coordinator Chair of Better Support Sub Group	New guidance disseminated to all schools and partners		To be actioned
Continue to establish and clearly communicate key workers for pregnant teenagers and teenage parents within Area Teams, Children's Centres and services	Ongoing	Teenage Pregnancy Coordinator Chair of Better Support Sub Group	Exception reporting provided to TPSG	Amber	Action point to be discussed at Better Support Meeting 18th March 2009.
Increase numbers of young parents who engage in education, employment and training through structured and coordinate support	Ongoing	Teenage Pregnancy Coordinator Chair of Better Support Sub Group	EET figures for teenage parents monitored		This action is currently in progress

Develop guidance for FE settings to support young parents to remain in EET	December 2009	Teenage Pregnancy Coordinator Chair of Better Support Sub Group	Guidance launched and feedback from young people received	Amber	Action point to be discussed at Better Support Meeting 18th March 2009.
Explore and develop targeted work with young parents to improve health outcomes in relation to second conceptions, breastfeeding and smoking rates	March 2011	Teenage Pregnancy Coordinator Chair of Better Support Sub Group	Rates monitored through Monitoring Data Set	Amber	Action point to be discussed at Better Support Meeting 18th March 2009.

Appendix 1

Membership of Teenage Pregnancy Steering Group

CHAIR	Head of Branch Children Social Care, WMBC	Julia Hassall
	Teenage Pregnancy Coordinator, NHS Wirral	Wendy Nulty
	Head of Tourism and Marketing, WMBC	Emma Degg
	Head of Performance, NHS Wirral	Tony Kinsella
	Head of Health and Wellbeing C&YP, NHS Wirral	Anne Tattersall
	Health Promotion Strategy Manager, NHS Wirral	Deborah Williams
	Commissioning Manager C&YP, NHS Wirral	Teresa Williams
	Joint Commissioning Manager, WMBC	Post vacant
	Public Health Commissioning Manager	Teresa Williams
	Manager, Staff Development Unit	Huw Wilkie
	Strategic Services Manager	Simon Garner
	Head of Youth Offending Service, WMBC	Steve Pimblett
	General Inspector PSHE, WMBC	Corinne Lands
	Head of Branch Participation and Inclusion	Peter Edmondson
	Connexions Manager, WMBC	Sue Obrien
	Healthy Schools Coordinator, NHS Wirral	Trish Barnes

Deputy Head of Youth Service, WMBC   Lindsay Davidson

Housing Strategy Manager , WMBC   Sue Hooper

Manager, Wirral Brook   Harriet Gill

Appendix 2

Current reporting arrangements for the Teenage Pregnancy Strategic Action
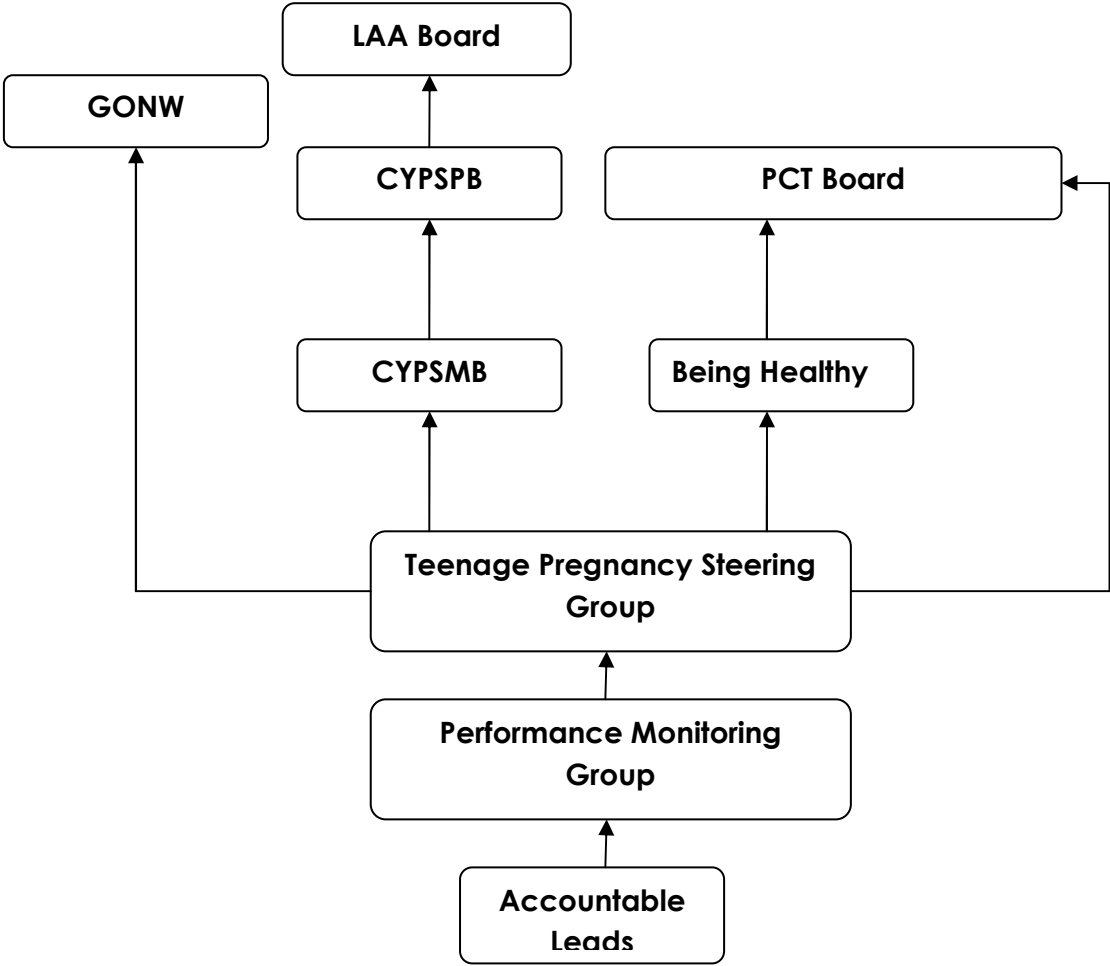
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Plan

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WIRRAL COUNCIL

CABINET – 9th APRIL 2009

REPORT OF THE DEPUTY CHIEF EXECUTIVE

SUSTAINABLE COMMUNITIES ACT

1.   EXECUTIVE SUMMARY

1.1   This report outlines the scope and provisions of the Sustainable Communities Act 2007 and sets out the steps already taken by the Council and its' partners to promote sustainability in Wirral.

1.2   Through a Notice of Motion agreed 3rd November 2008, the Council requested "that Cabinet 'opts in' to the Sustainable Communities Act". This report therefore sets out how the Council will progress the aims of the Act, particularly the provision for making proposals to central government to promote local sustainability.

2.   BACKGROUND

2.1   The Sustainable Communities Act received Royal Assent on 23 October 2007. The aim of the Act is to promote the sustainability of local communities. Sustainability of local communities refers to encouraging the economic, social or environmental well-being of the area, including participation in civic and political activity. This reflects the well-being powers granted to local authorities by the Local Government Act 2000 and contributes to the broader agenda for partnership working at local level, including the development of the Sustainable Community Strategy and the negotiation of the Local Area Agreement.

2.2   Broadly, the Sustainable Communities Act has been put in place:

- As detailed in section 4 of this report, to allow local authorities to put proposals to the Secretary of State which they consider would promote the sustainability of local communities for example, where appropriate, in making provision for the transfer of functions from one body to another;
- As detailed in section 5, to make arrangements for the production of local spending reports.

2.3   The Department for Communities and Local Government (CLG) has stated clearly that there is no specific budget to distribute under the Act. Although proposals could be made to government which would require new funding, proposals under the Act will generally need to be resourced from existing public funds (and should therefore identify ways in which current financial resources and services could be re-configured). The provision of local area spending reports from April 2009 onwards may assist this process.

3. WIRRAL'S APPROACH TO PROMOTING SUSTAINABILITY

3.1 Ensuring that sustainable solutions are put in place to address the key challenges faced by the Council and its' partners is at the heart of the Local Strategic Partnership's emerging Sustainable Community Strategy and Local Area Agreement. A Environment and Sustainability Advisory Group (ESAG) has been set up to further review the themes and priorities in the Community Strategy and Local Area Agreement to ensure that we are tackling the potential social, economic and environmental impacts of our actions. The Environment and Sustainability Advisory Group will maintain strong links with other forums addressing the sustainability agenda, including the Climate Change Strategy Group and the Council's Sustainability Unit (see 3.2 below). The group has already developed an integrated approach to undertaking sustainability and equality impact assessments of the improvement targets identified in Wirral's Local Area Agreement.

3.2 The Council has now established a Sustainability Unit by by the appointment of a Climate Change Officer and a Sustainability (CRED) Liaison Officer who together with the existing Energy Manager and Energy Conservation Team will lead, coordinate, manage and evaluate all work going on across the Council to deliver the sustainability agenda and support the joint work that has been developed with local partners.

3.3 The Council has also recently increased participation in decision making at the local level through its participatory budgeting pilots, i.e. the innovative Community Initiative Funding process and You Decide.

4. MAKING PROPOSALS UNDER THE SUSTAINABLE COMMUNITIES ACT

4.1 As set out in 2.2 above, the Sustainable Communities Act allows local authorities to put proposals to the Secretary of State which they consider would promote the economic, social or environmental well-being of the area. Moreover, it encourages local communities to come forward with ideas for such proposals. The Secretary of State has written to all local authorities inviting the first round of proposals under the Act to be submitted by 31st July 2009. It is expected that the invitation will be renewed annually. There is no formal process for 'opt in' in relation to the Act. Councils therefore 'opt in' by considering and submitting proposals to the Secretary of State via the Selector (the Local Government Association). There is no limit to the number of proposals which may be made.

4.2 Proposals to the Secretary of State can only be made by local councils. However, the Act makes clear that anyone can suggest a proposal via their local council with the expectation that most suggestions for potential proposals will come from community organisations, area forums, residents and tenants associations, local strategic partnership and other partnership bodies.

4.3 A basic criterion for proposals is that they must be ones that need some form of action from central government (such as a change in legislation, a transfer of responsibilities from one public body to another, a new national policy or a change or strengthening of policy). In considering proposals, local councils will need to distinguish between those which could happen anyway, if agreed at local level, and those which need central

government action or intervention of some sort. The latter category covers those appropriate to be submitted onwards, firstly to the LGA as Selector and potentially to the Secretary of State. The LGA is developing some further criteria, to give some guidance on what sort of proposals have greatest chance of success. These criteria are likely to remain broad-brush.

4.4   As indicated in 4.3 above, proposals may include a request for a transfer of functions from one body to another, e.g. from a national to a local body or from one local body to another. The local authority may also request that the responsibility for the funding of that particular function is also transferred. If a local authority makes such a proposal it must first consult both the body which currently performs the function and that which it proposes to transfer the function to.

4.5   All proposals made at the local level need to be considered by a local panel of interested parties. The legislation and guidance are not prescriptive about panels and the term 'representative' in this context does not refer to formally elected or nominated members of the community although such individuals are, of course, not excluded from taking part. The panel must though include adequate representation of groups which are under-represented in civic and political activity. The panel may be an existing body if a suitable one exists, or a new one may be established. Councils can decide whether to have one panel, or to establish several panels on a geographic or thematic basis. They may use existing consultative panels or forums such as established Area Forums, Youth Parliaments, etc. In considering proposals, the panel should have due regard to a list of matters set out in a schedule to the Act, which include issues such as preserving local jobs, services and facilities, energy conservation, sustainable transport and food production. This illustrates the type of issues with which proposals might be concerned but should not constrain their scope.

4.6   Following consideration by the local panel or panels, the local authority must then make a formal decision on whether to forward a proposal or proposals to the national Selector whose role is, in co-operation with the Secretary of State, to draw up a short-list. As indicated earlier in this report, the Local Government Association (LGA) is adopting the Selector role. A final shortlist of proposals will go to the Secretary of State who will consult with the Selector and try to reach agreement on which of the proposals on the shortlist should be implemented.

5.   AN APPROACH FOR WIRRAL

5.1   It is proposed that:

- A call for proposals, alongside detailed guidance and links to key documents pertaining to the Sustainable Communities Act, is made through the Council's website and the Local Strategic Partnership's website with a deadline of 31st May 2009 and publicised accordingly. A template has been prepared (please see Appendix 1) for suggestions to be submitted;

- Arrangements are put in place in consultation with Wirral's Strategic Partnership Executive for Wirral's Strategic Partnership to act as the local panel outlined in 4.5, with consideration given to consulting the views of bodies such as the Youth

Parliament, the Older People's Parliament, and groups supporting minority and under-represented interests;

- Alongside the issues outlined in the Sustainable Communities Act, proposals are considered by Wirral's Local Strategic Partnership during June with reference to Wirral's Sustainable Community Strategy, so that any proposals selected for further development are compatible with our partnership vision and strategic aims. It is noted that the June round of Area Forums coincides with this timescale, and that this may also be an appropriate mechanism for considering proposals;

- If the panel considers that a proposal or proposals should be progressed, it is proposed a report is presented to Cabinet in July for a final decision on whether the proposal or proposals can be developed locally or submitted to the Selector.

6. PRODUCTION OF LOCAL SPENDING REPORTS

6.1 The Sustainable Communities Act also requires the Secretary of State to make arrangements for the production of Local Spending Reports which will provide information about public expenditure in an area. The aim of this is to enable local authorities, their partners and communities to take better informed decisions about the local priorities they choose to pursue to promote the sustainability of their local community. The reports, the first of which are due in April 2009, will also enable local people and local authorities to identify which functions and funding they might propose should be transferred from one body to another. The reports will be updated annually and will be available online.

6.2 A consultation on Local Spending Reports was launched by the Department for Communities and Local Government on Friday 20th February. The consultation is in two phases, a shorter 6 week phase (deadline 3rd April 2009) seeing views on the first Local Spending Reports (see below) and a longer 12 week period (deadline 15th May 2009) on the longer term development of the reports. The main proposals are that:

- The data sets proposed for inclusion in the initial Local Spending Reports in April 2009 will be drawn from Local Authority and Primary Care Trust data sources (i.e. Department of Communities and Local Government Revenue Outturn and Department of Health Audited Accounts of Primary Care Trusts);
- The reports will use outturn expenditure;
- The reports will be updated annually and will be available online.

6.3 It should be noted that the first Local Spending Reports to be produced (April 2009) will be on the basis of the local authority area. They will be based on the latest outturn year for which quality assured data is available (2006-07) and will cover areas of expenditure such as Education, Social Care and Cultural, Environmental and Planning Services. The consultation document indicates that, in future years, Local Spending Reports will be further developed (e.g. to include information relating to other public bodies) and seeks comments accordingly.

7. FINANCIAL IMPLICATIONS

7.1 One of the aims of the Act is to 'open the books' of the Government to show how much public money is spent in local areas. However, the Act is more about seeking proposals from the community that will be influential in changing legislation so the focus is on policy and community engagement rather than the provision of additional funding. As indicated in guidance from DCLG, there is no additional public money available for services provided by the local authority through this route. Where a successful case is made for the transfer of responsibilities from one public body to another then, subject to the agreement of both bodies, the relevant budgets would also transfer.

8. STAFFING IMPLICATIONS

8.1 It is possible that public interest may result in a large number of proposals, which will require staff resources to assess and support to submission stage, if appropriate.

9. EQUAL OPPORTUNITIES IMPLICATIONS

9.1 The regulations require that any local panels which are established or recognized should include persons from groups which are under represented in civic and political activity in the borough.

10. COMMUNITY SAFETY IMPLICATIONS

10.1 There are none arising directly from this report.

11. LOCAL AGENDA 21 IMPLICATIONS

11.1 The purpose of the Sustainable Communities Act is to enhance the economic, social and environmental well-being of the area.

12. PLANNING IMPLICATIONS

12.1 There are none arising directly from this report.

13. ANTI-POVERTY IMPLICATIONS

13.1 The reduction of poverty and narrowing the gap in deprivation in our communities is central to Wirral's approach to sustainable development.

14. LOCAL MEMBER SUPPORT IMPLICATIONS

14.1 Proposals may be submitted from all areas of Wirral.

15. BACKGROUND PAPERS

- Sustainable Communities Act 2007
- Sustainable Communities Act 2007: A Guide, *DCLG 2008*

- Letter from Secretary of State – invitation to submit proposals, 14th October 2008
- Council Notice of Motion 3rd November 2008 Minute 65

16.   RECOMMENDATIONS

Cabinet is recommended to agree that:

16.1   The Council calls for and considers proposals within the scope of the Sustainable Communities Act as set out in 5.1 above;

16.2   The Council responds as appropriate to the current consultation in relation to Local Spending Reports, the response to be agreed under delegated authority by the portfolio holder for Corporate Services.

**J WILKIE
DEPUTY CHIEF EXECUTIVE / DIRECTOR OF CORPORATE SERVICES**

APPENDIX 1

Sustainable Communities Act – Proposal Form

Name of individual / group submitting proposal:
Contact address:
Telephone:
E-mail:
Summary of proposal:
How do you think your proposal contributes to the environmental, economic and/or social sustainability of the area?

What evidence of support is there for this proposal?

Does your proposal require a transfer of functions? If so, which organisations does it affect?

Please return your completed form by **31st May 2009.** We will confirm receipt of your proposal.

You can return your form either by post or electronically:

By email to: [   ]

Please write 'SCA – proposal form' in the subject box.

By post to: [   ]

Should you have any queries when completing your form please feel free to call us on [ ] - **thank you for submitting your proposal**

CABINET – 9 APRIL 2009

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

USE OF POWERS UNDER THE REGULATION OF INVESTIGATORY POWERS ACT (RIPA)

1.   Background

1.1.   The Regulation of Investigatory Powers Act 2000 ("RIPA") governs how public bodies use surveillance methods. Wirral Council, like other local authorities may use directed surveillance where doing so is in the public interest and for the purpose of preventing or detecting crime or preventing disorder.

1.2   The Office of Surveillance Commissioners ("OSC") is responsible for overseeing the operation of RIPA. The Council has to account to the OSC on an annual basis on its use of RIPA. The Council has been the subject of two inspections by the OSC in July 2003 and July 2007. The Council's use of RIPA was also the subject of a recent review by the Internal Audit Section. One of the recommendations of that review was that the Council's Policy and Procedures on the use of RIPA be updated. The Policy was most recently reviewed in 2004.

1.3   This report and appendices have been considered by the Council's Standards and Audit and Risk Management Committees and have been revised to reflect discussions at those meetings.

2.   The Use of RIPA by Local Authorities

2.1.   There has been much debate in the last 12 months around the use of surveillance powers by local authorities. This has led the LGA to write to Leaders of all Councils. John Healey MP, the Minister for Local Government also wrote to all Chief Executives in November 2008 regarding the use of surveillance by local authorities. The Home Office has announced an intention to consult on the use of RIPA powers by public authorities in early 2009.

2.2.   Unfortunately there has been a large degree of misreporting of the subject of surveillance. The Home Office has published on its website a document on some of the misconceptions. A copy is attached as Appendix 1 to this report.

2.3.   The Council has used directed surveillance to support its enforcement activity since the passing of RIPA. In the year 2007/8 the Council granted 45 authorisations. These related to cases investigated by the Wirral Anti-social Behaviour Team (36) and the Trading Standards team (9). The use of these powers has assisted in legal action to tackle rogue traders and to obtain court orders to tackle anti-social behaviour. The Council has used surveillance evidence in numerous court actions and its use has never been challenged. In some cases surveillance evidence obtained by the Council under RIPA has been used by the police to secure criminal convictions.

2.4.   The use of RIPA is overseen by the Office of the Surveillance Commissioner (OSC). The OSC carries out regular inspections of public bodies. The OSC last inspected the Council in July 2007. A copy of the report is attached as Appendix 2 to this report. It considers the previous report of the OSC in 2003 and concludes that:

Whilst the actions taken by the Council have addressed many of the significant issues raised in the previous inspection report, more works need to be done to fully rectify the previous deficiencies.

2.5.   The report sets out a number of recommendations. These are set out below, followed (in italics) by the actions taken to implement the recommendations:

(a)   The Head of Legal and Member Services should ensure that the correct current forms are being used.

The current versions of the forms have been circulated to all teams using, or which may potentially use, directed surveillance.

(b)   The Central Record should be regularly updated.

A new procedure has been implemented to ensure that Departments update the central record immediately upon authorisation being granted

(c)   The Central Record should capture all the information required by the Codes of Practice.

The new system will ensure that this is done

(d)   The central record should be used more appropriately to provide central oversight and monitoring of authorisations.

The new system will enable Legal and Member Services to have better access to the applications in a timely manner to monitor use of RIPA

(e)   A training needs analysis should be undertaken to identify any knowledge gaps and thereafter a corporate training event held to educate and inform all potential applicants and authorising officers;

An assessment has been carried out and a training event took place on 7 October 2008 which was well attended. A further event is due to take place in April 2009. It will be a requirement that all authorising officers who have not received training in the past two years shall attend one of those sessions. It is intended that after the second event has taken place all applying officers will have received training. The training is specifically tailored to Wirral and will highlight the issues raised in the OSC report.

(f)   There is a need to attach a central unique reference to each application;

The new system provides for this.

(g)   There should be an annual report to COMT on the use of RIPA;

The first such report was received by COMT in June 2008 and further reports will be brought to COMT.

2.3   A review of the use of RIPA has also been carried out by Internal Audit at the request of the Chair of the Audit and Risk Management Committee in December 2008. This identified a number of areas for improvement and an action plan was agreed. A copy is attached as Appendix 3.

2.6.   The action plan identified the need for the Council's policy and procedure on the use of powers under RIPA to be updated. A draft policy is attached which has been considered by Chief Officers Management Team. As indicated it was also considered by:

Standards Committee (on 30 March 2009); and
Audit and Risk Management Committee (on 31 March 2009).

This report and appendices have been revised to reflect discussions at those meetings.

3.   Financial implications

3.1   None arising directly from this report.

4.   Staffing implications

4.1   None arising directly from this report.

5.   Equal Opportunities Implications

5.1   The purpose of RIPA is to strike a fair and proportionate balance between the rights of individuals to privacy and the right, in a democratic society, for public bodies to act in the public interest.

6.   Community Safety Implications

6.1   It is likely that the Council will continue, in appropriate cases to use directed surveillance in areas such as tackling anti-social behaviour.

7.   Local Agenda 21 implications.

7.1   None arising directly from this report.

8.   Planning Implications

8.1   None arising directly from this report.

9.   Anti-poverty implications

9.1   None arising directly from this report.

10.   Social inclusion implications

10.1   None arising directly from this report.

11.   Local Member Support Implications

11.1   None arising directly from this report.

12.   Background Papers

12.1   None.

13.   Recommendations

13.1   That Members endorse the Policy and Procedure on the use of RIPA, appended to this report.

BILL NORMAN
Director of Law, HR and Asset Management

Misconceptions about RIPA

Misunderstandings about RIPA and its use - your questions answered.

RIPA is an anti-terrorism legislation

It's not. RIPA legislates for and regulates the use of a range of covert techniques for a range of purposes. The more intrusive of these powers (such as interception) are limited to law enforcement and intelligence agencies and can be used to investigate serious crime as well as terrorism.

Other less intrusive powers such as directed surveillance or access to communications data can be used by a greater number of public authorities for a wider range of purposes, including the prevention and detection of crime generally.

Local authorities and councils are wrongly using anti-terrorism powers

Recent stories in the media have often misrepresented RIPA and what parliament agreed that local authorities can do under the legislation. Parliament gave permission to a range of public authorities to use covert investigatory powers under RIPA, where they need them to carry out their statutory functions.

Under RIPA, local authorities are able to use a far more restricted range of investigatory techniques than intelligence and law enforcement agencies.

They are limited to using the least intrusive types of communications data; directed surveillance (which means covert surveillance in public places) and covert human intelligence sources (such as informants), and only for detecting or preventing crime and preventing disorder where it is necessary and proportionate for them to do so.

For example, trading standards departments are responsible for investigating and prosecuting rogue traders and other scams. Local authorities also deal with people who are claiming housing benefits which they are not entitled to, in other words, people who commit benefits fraud. It is for individual authorities to decide in each case whether it is necessary and proportionate to make use of the powers in the specific circumstances.

Local authorities cannot carry out intrusive surveillance, or seek warrants for interception. Nor are they able to access the most intrusive form of communications data, namely traffic data.

RIPA powers can be used by local councils on 'trivial matters'

There are strict rules to protect people from unnecessary or inappropriate intrusion and any use of the powers must be both necessary and proportionate to the crime being investigated. Where individuals believe powers have been used inappropriately, they can take their case to the Investigatory Powers Tribunal.

The Local Government Association and the Communities and Local Government Minister have each written to all local councils to ensure that their use of RIPA powers is necessary and proportionate as required by the legislation.

The Home Office and the Department for Communities and Local Government are working together to ensure all local authorities have a good understanding of RIPA and circumstances when it would be appropriate and when it would not to be appropriate to use covert surveillance.

During 2009, the Home Office will be issuing a revised code of practice on the use of directed and intrusive surveillance for public consultation. This will then be considered by parliament before replacing the existing code.

Confusion over the difference between interception and communications data

Many stories in the media confuse interception (for example, listening to someone's telephone conversations or reading an e-mail or letter) which can only be conducted by law enforcement and intelligence agencies with a Secretary of State warrant, with access to communications data (eg subscriber details or billing information) which is available to a wider number of public authorities.

RIPA is another example of the erosion of our privacy and civil liberties

RIPA is a pro-human rights law that, rather than 'giving' powers, controls activities that need to be regulated. It puts in place the proper mechanism to consider the key issues of necessity and proportionality. In fact, it did not create any new powers or techniques at all; nor did it permit any public authority to use powers which it could not have used prior to RIPA.

OSC
Office of Surveillance Commissioners

OSC/INSP/075

The Rt.Hon Sir Christopher Rose
Chief Surveillance Commissioner
Office of Surveillance Commissioners
PO Box 29105
London SW1V 1ZU

31st July 2007

OSC INSPECTION REPORT – WIRRAL METROPOLITAN BOROUGH COUNCIL

Date of Inspection :	30th July 2007
Inspector :	Mr Richard Allsopp
Address of Public Authority :	This report should be sent to Mr Stephen Maddox, Chief Executive, Wirral Metropolitan Borough Council, Town Hall, Brighton Street, Wallasey, Wirral, Merseyside CH44 8ED.

REVIEW OF PROGRESS

Structures and Procedures

1.   The last OSC inspection of the Wirral Metropolitan Borough Council was conducted in June 2003 by an Assistant Surveillance Commissioner with the subsequent report dated 2nd July 2003. The overall structure of the Council remains as previously reported.

2.   At the time of the last inspection the Council had no corporate guidance document covering the requirements of the Regulation of Investigatory Powers Act 2000 (RIPA) relying instead on various documents adopted by the departments involved in covert activity. A centrally retrievable record of authorisations had not been established and departments were keeping their own records. Acting on the advice of the Assistant Surveillance Commissioner, all the matters raised at the last inspection have been incorporated into a Council RIPA Policy and Employees Guide covering Directed Surveillance and the Use of Covert Human Intelligence Sources. It was published to all departments in December 2003 and revised in 2004 in order to reflect the changes brought about by Statutory Instrument 2003 No 3171.

3.   The latest version of the RIPA forms have been obtained from the Home Office but as yet they have not been brought into use.

4.   Six Authorising Officers have been nominated covering the four departments actively using the powers vested in the Council, all of whom accord to the designation contained in latest Statutory Instrument. The specific responsibilities of the Chief Executive have been recognised.

5.   The policy requires the Authorising Officer to forward details to the Head of Legal and Member Services for inclusion in the central record which is maintained on his behalf by Simon Goacher, a Solicitor in Legal Services. In practice, at quarterly intervals copies of all applications, authorisations, renewals and cancellations are called for and entered in the central record. The documents are in paper format and retained in folders, with an overview sheet for each department containing all the details required by paragraph 2.14 of the Covert Surveillance Code of Practice. A computerised system is under consideration. There is no corporate system for allocating the documents a Unique RIPA Reference Number. A limited amount of central monitoring is conducted by Mr Goacher. The Community Safety Solicitor meets the Anti Social Behaviour Team on a weekly basis to review their investigations and provide appropriate advice over the use of covert surveillance.

Use of RIPA

6.   Since the last inspection 96 authorisations have been granted for Directed Surveillance, the majority on behalf of the Anti Social Behaviour Team who deploy covert video recorders from the homes of complainants to capture images of anti social behaviour by neighbours. A private contractor is engaged to provide and deploy the equipment. Three other departments have obtained a small number of Directed Surveillance authorisations; Trading Standards, Planning Enforcement and the Insurance Section. The latter employs Private Investigators to conduct covert surveillance on its behalf.

7.   Covert Human Intelligence Sources have not been used and no other Services have sought authorisations. None of the authorisations involved the possible acquisition of 'confidential information/material' or had been 'self authorised'.

Previous Recommendations

8.   The 2003 OSC inspection report contained nine recommendations.

(i)   A corporate policy on RIPA applicable to all Departments should be introduced as soon as possible.

(ii)   In that policy care must be taken to remedy the defects in the existing separate policy statements used by the Departments.

Action: Suitable policy has now been published and adopted by all Departments.

(iii)   Future training must ensure that the concepts of *necessity* and *proportionality* are fully understood by all staff likely to become involved in covert surveillance.

(iv)   It is not advisable for Authorising Officers to grant authorisations without themselves receiving relevant training.

Action: When RIPA was first introduced the then Authorising Officers undertook training on the subject and since then a number have received guidance from attending courses and seminars held by their own professional bodies or the Home Office. In 2006 the entire Anti Social Behaviour Team undertook a five day surveillance training course provided by the Merseyside Police which included RIPA as a component within it. The Applicant from Planning Enforcement has attended no less than three training courses on RIPA and the Trading Standards Manager attended a RIPA Review Stakeholder Forum organised by the Home Office in April of this year. As a result, he is currently working on developing a three day training course for all Enforcement Officers, an element of which will be RIPA. It is hoped that the course will be repeated regularly and will be modular in nature so that the RIPA element could be used as initial training for new Enforcement Officers and also refresher training for existing Officers.

Whilst various initiatives have been introduced, the Council has not adopted a corporate response to these two recommendations. In those applications examined, proportionality is still not described adequately and action plans to minimise collateral intrusion are not protecting innocent members of the public sufficiently. From interviews with Applicants and Authorising Officers, it is apparent that are still gaps in the training provision and refresher courses are needed. A training needs analysis is long overdue to identify those members of staff requiring either initial or refresher RIPA training. Thereafter the Council should provide this training at a corporate level.

(v).   Care must be taken in all future applications for authorisation to ensure that any proposed course of action is fully described in order to avoid the possibility of errors made in R v Sutherland & Others.

Action: Applicants are now more fully describing the surveillance activity they wish to carry out but Authorising Officers are not providing a comprehensive statement outlining the activity they are prepared to sanction. Instead they are relying on a pre-printed statement in the now outdated Home Office form which refers to the application for detail. It was pointed out to all Authorising Officers that the latest Home Office model authorisation form requires a number of points to be covered and they were strongly advised to use the form in any future authorisations. This is particularly relevant when outside agencies such as Private Investigators are employed to carry out the surveillance. A comprehensive authorisation statement should be provided to them to ensure their activity is within the parameters set.

(vi)   A system of regular reviews of authorisations should be introduced in order to ensure prompt cancellations.

Action: The Council policy requires regular reviews of authorisations to be conducted but none of the authorisations inspected appeared to have been formally

reviewed. In most cases the Authorising Officer failed to record a review date. It is accepted that informal reviews are being conducted, particularly within the Anti Social Behaviour Team which meets with a Solicitor on a weekly basis but the requirements of paragraph 4.21 of the Covert Surveillance Code of Practice are being overlooked, particularly the need to record the results of the review on the central record of authorisations. The Home Office RIPA review form should be taken into use as a matter of urgency. All but one case inspected had been properly cancelled.

(vii)   A central record of authorisations should be created in order to comply with the Code of Practice.

Action: A central record is now being maintained but not in full accordance with the Code of Practice. The details contained in paragraph 2.14 are recorded but only on a quarterly basis, thus at any one time it could be significantly outdated. In discussions with Simon Goacher, the Solicitor responsible for its upkeep, the Inspector pointed out the requirement for the record to be regularly updated, whenever an authorisation is granted, renewed or cancelled. Reviews are not being recorded and there is no provision to highlight 'self authorised' cases as required by paragraph 4.14 of the Code.

(viii)   An appropriate officer of the Council should be designated as Monitoring Officer for RIPA and be responsible for the maintenance and safe custody of the central record.

Action: The Head of Legal and Member Services has been delegated to carry out this role and a Solicitor in his department conducts the day to day work on his behalf. It is evident that insufficient central monitoring is being conducted, the record should be used more pro-actively to identify critical dates and ensure all the relevant documents are submitted and recorded. At present there is no reporting mechanism to members on the use of RIPA. It is proposed that there be an annual report to the Chief Officers Management Team and Cabinet on the use of RIPA.

(ix)   It is good practice to make copies of the Home Office Codes of Practice available at the Council's offices for consultation by members of the public on request.

Action: The Council does not believe that it is likely that members of the public will need to access a paper copy of the Codes of Practice and has not adopted this practice. It has however ensured that all officers who deal with investigations do have copies and this was confirmed during the inspection. It is worthy of note that whilst the interim Codes of Practice advocated this approach, the substantive Codes have not thought it necessary to re-iterate this advice.

9.   Whilst the actions taken by the Council have addressed many of the significant issues raised in the previous inspection report, more work needs to be done to fully rectify the previous deficiencies.

SIGNIFICANT ISSUES

10.   Central record

The record needs to be regularly updated on a day by day basis rather than the present quarterly arrangement and contain the record of reviews and any self authorised cases. It should be used more pro-actively as a central management tool to ensure full compliance across all departments. There is no corporate system for the issuing of a Unique RIPA Reference Number (URN) to the various documents.

11.   Training

A training needs analysis is long overdue to help identify knowledge gaps and a corporate approach to the provision of appropriate training is needed.

12.   Directed Surveillance

- Applications are being drafted to a reasonable standard but Applicants are still unaware of the need to properly explain the proportionality of their intended surveillance activity and to provide an action plan to minimise collateral intrusion.

- Applicants within the Anti Social Behaviour Team are mistakenly submitting multiple applications covering a single operation. Typically, if they wish to place a covert video camera watching the front of a particular property and another covering the rear, they are submitting two separate applications and obtaining two authorisations for the same operation. It was pointed out to them that a comprehensive application could cover a multitude of appropriate tactics which the Authorising Officer could then consider within a single authorisation statement. However, they were cautioned against using fresh tactics at a later date which had not been initially authorised.

- Authorising Officers are not providing a comprehensive authorisation statement, relying on the pre printed statement on the now outdated Home Office forms. Effective start and end times are not being recorded.

- Reviews of authorisations are not being called for or documented.

- Ordinary authorisations are being granted for less than the prescribed three months, in some cases one month.

- In one case an authorisation was renewed after it had time expired in contravention of paragraph 4.24 of the Code of Practice.

13.   Forms

The Council has recently acquired the latest version of the Home Office forms but has not yet introduced them. The Inspector is satisfied that many of the imperfections found in the earlier applications and authorisations inspected will be corrected by the

use of the new forms because they prompt the author to provide the relevant information.

14.   At the commencement of the inspection, the Inspector was courteously welcomed to the Council by Mr Mark Reaney (Head of Legal and Member Services). At the conclusion, it was pleasing that the Chief Executive Mr Stephen Maddox found time in his busy schedule to receive feedback. The Chief Executive was extremely knowledgeable and showed considerable interest in all matters affecting RIPA. The Inspector is grateful for all the facilities made available to him both before and during the inspection by Mr Simon Goacher and for the co-operation and openness of all the staff he met.

RECOMMENDATIONS

15.   The Head of Legal and Member Service, in his RIPA monitoring role should ensure that the latest version of the Home Office model forms are used for authorising all future Directed Surveillance applications and that through the use of such forms, the imperfections found in the earlier applications and authorisations are not repeated (paragraphs 3 and 13).

16.   The central record should be regularly updated and capture all the information required by the Codes of Practice. It should be used more effectively in order to provide central oversight and monitoring of all authorisations (paragraphs 8(vii), 8(viii) and 10).

17.   A training needs analysis should be undertaken to identify knowledge gaps and thereafter a corporate RIPA training event held to educate and inform all potential Applicants and Authorising Officers (paragraphs 8(iv) and 11).

18.   The issues and imperfections discovered during this inspection should be included in the curriculum of any future corporate RIPA training event (paragraphs 8(v), 8(vi) and 12).

Richard Allsopp
Surveillance Inspector

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! Metropolitan
Borough of Wirral

Internal Audit Report

Follow-up Audit of the findings identified by the Office of Surveillance Commissioners (OSC) on 30 July 2007

Surveillance – Compliance with the Regulation of Investigatory Powers Act 2000 (RIPA)

6 November 2008

Report issued to		
FAO:	Bill Norman	Director of Law, Human Resources and Asset Management
cc:	Simon Goacher	Acting Monitoring Officer and Proper Officer

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Beacon Council

2002-2003
Community Legal Services
2003-2004
Transforming Secondary Education
Child & Adolescent Mental Health Services

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

Contents

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
File reference	PS-2.3	Auditor	Luan Quirke

1. Introduction

1.1 A follow up audit has been undertaken of the Authority's use of surveillance and compliance with the Regulation of Investigatory Powers Act 2000 (RIPA). The purpose of the review was to ascertain whether the recommendations made in the report of the Office of Surveillance Commissioners dated 31 July 2007 have been implemented.

1.2 This report details the findings and recommendations emanating from this work. The content of the report reflects and summarises the points made by the Office of Surveillance Commissioners in their report dated 31 July 2007.

1.3 Please consider the report and complete the shaded sections, in consultation with other managers as appropriate, and return a copy to Luan Quirke, by 5 December 2008, being aware of the following:

- If a recommendation is not to be implemented, it will be assumed that the associated potential implications have been accepted. However, any medium and high priority recommendations not accepted will be reported at the next meeting of the Audit and Risk Management Committee, which you may be asked to attend to explain your reasons for non-acceptance.

- Please ensure that your Departmental Management Team is notified of the four findings identified as "high priority" within the Report, so that consideration can be given to its inclusion in the Corporate or relevant Departmental Risk Register.

1.4 Internal Audit is keen to provide a quality service to all its clients. This report includes a Customer Satisfaction Survey which provides an opportunity to give feedback on the service you have received. Please ensure that Simon Goacher, Acting Monitoring Officer and Proper Officer, completes and returns the Survey, providing any additional comments, so as to assist our continuous improvement. A manager from within Internal Audit may contact him to discuss the responses.

1.5 Please thank Simon Goacher for his help and co-operation during the audit. Do not hesitate to contact Luan Quirke if you should wish to discuss any aspect of this report further.

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
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2. Objectives of the Audit

2.1 To ensure that the recommendations made in the Office of Surveillance Commissioners report dated 31 July 2007 have been implemented.

2.2 To ensure that identified controls are working effectively and are adequate to mitigate the risks identified in the system.

3. Scope of the Audit

3.1 The recommendations that were reported upon related to the central record for Directed Surveillance, training needs analysis and completion of the Home Office model forms.

3.2 The current Policy and Procedure for surveillance was also reviewed as part of the follow-up audit.

3.3 Discussions were held with Simon Goacher, the Acting Monitoring Officer and Proper Officer, key policy and procedural documents were examined and evidence of implementation of each recommendation obtained.

4. Audit Opinion

4.1 The findings of the audit have been reviewed and the current control environment has been assessed as 'less than satisfactory'.

4.2 This report has been produced on an 'exception' basis, which highlights areas of weakness where some action is required to improve controls in these areas. However, it should be stressed that the audit work identified that there are some areas of good practice, where the controls established are considered sufficient.

System	Surveillance – Compliance with RIPA 2000		
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5. Findings

5.1 The following recommendations have been implemented:

5.1.1 The Head of Legal and Member Service, in his RIPA monitoring role should ensure that the latest version of the Home Office model forms are used for authorising all future Directed Surveillance applications and that through the use of such forms, the imperfections found in the earlier applications and authorisations are not repeated.

5.1.2 The issues and imperfections discovered during this inspection should be included in the curriculum of any future corporate RIPA training event.

5.2 However, three recommendations have not been fully implemented and two additional findings were identified during the follow-up review. These are detailed on the following seven pages.

System	Surveillance – Compliance with RIPA 2000		
Department	Corporate Services	Date	6 November 2008
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5.3

5.3.1 Risk and Its Potential Implications

If the Corporate Policy on RIPA is not up-to-date misinterpretations and inconsistencies could occur.

5.3.2 Finding

The Council has adopted a Corporate Policy and Employees Guide on RIPA, which was approved by Cabinet in December 2003. However, the Policy is out-of-date and requires a review.

5.3.3 Recommendation

The Corporate Policy and Employees Guide on RIPA should be reviewed and updated where necessary to ensure it reflects the current situation.

5.3.4 Priority level

High

To be completed by client:			
Recommendation agreed?		Yes/No	
Target date for implementation			
Client Comments			
Manager name		Signature	
Date			

Verification of Implementation

To be completed by auditor at follow up audit:			
Follow Up Audit Date		Auditor	
Progress	Implemented/ Partially/ Not Implemented		
Comments			
Follow Up Report Date			

System	Surveillance – Compliance with RIPA 2000		
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5.4

5.4.1 Risk and Its Potential Implications

If corporate procedures for RIPA authorisation do not provide sufficient detail, Officers could make their own subjective interpretations of what is required and undertake surveillance without obtaining the necessary RIPA authorisation.

5.4.2 Finding

Corporate procedures have been developed in respect of RIPA, which was sent to all authorising officers in June 2008. However, the procedure note lacks sufficient detail.

5.4.3 Recommendation

The procedure note should be reviewed and updated so as to ensure it includes the authorisation process in sufficient detail. The revised copy should be agreed by management and distributed to all relevant staff.

5.4.4 Priority level

High

To be completed by client:			
Recommendation agreed?		Yes/No	
Target date for implementation			
Client Comments			
Manager name		Signature	
Date			

Verification of Implementation

To be completed by auditor at follow up audit:			
Follow Up Audit Date		Auditor	
Progress	Implemented/ Partially/ Not Implemented		
Comments			
Follow Up Report Date			

System	Surveillance – Compliance with RIPA 2000		
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5.5

5.5.1 Risk and Its Potential Implications

If a central register is not maintained of Applying and Authorising Officers training details, Officers may not receive appropriate training to enable them to comply with RIPA.

5.5.2 Office of Surveillance Commissioners finding 31/07/07

A training needs analysis should be undertaken to identify knowledge gaps and thereafter a corporate RIPA training event held to educate and inform all potential Applicants and Authorising Officers.

5.5.3 Partly-implemented

The Acting Monitoring Officer and Proper Officer has been nominated as the Responsible Officer for ensuring employees receive suitable training on the application of the Act to those activities which they are required to perform in the course of their employment. The Responsible Officer has carried out an assessment of the training needs of applying and authorising officers and has organised a training event which will take place on 7 October 2008 with a further event in April 2009. On completion of the training in April 2009 refresher training will take place every two years.

The Responsible Officer has also requested that all departments provide a list of the names of all Applying and Authorising Officers in their departments so that a central register of training needs can be maintained.

5.5.4 Recommendation

A central register should be maintained which details of the names of Applying and Authorising Officers who have received training and those who require training. This should then be used to identify the training needs of Officers.

5.5.5 Priority level

Medium

To be completed by client:			
Recommendation agreed?		Yes/No	
Target date for implementation			
Client Comments			
Manager name		Signature	
Date			

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Verification of Implementation

To be completed by auditor at follow up audit:			
Follow Up Audit Date		Auditor	
Progress	Implemented/ Partially/ Not Implemented		
Comments			
Follow Up Report Date			

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5.6

5.6.1 Risk and Its Potential Implications

If authorisations are not reviewed and/or cancelled, surveillance may continue for longer than necessary and will therefore not comply with RIPA.

5.6.2 Office of Surveillance Commissioners finding 31/07/07

Authorising officers are required to carry out regular reviews of the applications which they have authorised to ensure prompt renewal or cancellation. None of the authorisations inspected appeared to have been formally reviewed. All but one case inspected had been properly cancelled.

5.6.3 Partly-implemented

The Responsible Officer is currently in the process of implementing a system whereby a sample of authorisations will be selected each month and an independent review of compliance to RIPA will be undertaken.

5.6.4 Recommendation

Authorising officers should carry out regular reviews of applications which they have authorised to ensure prompt renewal or cancellation of surveillance. The central record should also be proactively reviewed as a central management tool.

5.6.5 Priority level

High

To be completed by client:			
Recommendation agreed?		Yes/No	
Target date for implementation			
Client Comments			
Manager name		Signature	
Date			

System	Surveillance – Compliance with RIPA 2000		
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Verification of Implementation

To be completed by auditor at follow up audit:			
Follow Up Audit Date		Auditor	
Progress	Implemented/ Partially/ Not Implemented		
Comments			

Follow Up Report Date	

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5.7

5.7.1 Risk and Its Potential Implications

Authorisations, renewals and cancellations may not be recorded in accordance with the Codes of Practice and in the event of a subsequent litigation, evidence may not be available.

5.7.2 Office of Surveillance Commissioners finding 31 July 2007

The central record should be regularly updated and capture all the information required by the Codes of Practice. It should be used more effectively in order to provide central oversight and monitoring of all authorisations.

5.7.3 Partly-implemented

A new procedure has been implemented which requires departments to update the central record immediately upon authorisation being granted. However, the procedure has not been fully implemented by all sections.

5.7.4 Recommendation

The central register should be maintained and kept in safe custody of all departments granting authorisations under RIPA. The register should include a unique reference number for all authorisations.

5.7.5 Priority level

High

To be completed by client:			
Recommendation agreed?		Yes/No	
Target date for implementation			
Client Comments			
Manager name		Signature	
Date			

Verification of Implementation

To be completed by auditor at follow up audit:			
Follow Up Audit Date		Auditor	
Progress	Implemented/ Partially/ Not Implemented		
Comments			
Follow Up Report Date			

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6.   Recommendation Summary

Ref	Risk and Potential Implications	Recommendation	Priority Level	Agreed? (To be completed by client)
5.3	If the Corporate Policy on RIPA is not up-to-date misinterpretations and inconsistencies could occur.	The Corporate Policy and Employees Guide on RIPA should be reviewed and updated where necessary to ensure it reflects the current situation.	High	
5.4	If corporate procedures for RIPA authorisation do not provide sufficient detail, Officers could make their own subjective interpretations of what is required and undertake surveillance without obtaining the necessary RIPA authorisation.	The procedure note should be reviewed and updated so as to ensure it includes the authorisation process in sufficient detail. The revised copy should be agreed by management and distributed to all relevant staff.	High	
5.5	If a central register is not maintained of Applying and Authorising Officers training details, Officers may not receive appropriate training to enable them to comply with RIPA.	A central register should be maintained which details of the names of Applying and Authorising Officers who have received training and those who require training. This should then be used to identify the training needs of Officers.	Medium	
5.6	If authorisations are not reviewed and/or cancelled, surveillance may continue for longer than necessary and will therefore not comply with RIPA.	Authorising officers should carry out regular reviews of applications which they have authorised to ensure prompt renewal or cancellation of surveillance. The central record should also be proactively reviewed as a central management tool.	High	

	System	Surveillance – Compliance with RIPA 2000		
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Ref	Risk and Potential Implications	Recommendation	Priority Level	Agreed? (To be completed by client)
5.7	Authorisations, renewals and cancellations may not be recorded in accordance with the Codes of Practice and in the event of a subsequent litigation, evidence may not be available.	The central register should be maintained and kept in safe custody of all departments granting authorisations under RIPA. The register should include a unique reference number for all authorisations.	High	

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<tr><td>File Reference</td><td>PS- 2.3</td></tr>
<tr><td>Auditor</td><td>L Quirke</td></tr>
<tr><td>Date of Report</td><td>6/11/08</td></tr>
<tr><td>Date Received</td><td></td></tr>
</table>

! **Metropolitan Borough of Wirral**

7. Customer Satisfaction Survey

Audit of: <u>Surveillance – Compliance with RIPA</u>
Date of Audit: <u>August - September 2008</u>

I am responsible for providing you with a quality Internal Audit Service and I want to ensure that your audit continues to be effective. A number of performance indicators have been adopted and one of the most important of these is your view of the service you receive.

Please spare the time to complete and return this form. This is an opportunity for you to provide your views on the level of service you received during your recent audit. Your answers will help me to develop and maintain the highest level of service possible.

THANK YOU FOR YOUR HELP.

David A Garry C.P.F.A
Chief Internal Auditor

QUESTIONNAIRE			
WERE YOU SATISFIED WITH:	**<u>Yes</u>**	**<u>No</u>**	**Comments (please continue overleaf if you wish)**
1. <u>TIMING:</u>			
• **Advance notice of the audit?**			
• **Duration of the audit?**			
2. <u>COMMUNICATION:</u>			
• **Courtesy of the auditor(s)?**			
• **Level of auditor(s) knowledge?**			
• **Consultation on the findings?**			
• **Method of report delivery?**			
3. <u>AUDIT REPORTS:</u>			
• **Format of the report?**			
• **Speed of production of the report?**			
• **Relevance of the recommendations?**			
• **Value of the recommendations?**			
• **Audit opinion?**			
4. <u>QUALITY OF SERVICE:</u>			
• **Usefulness of the audit?**			
• **Professionalism of the audit?**			
• **Professionalism of the auditor?**			

If you would like to comment further on the conduct, outcome or how you feel I could improve the Internal Audit Service please do so overleaf, or telephone me on 666 3387.

Completed by: Signed: Date:

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Beacon Council

2002-2003
Community Legal Services
2003-2004
Transforming Secondary Education
Child & Adolescent Mental Health Services

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WIRRAL

POLICY AND PROCEDURE ON THE USE OF POWERS UNDER THE REGULATION OF INVESTIGATORY POWERS ACT

1. INTRODUCTION

1.1 *"Surveillance plays a necessary part in modern life. It is used not just in the ~ targeting of criminals but as a means of protecting the public from harm and ~ preventing crime. "*

From the Foreword to the Home Office's Code of Practice on Covert Surveillance

1.2 The use of covert surveillance by public authorities, particularly local authorities has been the subject of much recent debate. The use of covert surveillance is properly a matter of public concern. The purpose of this policy is to set out exactly how the Council will use its surveillance powers and comply with best practice.

1.3 **Councils may only use covert surveillance for the purpose of preventing or detecting crime or preventing disorder and where doing so is in the public interest.** The Council uses covert surveillance to support its enforcement activities. It has been used principally by the Regeneration Department in dealing with anti-social behaviour and trading standards cases. This has resulted in many successful cases being brought which might otherwise not have been possible bringing rogue traders to account and improving the lives of Wirral residents suffering from severe anti-social behaviour. In 2007/8 the Council used directed surveillance on 45 occasions; 36 in anti-social behaviour cases and nine in cases investigated by Trading Standards.

1.4 The Council approved a policy and procedure for the use of covert surveillance in 2004. The Council has been inspected twice by the Office of the Surveillance Commissioner in 2003 and 2007. The use of surveillance was also the subject of a review by the Council's Internal Audit Team in 2008. The need to revise and update the Council's Policy and Procedure was identified as part of that review.

2. RELEVANT LEGISLATION

2.1 The Human Rights Act 1998 (HRA)

2.1.2 The HRA gives effect to the rights and freedoms guaranteed under the European Convention on Human Rights and Fundamental Freedoms ("the Convention"). Article 8 of the Convention is relevant in the context of covert surveillance in that everyone has the right to respect for his/her private and family life, home and correspondence. It is now clear from decided cases that this right extends to activities of a professional or business nature and so includes employees. Article 6 of the Convention is relevant in the context of covert surveillance in that everyone has the right to a fair trial, including internal procedures or hearings, and fairness extends to the way in which evidence is obtained.

2.1.3 Consequently, there is to be no interference with the exercise of these rights by any public authority, except where:

Such interference is in accordance with the law and is necessary in a democratic society in the interests of:

- national security

- public safety

- the economic well-being of the country

- for the prevention of disorder or crime

- for the protection of health or morals

- the protection of the rights and freedoms of others.

The Council is a public authority. However, as mentioned above (and explained in more detail in section 3 below), local authorities may **only** undertake covert surveillance for the purpose of preventing or detecting crime or preventing disorder.

2.1.4 The HRA can be found at:

www.opsi.gov.uk/ACTS/acts1998/19980042.htm

2.2 The Regulation of Investigatory Powers Act 2000 ("RIPA") (and associated Regulations)

2.2.1 RIPA was introduced shortly after the HRA to ensure that the use by public bodies of surveillance was codified. Prior to RIPA there was only limited regulation of the use by public bodies of surveillance. RIPA was passed to ensure a consistency of approach and to set in place safeguards to ensure that the use of surveillance is proportionate.

2.2.2 RIPA was passed well before the terrorism attacks on September 11 and was not introduced to deal with terrorism. RIPA and its associated regulations also follow the philosophy of recent legislation in trying to strike a balance between community responsibilities, including effective law enforcement, and individual rights and freedoms.

3.0 COVERT SURVEILLANCE

3.1 The term surveillance includes

- Monitoring, observing or listening to people, their movements, their conversations or their other activity or communication;
- Recording anything monitored, observed or listened to in the course of surveillance;
- Surveillance by or with the assistance of a surveillance device.

3.2 **Covert** surveillance is surveillance that is carried out in a manner calculated to ensure that the persons subject to the surveillance are unaware that it is or may be taking place. This needs to be contrasted with the deployment of **overt** surveillance. The use of such surveillance in places to which the public has access is increasingly commonplace. The Council has employed it in the form of CCTV monitoring of its offices, car parks and the town centres. CCTV monitoring is undertaken in accordance with the Council's Code of Practice for the operation of CCTV. CCTV is usually clearly marked through the use of signage.

3.3 RIPA applies where any covert surveillance of an identifiable or named person is carried out by a public authority carrying out an investigatory function. RIPA includes a local authority within the description of public authority.

3.4 Covert surveillance can be either

(a) **intrusive**, that is, carried out in relation to anything that is taking place on any residential premises or in any private vehicle by an individual or a surveillance device on the premises or in the vehicle; or

(b) **directed**, that is, undertaken for the purposes of a specific investigation or operation and involving the observation of a person or persons in order to gather information about them.

3.5 **Local authorities are <u>not</u> authorised to conduct <u>intrusive</u> surveillance**.

3.6 **Directed** covert surveillance that is likely to result in obtaining private information about a person is permitted by RIPA and its associated regulations **if** such surveillance has been authorised in the manner provided by the Act, the Home Office Code of Practice and the prescribed standard forms. Private information is any information relating to a person's private or family life.

3.7   An authorising officer for a public authority may only grant authorisation to carry out directed surveillance if it is necessary in the interests of:

- national security (**not** applicable to local authorities);

- preventing or detecting crime or of preventing disorder;

- public safety (**not** applicable to local authorities);

- protecting public health (**not** applicable to local authorities);

- assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department (**not** applicable to local authorities); or

- is specified by regulations.

3.8   **Local authorities may <u>only</u> authorise use of covert directed surveillance on the ground that it is necessary in the interests of <u>preventing or detecting crime or of preventing disorder</u>.** The use of surveillance must also be proportionate to what is being sought to achieve.

3.9   Authorisation is not required to record things which are not planned but arise in the course of an investigation. For example if an enforcement officer is attending a property to visit a witness and observes a neighbour causing criminal damage he/she can record what they saw without authorisation.

3.10   Particular care needs to be taken when the surveillance may give rise to the obtaining of **confidential information**. In this context confidential information means:

- Where legal professional privilege applies;
- Confidential personal information; or
- Confidential journalistic material

Legal professional privilege will apply to oral and written communications between a professional legal adviser and his/her client made in connection with the giving of legal advice or in connection with or contemplation of legal proceedings.

Confidential personal information is information held in confidence about a person's physical or mental health or to spiritual counselling or assistance. The information must have been created or acquired in the course of a trade, business or profession or for the purpose of any paid or unpaid office.

Confidential journalistic material includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence.

If the purpose of the surveillance is to obtain confidential information then this will need to be approved by the Head of Legal and Member Services and the Chief Executive. If in the course of an operation confidential material is obtained through surveillance this must be notified immediately to the Head of Legal and Member services. It must be retained and provided to the inspector from the Office of the Surveillance Commissioner at the next inspection.

3.11   An applying officer wishing to use directed surveillance must complete **FORM RIPADS1** (all forms are attached to this policy). The applying officer must fully complete all parts of the form. The officer should refer as necessary to the Home Office Code of Practice, available as set out in paragraph 3.18 below.

3.12   The applying officer must consider the proportionality of the use of surveillance. The officer must consider the seriousness of the matter being investigated, the impact that any evidence obtained through the surveillance will have on the investigation and the level of intrusion which will be caused. The officer must take steps to ensure that any intrusion is kept to the minimum level necessary. Any intrusion in to the private life of persons not the subject of the investigation (e.g. family or visitors) should be minimised.

3.13   The completed form should be referred to an **authorising officer**. All Chief Officers may designate officers within their department as authorising officers for the purposes of RIPA. On receipt of the form the authorising officer will contact the Head of Legal and Member Services to obtain a unique reference number. The authorising officer must be a Head of Service or Service Manager. The authorising officer will place the form on the central register. The register is an electronic folder with access rights limited to authorising officers (for their area only) and the Head of Legal and Member Services or his/her nominated representatives (to all contents). When an authorising officer places a form on the register he/she will also separately notify the Head of Legal and Member Services by e-mail that this has been done. If the authorising officer does not have access to the register he or she will e-mail the form to the Head of Legal and Member Services who will arrange for it to be placed on the register. All forms for authorised applications shall be placed on the register immediately. All applications shall remain on the register for at least 3 years.

3.14   **Urgent Oral Applications**

3.14.1 It is possible to grant urgent oral authorisations. It is envisaged that this will be done very rarely, if ever. No authorisations have been granted in this way in the past 3 years. The Code of Practice states that this should not be done:

unless the time that would elapse before the authorising officer was available to grant the authorisation would, in the judgement of the person giving the authorisation, be likely to endanger life or jeopardise the investigation or operation for which the authorisation was being given. An authorisation is not to be regarded as urgent where the need for an authorisation has been neglected or the urgency is of the authorising officer's own making.

3.14.2 Where an urgent authorisation is granted the authorising officer must record as soon as is practicable the reasons for granting the authorisation urgently. An urgent authorisation will lapse after **seventy two hours**.

3.14 **Review/Cancellation**

3.15.1 Written authorisations will lapse automatically unless they are renewed after **3 months**. However, authorisations should be reviewed on a regular basis and cancelled when they are no longer required for the purpose for which they were granted. In each case the authorising officer within each public authority should determine how often a review should take place. This should be as frequently as is considered necessary and practicable. On carrying out a review the authorising officer should complete a **Form RIPADS2**. Once completed the form should be placed on the central register immediately either by the authorising officer directly or via the Head of Legal and Member services. If the form is placed directly on the register the authorising officer must notify the Head of Legal and Member Services that this has been done by e-mail.

3.15.2 If upon review the need for directed surveillance no longer exists then the authorisation will be cancelled immediately. On cancellation the authorising officer shall complete **Form RIPADS3**. The completed form shall be placed on the central register either by the authorising officer directly or via the Head of Legal and Member services. If the form is placed directly on the register the authorising officer must notify the Head of Legal and Member Services that this has been done by e-mail.

3.16 **Renewal**

If the authorisation is due to lapse it may be renewed for a period of a further 3 months provided the need for the surveillance continues. If a renewal is required a **Form RIPADS4** shall be completed. If an authorisation is renewed for a further period of 3 months it should be reviewed during that period.

3.17 **Audit Checks**

The Head of Legal and Member Services shall carry out a regular audit of authorisations contained on the central register at least once every 3 months.

3.18 **Code of Practice**

The Home Office Code of Practice on the Use of Covert Surveillance can be viewed at: http://security.homeoffice.gov.uk/ripa/publication-search/ripa-cop/

4.0   COVERT HUMAN INTELLIGENCE SOURCES (CHIS)

4.1   The use of CHISs is also regulated by RIPA. A CHIS is a person who establishes or maintains a relationship with someone in order to obtain information, to provide another person with access to information or to disclose information as a consequence of that relationship. Should an officer consider the use of a CHIS as necessary, they must liaise with the Head of Legal and Member Services. If the use of a CHIS is deemed necessary, special arrangements will be made for their use in accordance with the Home Office Code of Guidance on Covert Human Intelligence Sources (see paragraph 4.5 below). It is not anticipated that CHISs will be used often by the Council. However, if professional witnesses are used they may fall within the definition of CHISs.

4.2   If an investigating officer does believe that the use of a CHIS is necessary in the course of an investigation he/she should complete **FORM RIPACHIS1**. The officer must consider the safety and welfare of a person acting as a source and must carry out a risk assessment before authorisation is granted. The use must be proportionate to what is intended to be achieved. The authorisation will lapse automatically if not renewed after a period of **12 months**.

4.3   Special considerations apply if the person to be used as a source is **vulnerable** or a **juvenile**. In such circumstances advice should be sought from the Head of Legal and Member Services. Authorisation may only be granted by the Chief Executive, as Head of Paid Service, or in his/her absence a Chief Officer.

4.4   The same procedures outlined above in respect of directed surveillance of:

- Maintenance of a central register
- Confidential information
- Review
- Cancellation
- Renewal; and
- Audit checks

Shall also apply to the use of CHISs. The following forms shall be used **FORM RIPACHIS2** (review), **FORM RIPACHIS3** (cancellation) and **FORM RIPACHIS4** (renewal)

4.5   **Code of Practice**

The Code of Practice relating to the use of CHISs can be found at: http://security.homeoffice.gov.uk/ripa/publication-search/ripa-cop/

5.0   COMMUNICATIONS DATA

5.1   Requests for communications data will be dealt with by **designated persons**. Those persons who are authorising officers for the purposes of directed surveillance and CHISs shall also be designated persons for the purposes of obtaining communications data. Each local authority must have its own **Single Point of Contact (SPOC)**, to whom applicants can submit their requests for communications data. This is to ensure there is a specific point of accountability in each authority requesting data for reasons connected with RIPA and the HRA etc. The SPOC for Wirral Council is the Trading Standards Manager

5.2   It is important to note that we are not referring here to the interception of communications or the **content** of communications. The Council does not have power to intercept communications or acquire content.

5.3   There are 3 types of communications data;

- traffic data;

- service use data; and

- subscriber data.

5.4   More information on what constitutes these types of communication data is set out in the Home Office Code of Practice (see paragraph 5.9 below). Advice can also be sought from the Head of Legal and Member Services. Local authorities are only able to seek disclosure under RIPA of service use data and subscriber data **not** of traffic data.

5.5   Applications may be made for service use data e.g. itemised bills or subscriber data e.g. whether a person uses a particular network, who is the user of a particular number. A request for such information can only be made where it is necessary for the purpose of preventing or detecting crime or preventing disorder. The request must be proportionate. The form for completion for disclosure of communications data including guidance on completion is attached as **FORM RIPACD 1**. An authorisation or notice remains valid for **one month**. A valid authorisation or notice may be renewed for a further period of one month.

5.6   An authorisation or notice must be cancelled as soon as it is no longer necessary for the service provider to comply with the notice or the conduct required by the notice is no longer proportionate to what was sought to be achieved.

5.7   The **Senior Responsible Officer** must be responsible for:

- the integrity of the process in place within the public authority to acquire communications data;
- compliance with Chapter II of Part I of the Act and with this code;

- oversight of the reporting of errors to the Interception of Communications Commissioners Office (IOCCO) and the identification of both the cause(s) of errors and the implementation of processes to minimise repetition of errors;
- engagement with the IOCCO inspectors when they conduct their inspections; and
- where necessary, overseeing the implementation of post-inspection action plans approved by the Commissioner.

In Wirral the Senior Responsible Officer is the Head of Legal and Member Services.

5.8 In Wirral there has been very limited use of these powers. In the year 01/01/08 – 31/12/08 there were only 2 requests made for subscriber data by the Council.

5.9 The Home Office Code of Practice on the use of Communications Data can be viewed at: http://security.homeoffice.gov.uk/ripa/publication-search/ripa-cop/acquisition-disclosure-cop.pdf

6.0 REPORTING AND REVIEW

5.1 The Council recognises the public interest in the use by it of these powers. It is essential that it regularly monitors and reviews the use of these powers. Therefore, this policy and procedure shall be subject to a review on at least an annual basis. The Head of Legal and Member Services shall report annually to the Chief Officers Management Team on the use of these powers and the Director of Law, HR and Asset Management shall report annually to the Cabinet and the Audit and Risk Management Committee.

7.0 COORDINATION AND TRAINING

7.1 All Departments that use or may use the Council's powers under RIPA shall nominate a Departmental Coordinator under this Policy. The Departmental Coordinators shall meet at least once a quarter to review the operation of this policy, share best practice and consider training needs. Those meetings shall be chaired by the Head of Legal and Member Services or his/her nominated representative. Appendix 1 shows the list of Departmental coordinators.

7.2 The Council shall ensure that adequate training is provided to officers in the use of the powers. A training register shall be maintained and all authorising/designated officers will receive training at least every 2 years. A copy of the register is attached as Appendix 2 If an authorising/designated officer has not attended any training for a period of 2 years they shall **automatically cease** to be a responsible/authorised officer.

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RIPA CO-ORDINATORS GROUP

Department	Representative
Department of Law, HR and Asset Management	Bill Norman
Department of Finance	Malcolm Flanagan
Department of Regeneration	John Malone/Lucy Pritchard
Department of Technical Services	Phil Black
Department of Children's Services	N/a
Department of Adult Social Services	N/a
Department of Corporate Services	N/a

Appendix 2

<u>RIPA REGISTER OF AUTHORISING AND APPLYING OFFICERS AND TRAINING</u>

<u>Authorising Officers</u>

<u>Department</u>	<u>Officer</u>	<u>Date Appointed</u>	<u>Most Recent Training*</u>
Regeneration	John Malone Caroline Laing Lucy Pritchard		
Finance	David Smith Malcolm Flanagan Stephen Rowley		
Technical Services	Dave Green		

<u>Applying Officers</u>

<u>Department</u>	<u>Officer</u>	<u>Date Appointed</u>	<u>Most Recent Training*</u>
Regeneration	Alison McFarland Jean Booth Andy Pike Andy O'Rourke Carolyn Richley Zhara Jones John Sebborn Louise Alexander Mike O'Brien Andy Bushell		
Finance	Kris Ng		
Technical Services	Lee Walsh Sue Bannister		

* - all authorising officers must have received training within the last 2 years

Last updated 1/04/09

WIRRAL

Part II of the Regulation of Investigatory Powers Act 2000

Authorisation Directed Surveillance

Form RIPADS1

Public Authority *(including full address)*	Wirral Council, Town Hall, Brighton Street, Wallasey, Wirral. CH44 8ED

Name of Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			
Investigating Officer (if a person other than the applicant)			

Page 149

DETAILS OF APPLICATION

1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003; No. 3171. [1]

2. Describe the purpose of the specific operation or investigation.

3. Describe in detail the surveillance operation to be authorised and expected duration, including any premises, vehicles or equipment (e.g. camera, binoculars, recorder) that may be used.

4. The identities, where known, of those to be subject of the directed surveillance.

- Name:
- Address:
- DOB:
- Other information as appropriate:

5. Explain the information that it is desired to obtain as a result of the directed surveillance.

---

[1] For local authorities: The exact position of the authorising officer should be given. For example, Head of Trading Standards.

6. Identify on which grounds the directed surveillance is <u>necessary</u> under Section 28(3) of RIPA. *Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on.(SI 2003 No.3171)*

- In the interests of national security;
- For the purpose of preventing or detecting crime or of preventing disorder;
- In the interests of the economic well-being of the United Kingdom;
- In the interests of public safety;
- for the purpose of protecting public health;
- for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department;

7. Explain <u>why</u> this directed surveillance is necessary on the grounds you have identified [Code paragraph 2.4]

8. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 2.6 to 2.10.]

   Describe precautions you will take to minimise collateral intrusion

9. Explain <u>why</u> this directed surveillance is proportionate to what it seeks to achieve. How intrusive might it be on the subject of surveillance or on others? And why is this intrusion outweighed by the need for surveillance in operational terms or can the evidence be obtained by any other means? [Code paragraph 2.5]

10. Confidential information. [Code paragraphs 3.1 to 3.12]

INDICATE THE LIKELIHOOD OF ACQUIRING ANY CONFIDENTIAL INFORMATION:

11. Applicant's Details.			
Name (print)		**Tel No:**	
Grade/Rank		**Date**	
Signature			

12. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW– in this and the following box.]

I hereby authorise directed surveillance defined as follows: [*Why is the surveillance necessary, whom is the surveillance directed against, Where and When will it take place, What surveillance activity/equipment is sanctioned, How is it to be achieved?*]

13. Explain why you believe the directed surveillance is necessary. [Code paragraph 2.4]

    Explain why you believe the directed surveillance to be proportionate to what is sought to be achieved by carrying it out. [Code paragraph 2.5]

14. (Confidential Information Authorisation.) Supply detail demonstrating compliance with Code paragraphs 3.1 to 3.12

Date of first review	

Programme for subsequent reviews of this authorisation: [Code paragraph 4.22]. Only complete this box if review dates after first review are known. If not or inappropriate to set additional review dates then leave blank.

Name (Print)		**Grade / Rank**		
Signature		**Date and time**		
Expiry date and time [e.g.: authorisation granted on 1 April 2005 - expires on 30 June 2005, 23.59]				

15. Urgent Authorisation [Code paragraphs 4.17 and 4.18]: Authorising officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.

16. If you are only entitled to act in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully qualified authorising officer

Name (Print)		**Grade/ Rank**		
Signature		**Date and Time**		

Urgent authorisation Expiry date:		**Expiry time:**	
Remember the 72 hour rule for urgent authorities – check Code of Practice.	e.g. authorisation granted at 5pm on June 1st expires 4.59pm on 4th June		

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❄WIRRAL

Part II of the Regulation of Investigatory Powers Act 2000

Review of a Directed Surveillance authorisation

Form RIPADS2

Public Authority *(including address)*	Wirral Council, Town Hall, Brighton Street, Wallasey, Wirral. CH44 8ED

Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Operation Name		Operation Number* ***Filing Ref**	
Date of authorisation or last renewal		Expiry date of authorisation or last renewal	
		Review Number	

Details of review:

1. Review number and dates of any previous reviews.	
Review Number	Date

2. Summary of the investigation/operation to date, including what private information has been obtained and the value of the information so far obtained.

2007-01 DS Review

Unique Reference Number	

---

3. Detail the reasons why it is necessary to continue with the directed surveillance.

---

4. Explain how the proposed activity is still proportionate to what it seeks to achieve.

---

5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occuring.

---

6. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information.

---

7. Applicant's Details

Name (Print)		Tel No	
Grade/Rank		Date	

Signature	

8. Review Officer's Comments, including whether or not the directed surveillance should continue.

9. Authorising Officer's Statement.

I, [insert name], hereby agree that the directed surveillance investigation/operation as detailed above [should/should not] continue [until its next review/renewal][it should be cancelled immediately].

Name (Print) .... **Grade / Rank** -

Signature - - - - - - - - - - - - - - - - **Date** -

10. Date of next review.	

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⚙WIRRAL

Part II of the Regulation of Investigatory Powers Act 2000

Cancellation of a Directed Surveillance authorisation

Form RIPADS3

Public Authority *(including full address)*	Wirral Council, Town Hall, Brighton Street, Wallasey, Wirral. CH44 8ED

Name of Applicant		Unit/Branch /Division	
Full Address			
Contact Details			
Investigation/Operation Name (if applicable)			

Details of cancellation:

1. Explain the reason(s) for the cancellation of the authorisation:

2. Explain the value of surveillance in the operation:

3. Authorising officer's statement.

I, [insert name], hereby authorise the cancellation of the directed surveillance investigation/operation as detailed above.

Name (Print) ---   **Grade** _____

Signature ---   **Date** _____

4. Time and Date of when the authorising officer instructed the surveillance to cease.

Date:		Time:	

5. Authorisation cancelled.	Date:	Time:

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	

WIRRAL

Part II of the Regulation of Investigatory Powers Act (RIPA) 2000

Application for authorisation of the conduct or use of a Covert Human Intelligence Source (CHIS)

Form RIPACHIS1

Public Authority *(including full address)*	Wirral Council, Town Hall, Brighton Street, Wallasey, Wirral. CH44 8ED	
Name of Applicant		**Service/Department /Branch**	
How will the source be referred to? i.e. what will be his/her pseudonym or reference number	
The name, rank or position of the person within the relevant investigating authority who will have day to day responsibility for dealing with the source, including the source's security and welfare. (Often referred to as the Handler)	
The name, rank or position of another person within the relevant investigating authority who will have general oversight of the use made of the source. (Often referred to as the Controller)	
Who will be responsible for retaining (in secure, strictly controlled conditions, with need-to-know access) the source's true identity, a record of the use made of the source and the particulars required under RIP (Source Records) Regulations 2000 (SI 2000/2725)?	

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	

Investigation/Operation Name (if applicable)	

DETAILS OF APPLICATION

1. Give rank or position of authorising officer in accordance with the Regulation of Investigatory Powers (Directed Surveillance and Covert Human Intelligence Sources) Order 2003; No. 3171. [1] *Where appropriate throughout amend references to the Order relevant to your authority.*

2. Describe the purpose of the specific operation or investigation.

3. Describe in detail <u>the purpose</u> for which the source will be tasked or used.

4. Describe in detail the proposed covert conduct of the source or <u>how</u> the source is to be used.

5. Identify on which grounds the conduct or the use of the source is <u>necessary</u> under Section 29(3) of RIPA. *Delete those that are inapplicable. Ensure that you know which of these grounds you are entitled to rely on. (eg. SI 2003 No.3171)*

---

[1] For local authorities: The formal position of the authorising officer should be given. For example, Head of Trading Standards.

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	

- In the interests of national security;
- For the purpose of preventing or detecting crime or of preventing disorder;
- In the interests of the economic well-being of the United Kingdom;
- In the interests of public safety;
- for the purpose of protecting public health;
- for the purpose of assessing or collecting any tax, duty, levy or other imposition, contribution or charge payable to a government department.

6. Explain <u>why</u> this conduct or use of the source is necessary on the grounds you have identified [Code paragraph 2.4]

7. Supply details of any potential collateral intrusion and why the intrusion is unavoidable. [Bear in mind Code paragraphs 2.6 to 2.10.]

Describe precautions you will take to minimise collateral intrusion and how any will be managed.

8. Are there any particular sensitivities in the local community where the source is to be used? Are similar activities being undertaken by other public authorities that could impact on the deployment of the source? (see Code 2.9)

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	

9. Provide an assessment of the risk to the source in carrying out the proposed conduct. (see Code 2.9)

10. Explain <u>why</u> this conduct or use of the source is proportionate to what it seeks to achieve. How intrusive might it be on the subject(s) of surveillance or on others? How is this intrusion outweighed by the need for a source in operational terms, and could the evidence be obtained by any other means? [Code paragraph 2.5]

11. Confidential information. [Code paragraphs 3.1 to 3.12]

Indicate the likelihood of acquiring any confidential information.

References for any other linked authorisations:

12. Applicant's Details.

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	

Name (print)		**Grade/Rank/Position**	
Signature		**Tel No:**	
Date			

13. Authorising Officer's Statement. [Spell out the "5 Ws" – Who; What; Where; When; Why and HOW – in this and the following box.] THE AUTHORISATION SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE, NOT THE TRUE IDENTITY.

14. Explain <u>why</u> you believe the conduct or use of the source is necessary. [Code paragraph 2.4]

   Explain <u>why</u> you believe the conduct or use of the source to be proportionate to what is sought to be   achieved by their engagement. [Code paragraph 2.5]

15. (Confidential Information Authorisation.) Supply details demonstrating compliance with Code paragraphs 3.1 to 3.12

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	

16. Date of first review:	

17. Programme for subsequent reviews of this authorisation: [Code paragraphs 4.19 and 4.20]. Only complete this box if review dates after first review are known. If not, or inappropriate to set additional review dates, then leave blank.

18. Authorising Officer's Details

Name (Print)		Grade/Rank/Position	
Signature		Time and date granted*	
		Time and date authorisation ends	

* Remember, an authorisation must be granted for a 12 month period, i.e. 1700 hrs 4th June 2006 to 2359hrs 3 June 2007

19. Urgent Authorisation [Code paragraphs 4.17 and 4.18]: Authorising Officer: explain why you considered the case so urgent that an oral instead of a written authorisation was given.

20. If you are entitled to act only in urgent cases: explain why it was not reasonably practicable for the application to be considered by a fully designated Authorising Officer

CHIS Unique Reference Number (URN) (to be supplied by the central monitoring officer).	

21. Authorising Officer of urgent authorisation

Name (Print)		Grade/Rank/Position		
Signature		**Date and Time**		
Urgent authorisation expiry date:		**Expiry time:**		

Remember the 72 hour rule for urgent authorisations – check Code of Practice [Code Paragraph 4.18]. e.g. authorisation granted at 1700 on 1st June 2006 expires 1659 on 4th June 2006

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WIRRAL

Part II of the Regulation of Investigatory Powers Act (RIPA) 2000

Review of a Covert Human Intelligence Source (CHIS) authorisation

Form RIPACHIS2

Public Authority *(including full address)*	Wirral Council, Town Hall, Brighton Street, Wallasey, Wirral. CH44 8ED

Applicant		Unit/Branch	
Full Address			
Contact Details			
Pseudonym or reference number of source			
Operation Name		Operation Number* *Filing Ref	
Date of authorisation or last renewal		Expiry date of authorisation or last renewal	
		Review Number	

Unique Operation Reference Number* (*Filing Ref)	

Details of review:

1. Review number and dates of any previous reviews.	
Review Number	**Date**

2. Summary of the investigation/operation to date, including what information has been obtained and the value of the information so far obtained.

3. Detail the reasons why it is necessary to continue with using a Covert Human Intelligence Source.

4. Explain how the proposed activity is still proportionate to what it seeks to achieve.

5. Detail any incidents of collateral intrusion and the likelihood of any further incidents of collateral intrusions occuring.

Unique Operation Reference Number* (*Filing Ref)	

6. Give details of any confidential information acquired or accessed and the likelihood of acquiring confidential information.

7. Give details of the review of the risk assessment on the security and welfare of using the source.

8. Applicant's Details

Name (Print)		Tel No	
Grade/Rank		Date	
Signature			

9. Review Officer's Comments, including whether or not the use or conduct of the source should continue?

10. Authorising Officer's Statement. THE AUTHORISATION SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE NOT THE TRUE IDENTITY.

Name (Print)   ....   Grade / Rank

Signature   ....   Date

Unique Operation Reference Number* ^(*Filing Ref)	

Date of next review:	

✳WIRRAL

Part II of the Regulation of Investigatory Powers Act (RIPA) 2000

Cancellation of an authorisation for the use or conduct of a Covert Human Intelligence Source

Form RIPACHIS3

Public Authority *(including full address)*	Wirral Council, Town Hall, Brighton Street, Wallasey, Wirral. CH44 8ED

Name of Applicant		**Unit/Branch**	
Full Address			
Contact Details			
Pseudonym or reference number of source			
Investigation/Operation Name (if applicable)			

2007-01 CHIS Cancellation   Page 1 of 2

Unique Operation Reference Number* ^(*Filing Ref)	

Details of cancellation:

1. Explain the reason(s) for the cancellation of the authorisation:

2. Explain the value of the source in the operation:

3. Authorising officer's statement. THIS SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE NOT THE TRUE IDENTITY.

Name (Print) _____   **Grade** _____

Signature _____   **Date** _____

4. Time and Date of when the authorising officer instructed the use of the source to cease.			
Date:		Time:	

WIRRAL

Part II of the Regulation of Investigatory Powers Act (RIPA) 2000

Application for renewal of a Covert Human Intelligence Source (CHIS) Authorisation

(Please attach the original authorisation)

Form RIPACHIS4

Public Authority *(including full address)*	Wirral Council, Town Hall, Brighton Street, Wallasey, Wirral. CH44 8ED

Name of Applicant		Unit/Branch	
Full Address			
Contact Details			
Pseudonym or reference number of source			
Investigation/Operation Name (if applicable)			
Renewal Number			

Details of renewal:

1.   Renewal numbers and dates of any previous renewals.

Unique Operation Reference Number* ^(*Filing Ref)	

Renewal Number	Date

2. Detail any significant changes to the information as listed in the original authorisation as it applies at the time of the renewal.

3. Detail why it is necessary to continue with the authorisation, including details of any tasking given to the source.

4. Detail why the use or conduct of the source is still proportionate to what it seeks to achieve.

5. Detail the use made of the source in the period since the grant of authorisation or, as the case may be, latest renewal of the authorisation.

Unique Operation Reference Number* (*Filing Ref)	

---

6.   List the tasks given to the source during that period and the information obtained from the conduct or use of the source.

---

7.   Detail the results of regular reviews of the use of the source.

---

8.   Give details of the review of the risk assessment on the security and welfare of using the source.

---

9. Applicant's Details			
Name (Print)		Tel No	

Unique Operation Reference Number* [(*Filing Ref)]	

Grade/Rank		Date	
Signature			

10. Authorising Officer's Comments. __This box must be completed.__

11. Authorising Officer's Statement. THE AUTHORISATION SHOULD IDENTIFY THE PSEUDONYM OR REFERENCE NUMBER OF THE SOURCE NOT THE TRUE IDENTITY.

Name (Print)	Grade / Rank
Signature	Date

Renewal From:	Time:	Date:
		End date/time of the authorisation

NB. Renewal takes effect at the time/date of the original authorisation would have ceased but for the renewal

Date of first review:	
Date of subsequent reviews of this authorisation:	

Acquisition and Disclosure of Communications Data

Guidance for the Layout of a Chapter II Application Form and Guidance for Applicants and Designated Persons Considering Necessity and Proportionality

Introduction

This paper has been produced jointly by the Home Office and the Data Communications Group (DCG)*, in consultation with the Interception of Communications Commissioner's Office (IOCCO), to clarify what information should be included in an application for the acquisition of communications data in accordance with the Regulation of Investigatory Powers Act 2000 ("the Act") and the code of practice approved by Parliament under section 71 ("the code").

Where appropriate, the **GUIDANCE** set out in this paper should be included within a public authority's application process to assist applicants and designated persons.

The layout of this specimen document is for a <u>paper based</u> administration and has been prepared in **Microsoft Word 2002** using **Verdana** text.

Sections of the form can be amended to suit the working practice of the public authority whether managed on paper or on a database. However, changes must be in accordance with the Act and the code.

If you are viewing the specimen form in something <u>other than </u>Microsoft Word 2002, the colours and pagination may differ from the original.

*The Data Communications Group comprises representatives of ACPO, ACPO(S), HMRC, SOCA, other public authorities and senior members of communication service providers and their trade associations.

Application

An application, comments by the single point of contact (SPoC), considerations of the designated person, authorisations and notices may be made in writing ("paper") or electronically ("database").

Insert name of your public authority here

Chapter II of Part I of the Regulation of Investigatory Powers Act 2000

<u>Application for Communications Data</u>

1) Applicant's Name		4) Unique Reference Number	
2) Office, Rank or Position		5) Applicant's Telephone Number	
3) Applicant's Email Address		6) Applicant's Fax Number	

7) Operation Name (if applicable)		8) STATUTORY PURPOSE
		Click here for options:-

Subject to the restrictions upon public authorities, the Statutory Purposes for which communications data can be required are as follows (see paragraph 2.2 of the code);

- In the interests of National Security S22 (2)(a)
- For the prevention and detection of crime or preventing disorder S22 (2)(b)
- Economic well being of the United Kingdom S22 (2)(c)
- In the interests of public safety S22 (2)(d)
- For the purpose of protecting public health S22 (2)(e)
- For the purpose of assessing or collecting tax, duty levy or other imposition, contribution of charge payable to a government department S22 (2)(f)
- For the purpose, in an emergency, of preventing death or injury or damage to a persons physical or mental health or of mitigating any injury or damage to a persons physical or mental health S22 (2)(g)
- To assist investigations into alleged miscarriages of justice Article 2(a)
- For the purpose of assisting in identifying any person who has died otherwise than as a result of crime or who is unable to identify himself because of a physical or mental condition, other than one resulting from crime Article 2(b)(i)

- For the purpose of obtaining information about the next of kin or other connected persons of such a person or about the reason for his death or condition Article 2(b)(ii)

The police may use all the statutory purposes listed <u>except</u> for S22 (f) and Article 2(a).

Some of the statutory purposes have restrictions as to when it may be appropriate to use them (see footnotes 13, 14 and 15 of the code)

The drop down menu **STATUTORY PURPOSE** has been drafted for police use - other public authorities must amend the drop down menu appropriate to the statutory purposes permitted for their authority.

There is a restriction on the acquisition of communications data for S22 (d), S22 (e) & S22 (f). Only communications data within the meaning of S21 (4) (c) may be acquired for these purposes (see paragraph 2.3 and 2.4 of the code).

---

9) COMMUNICATIONS DATA
Describe the communications data required, specifying, where relevant, any historic or future date(s) and, where appropriate, time period(s)

This text box can be made bigger or smaller, it is not set out to indicate how much should be written

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It may be appropriate for the section **COMMUNICATIONS DATA** to include 'text boxes' to enable the applicant to set out the:

- telephone number, email address, etc;

- where appropriate the 'between times / dates' of the data set required;

- type of data required, for example subscription details, outgoing calls, incoming calls.

An application may contain several requests for various 'data sets' relating to a specific investigation or operation. However, consideration should be given as to how this may affect the efficiency of the public authority's processes and the impact of managing disclosure issues before, during and after a criminal trial.

10) NECESSITY

State the nature of the investigation or operation and how it relates to a purpose at question 8

Give a short explanation of the crime (or other purpose), the suspect, victim or witness and the phone or communications address and how all these three link together.

This text box can be made bigger or smaller, it is not set out to indicate how much should be written

GUIDANCE

NECESSITY – In order to justify the application is necessary the applicant needs to cover three main points:

- crime / offence / circumstances ("the **event**") under investigation;

- suspect(s) / offender(s) / witness(es) / victim(s) ("the **person**") and how the person(s) is/are linked to the event;

- telephone number(s), IP Address(es) etc ("the **communication**") and how this/these relate or link the person and the event.

Sensitive sources of intelligence or covert investigation techniques may be referred to in the application but the applicant must be mindful of the appropriate security handling of the application once completed. It may be sufficient to refer to an intelligence reference number within the body application dependant on the security issues involved.

The information given by the applicant (which includes 'background information' or the 'intelligence case') should be set out within an application under the headings of **Necessity** and **Proportionality** (which includes the consideration of meaningful collateral intrusion). This will minimise the need to repeat information within an application and enable the process to be streamlined.

In essence, necessity should be a short explanation of the a) **event**, b) the **person** and c) the **communication** and how these three link together.

Event

Person ⟷ **Communication**
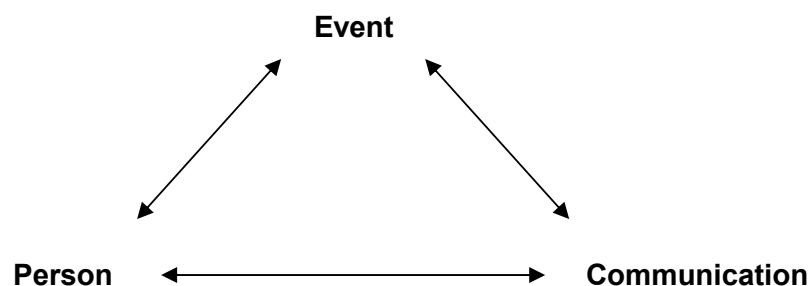
The applicant must establish a link (which may, where justified, include an inferential link) between the three aspects to be able to demonstrate the acquisition of communications data is necessary for the statutory purpose specified.

A brief description of the investigation or operation may assist the designated person better understand the reason for the application.

In a long term or complex investigation or operation it is important to set the application in context with the overall investigation or operation and set the scene and background, which then leads into the applicant's specific investigative or operational requirements (which should be covered in the proportionality section).

Necessity <u>does not</u> entail explaining, 'what will be achieved by acquiring the data' or 'why specific time periods have been requested' – these points are relevant to proportionality and should be covered in the relevant section to stop repetition.

---

11) PROPORTIONALITY

State why obtaining the communications data is proportionate to what you are seeking to achieve

Outline what is expected to be achieved from obtaining the data and explain how the level of intrusion is justified when taking into consideration the benefit the data will give to the investigation. When considering the benefits to the investigation or operation, can the level of intrusion be justified against the individual's right to privacy? Explain why you have requested the specific date/time periods i.e. how these are proportionate.

This text box can be made bigger or smaller, it is not set out to indicate how much should be written

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12) COLLATERAL INTRUSION

Consider and, where appropriate, describe any meaningful collateral intrusion – the extent to which the privacy of any individual not under investigation may be infringed and why that intrusion is justified in the circumstances

If you have identified any <u>meaningful degree of collateral intrusion</u>, explain what it is.

This text box can be made bigger or smaller, it is not set out to indicate how much should be written

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GUIDANCE

PROPORTIONALITY - Applicants should outline how obtaining the data will benefit the investigation or operation. The two basic questions:

- "What are you looking for within the data to be acquired?"

- "If the data contains what you are looking for, what will be your next course of action?"

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The relevance of any time periods requested must be explained outlining how these periods are proportionate to the event under investigation.

An explanation as to how communications data will be used, once acquired, and how it will benefit the investigation or operation will enable the applicant to set out the basis of proportionality.

An investigation or operation which is seeking to acquire several sets of traffic data or service use data should engage with the SPoC to develop strategies (or collection plans) to obtain the communications data and the detail of that strategy may be included within the application (see paragraph 3.17 of the code).

COLLATERAL INTRUSION forms part of the **PROPORTIONALITY** considerations and becomes increasingly relevant when applying for traffic data or service use data and applicants should outline specifically what collateral intrusion may occur, how the time periods requested impact on the collateral intrusion, whether they are likely to obtain data which is outside the realm of their investigation and outline their plans for managing it, for example during the course of an investigation and to establish certain facts it may be necessary and proportionate for an investigator (applicant) to require access to communications data that relates to witnesses as well as the associates of a suspect or target.

The question to be asked is, "Will the data set to be acquired result in collateral intrusion to persons outside the line of enquiry the data is being obtained for? For example, due to the very specific nature of telephone subscriber check/s, collateral intrusion on a person other than the subscriber detail/s will be consistently absent whereas itemised billing on the subject's family home will be likely to contain calls made by the family members.

Applicants should not write about a potential or hypothetical 'error' and if the applicant can not identify any meaningful collateral intrusion that factor should be recorded in the application i.e. "none identified".

13) TIMESCALE Identify and explain the timescale within which the data is required	

GUIDANCE

TIME SCALE - Completion of this section assists the SPoC to prioritise the request.

DCG has an agreed Grading System that indicates to the CSP any urgent timescales, which is synchronised with the Urgent Oral Process (see footnote 40 and paragraph 3.56 of the code).

14) APPLICANT			
I undertake to inform the SPoC of any change in circumstances that no longer justifies the acquisition of the data			
Applicant's Signature		**Date**	

GUIDANCE

If the application is being recorded within a database (or other electronic format), and is attributable to the applicant, a signature is not required.

Considerations of the SPoC

An application, comments by the single point of contact (SPoC), considerations of the designated person, authorisations and notices may be made in writing ("paper") or electronically ("database").

---

15) ASSESSMENT BY ACCREDITED SPoC.	
How much will the acquisition of the data cost?	
Are there other factors the DP should be aware of? *For example, the requirement:* • *is NOT reasonably practical for the CSP to do;* • *will cause an adverse cost or resource implication to either your public authority or the CSP (for instance does the investigation or operation have the analytical capacity to undertake analysis of the communications data once acquired);* • *will produce excess data to that required.*	
Name of Accredited SPoC	

16) AUTHORISATION (Completed by Accredited SPoC when appropriate)
Specify the reason why the collection of communications data by means of an authorisation is appropriate:
☐   There is an agreement in place between the public authority and the CSP relating to the appropriate mechanisms for the disclosure of the data ◊
☐   The designated person considers there is a requirement to identify to whom a service is provided (for example subscriber check) but a CSP has yet to be conclusively determined as the holder of the communications data ♦
☐   CSP is not capable of obtaining or disclosing the communications data **Δ**

Describe the communications data to be acquired specifying, where relevant, any historic or future date and/or time periods sought.* Describe the course of conduct required to obtain the data.	☐ ◊Traffic or Service Use data – acquisition by SPoC directly from CSP ☐ ♦ Subscriber Information – acquisition by SPoC or, where SPoC can not acquire data directly from CSP, serve assurance of the Authorisation on CSP[1] ☐ **Δ**Other conduct – specify

The statutory purpose for which the conduct may be authorised is set out at section 8 of this form. *The office, rank or position of the designated person should be recorded within section 17 of this form together with a record of the date & time the granting of an authorisation is made.*

*The question, *"Describe the communications data to be acquired specifying, where relevant, any historic or future date and/or time periods sought",* is appropriate where

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[1] See paragraph 3.30 of the code

the communications data sought by the applicant may need refinement by the SPoC, for example incoming calls to a telephone number held by a CSP that does not keep a data set that can reveal such calls. The SPoC would state that several Authorisations and Notices will need to be undertaken with CSPs that can reveal calls instigating from their networks to the telephone number in question.

The designated person, having considered the comments of the SPoC, may decide the acquisition is not justified because of the significant resources required by the CSP to retrieve and disclose the data or it will be impractical for the public authority to undertake an analysis of the data.

It will also be appropriate for the SPoC to comment where the data sought by the applicant will require the acquisition of excess data, specifically where it is not practicable for the CSP to edit or filter the data, for example a specific incoming call in a data set with outgoing calls and cell site contained in it. If the designated person considers this to be necessary and proportionate for the acquisition of the specific incoming call then the Authorisation or Notice must specifically include the acquisition of the outgoing call, incoming calls and cell site.

Considerations of the Designated Person

An application, comments by the single point of contact (SPoC), considerations of the designated person, authorisations and notices may be made in writing ("paper") or electronically ("database").

17. DESIGNATED PERSON
The designated person considers the application and if approved records their considerations: • *Why do you **believe** acquiring the communications data is necessary for one of the purposes within section 22(2) of the Act;*   • *Why do you **believe** the conduct involved in obtaining the data is proportionate to the objective(s)? In making that judgement you should take in consideration any additional information from the SPoC. If the applicant has identified any <u>meaningful degree of collateral intrusion</u>, why you **believe** the request remains justified and proportionate to the objective(s)?*

My considerations in approving / not approving this application are:			
This text box can be made bigger or smaller, it is not set out to indicate how much should be written			
☐ I authorise the conduct to be undertaken by the SPoC as set out in section 16 of this form. ☐ I give Notice and require the SPoC to serve it on (insert name of CSP)　　. The Notice***** bears the unique reference number			
Name		Office, Rank or Position	
Signature		**Time and Date**	

GUIDANCE

The **DESIGNATED PERSON** must be able to show he or she has understood the need for the application and considered necessity and proportionality to a standard that will withstand scrutiny.

The designated person should tailor their comments to a specific application as this best demonstrates the application has been properly considered.

If the designated person having read the application considers the applicant has met all the requirements then he or she should simply record that fact. In such cases a simple note by the designated person should be recorded.

There may be circumstances where the designated person having read the case set out by the applicant and the considerations of the SPoC will want to comment why it is still necessary and proportionate to obtain the data despite excessive data being acquired.

If the designated person does not consider the case for obtaining the data has been met the application should be rejected and referred back to the SPoC and the applicant.

*A Notice must include a unique reference number that also identifies the public authority. This can be a code or an abbreviation. For police services it will be appropriate to use the Police National Computer (PNC) force coding. See also paragraph 3.37 (and footnote 53) of the code.

If the designated person is recording their considerations within a database (or other electronic format) and is attributable to the designated person, a signature is not required.

AUDIT AND RISK MANAGEMENT COMMITTEE - 30 MARCH 2009

STANDARDS COMMITTEE - 31 MARCH 2009

CABINET - 9 APRIL 2009

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

PARTNERSHIPS FRAMEWORK AND TOOLKIT

1. **Background**

1.1. The Council like other bodies increasingly provides services through partnerships with other bodies. Partnership working brings great opportunities to enhance the offer to citizens. However, it can also bring risks, particularly in terms of possible lack of clarity over governance arrangements and accountability.

2. **PROBITY AND PARTNERSHIPS**

2.1. The Audit Commission carried out a review of the Council's governance arrangements for partnerships in 2003/4. As a result an action plan was developed and the following actions were taken;

- The Head of Legal and Member services drew up partnership guidance and a checklist which was approved by COMT and referred to Audit and Risk Management Committee;
- The Head of Legal and Member Services created a partnership register based on information provided by Chief Officers which recorded details of each of the Council's Partnerships;
- A risk review was carried out of the partnerships of which the Council was a member; and
- A partnership risk toolkit was developed.

2.2. The Audit Commission has recently carried out a further review of the Council's arrangements for partnerships. It is anticipated that the outcome of that review will be reported very shortly. It is anticipated that the report will highlight the need for the Council to strengthen its arrangements for ensuring that the council's partnership arrangements are strong.

2.3. The Head of Legal and Member Services has been working for some time on a Partnership Framework and Toolkit aimed at strengthening the Council's partnership arrangements. A draft has now been circulated and is attached to this report as Appendix 1.

2.4 The document provides a framework for ensuring that the Council's partnership arrangements are clear and transparent. It ensures that the Council will only enter in to partnerships or remain in them where there is clear added value and the benefits outweigh any risks or drawback. It recognises that the Council should focus its limited resources on those partnerships which will contribute towards meeting the Council's LAA improvement targets, strategic objectives or statutory responsibilities.

2.5 It is intended that the framework will be submitted to the following bodies:

- Standards Committee – 30 March 2009;
- Audit and Risk Management Committee – 31 March 2009;
- Cabinet - 9 April 2009; and
- Council – 27 April 2009

2.6 It is intended that the framework will then be included within the constitution of the council to reinforce the importance of governance within partnerships.

2.7 The Framework requires that the Council identify for each partnership a link officer and a responsible Head of Service. There will be a review of all existing partnerships to ensure that there is business case in respect of each. A risk assessment will also need to be carried out in respect of each. It is intended that these reviews will be completed within 6 months. All partnerships will then need to be reviewed at least annually. There will also need to be a business case made out before the Council enters in to any new partnership and the process identified in the framework will need to be followed in each case.

2.8 The Council will need to ensure that those officers that are involved in partnership working have sufficient training to operate the framework and toolkit effectively. Therefore, it is proposed that a process of raising awareness of partnership working is undertaken over the 2-3 months after the framework is approved.

2.9 Chief Officers will also need to ensure that the existing register (appended to the framework and toolkit) is comprehensive and includes all partnerships. This is being progressed currently.

3. **Financial and Staffing Implications**

3.1 There are already a number of staff engaged in partnership work. Whilst the initial review of partnerships will result in increased work it is anticipated that this will not be extensive and can be managed within existing resources. At this stage it is proposed that the costs of implementing the new system are closely monitored, with a view to containing them within existing budgets.

4. **Local Member Support**

There are no implications for individual wards arising directly from this report.

5. **Equal Opportunity Implications**

There are none arising directly from this report.

6. **Human Right Implications**

There are none arising directly from this report.

7. **Local Agenda 21 Implications**

There are none arising directly from this report.

8. **Community Safety Implications**

There are none arising directly from this report.

9. **Planning Implications**

There are none arising directly from this report.

10. **Background Papers**

There are no background papers which are not appended to this report.

11. **Recommendation**

11.1 That the Partnership Framework and Toolkit be endorsed and referred to Council for Approval and inclusion within the constitution.

BILL NORMAN
DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

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WIRRAL

WIRRAL COUNCIL
PARTNERSHIP GOVERNANCE FRAMEWORK AND TOOLKIT

February 2009

(Version 2 at 27 Feb 2009)

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Appendices

Foreword

Welcome to Wirral Council's Partnership Governance Framework and Toolkit. This document has been developed to guide elected members and officers of the Council when working with partnerships. It allows our partners to see the key principles and quality standards that we are committing to, and how we are putting collaboration and co-operation at the heart of the Council.

The promotion of effective partnerships with other organisations is the key to achieving our shared vision for Wirral of a:

"**more prosperous and equal Wirral, enabling all communities and people to thrive and achieve their full potential."**

This commitment is demonstrated, for example, through our leadership and involvement in the Wirral Local Strategic Partnership. Partnership is the key to Wirral's future success, as well as to that of the wider region we support. Wherever possible we will use partnerships to achieve shared priority outcomes that create and sustain a better quality of life for all the people of Wirral.

This toolkit has been developed considering Audit Commission Guidance and other examples of best practice. Particular thanks is given to Birmingham City Council for their assistance and permission to use parts of their toolkit.

[photograph of Leader]

Cllr Steve Foulkes,
Leader of Wirral Council

[photograph of Chief Executive]

Steve Maddox,
Chief Executive of Wirral Council

Section 1: Introduction and context

1.   Introduction: a partnership toolkit - why one is needed

The Council has a long history of developing partnerships both within and outside the borough.

However, partnership working presents a number of challenges. It is important to recognise the support that partnerships need for delivering shared outcomes.

We need to adopt a way of working that will ensure consistency, and clearly show that the partnerships we are working with provide 'value for money' and 'added value'. The goal is better services for Wirral citizens.

2.   The purpose of this toolkit

The purpose of this toolkit is to help the Council work with its partners to identify if all the partnerships it is involved with have good systems of governance. By governance we mean the processes, procedures and policies that deal with and address issues like accountability, probity and audit.

Excellent performance flows from good governance. And all members of a partnership should conform to codes for the overall good of all involved. The Council recently adopted a Code of Corporate Governance committing itself to the principles of good governance and local accountability.

The toolkit will ensure that for each partnership:

- the Council is clear about its purpose and expected outcomes for the people of Wirral when entering into partnerships;
- the Council's own agreed priorities and objectives are being met;
- there is clarity about accountability and responsibility for outcomes;
- partnership activity and outcomes are monitored, reviewed and evaluated to make best use of resources;
- risks for the Council, and for the partnership, are assessed and the controls agreed;
- each partnership maintains a relevance to its agreed purpose during its lifespan and has in place an effective exit strategy;
- partnerships are properly empowered and their legal status understood;
- reviews are undertaken to evaluate success and further challenge progress and improve effectiveness.

3.   Who will use this toolkit?

Both officers and elected members of the Council will have access to this toolkit. The Council will also share this toolkit with its partners and prospective partners ensuring

that the procedures and guidance involved are understood, and the need for them accepted.

The toolkit gives detailed guidance for each stage in the life of a partnership:
- The partnership cycle: **Appendix 1**
- Making the business case – both prior to setting up a partnership and reviewing for continuing relevance: **Appendices 2** and **2a**
- Reviewing a partnership – the framework: **Appendix 3**
- Monitoring, reviewing and evaluating partnership governance and effectiveness: **Appendix 3a**
- Leaving partnerships: **Appendix 4**.

4. Defining a partnership

The word *partnership* is used with increasing frequency in both the public, private and voluntary sectors and can mean different things to different people. The Council's definition has been adapted from definitions used by the Audit Commission[1].

In the context of local government, **a partnership is a joint working arrangement - which is not governed by the Partnership Acts - and where the partners:**
- **are otherwise independent bodies;**
- **agree to cooperate to achieve common goals and outcomes for the community;**
- **share accountability, risks, and resources;**
- **create an organisational structure with agreed processes and programmes.**

Some of our partnerships are more *significant* than others – in terms of the outcomes they seek to deliver, their profile/reputation and the resources that are put into them. The Council is not always the accountable body for its significant partnerships.

The Council has identified nine potential categories for partnerships. These are:

1) key partnerships;
2) procurement arrangements;
3) commercial or commissioned partnerships;
4) networking functions;
5) collaborative/shared service arrangements;
6) public private partnership / private finance initiative;
7) stock transfer Registered Social Landlords;
8) local management arrangements; and
9) grant funding systems.

The Council's priority will be to address issues relating to key partnerships. The Council's definition of a key partnership is a partnership that:
- **is a legal requirement or based on statutory guidance, or;**

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[1] *A fruitful partnership: effective partnership working*; Audit Commission, Nov 1998; and *Governing Partnerships; Bridging the Accountability Gap*; Audit Commission, Oct 2005

- **coordinates, commissions or delivers activities, at a borough-wide or local level, that *substantially* contribute towards our Local Area Agreement outcomes, the Council's corporate objectives or the objectives set out in the Sustainable Community Strategy.**

Please note that some partnerships have their own partnership families. In these cases only the *parent partnership* is regarded as a significant partnership. .

If you are unsure whether you are in a partnership arrangement or would like advice on whether a new arrangement should be formally established as a partnership, please contact the **Head of Legal and Member Services**.

5. Corporate and executive roles and responsibilities

The **Deputy Leader** is the executive partnership champion. The **Director of Law, HR and Asset Management** is the corporate partnership champion and has overall responsibility for the Council's strategic approach to its partnership activity.

The **Chief Officers Management Team** has responsibility for monitoring the strategic impact of the Council's involvement in partnerships. This will provide for a coordinated approach across the directorates and constituencies.

Appendix 5 provides an extensive list of the key roles and responsibilities.

6. Mapping the Council's partnership activity

As part of the development of this framework the Council has developed a partnership register which includes all partnerships that the Council is part of. This has helped to:

- identify when the Council is in a partnership and what sort of partnership it is;
- provide an evidence-base for reviewing partnership arrangements.

A list of the type of preliminary data collected as part of that early consultation on partnerships is in **Appendix 7**.

One of the outputs of reviewing all the Council's significant partnerships will be a reliable baseline to populate a partnership database, available to officers, elected members, partners and the public.

Section 2: Working in partnership

7. When is a partnership appropriate?

Partnership arrangements are appropriate when they have the potential to deliver:

- **value for money** – when available resources are used economically, efficiently and effectively
- **'added value'** – delivering something that is unlikely to be achieved by another form of working arrangement
- **good governance** – they are consistent and well-managed. (This calls on the partnership to be 'fit for purpose').

A key feature of all partnerships is that all the parties involved agree to the need for the partnership in these terms.

Any other ways of working must be assessed to determine if a partnership arrangement is the most appropriate one.

The outcomes and expectations of any partnership must always be considered against the legal framework in which the Council has to operate. Put simply, is it within the Council's powers to enter into such collaboration?

8. Making the business case for partnerships

The Council's participation in all new partnership arrangements must be approved by the Cabinet or appropriate Regulatory Committee or, if required under the constitution or by law, by Full Council.

The Wirral Local Strategic Partnership (LSP) should be asked to endorse the creation of new partnerships to ensure continuity and cohesion. This includes local partnerships at constituency level.

All partnerships – both proposed and existing – need to demonstrate how Council participation will benefit the people of Wirral and the Council. This will be assessed by comparing the objectives and intended outcomes of the partnership with:

- the Council's own priorities (as set out in the **Corporate Plan**);
- the priorities of the LSP (as set out in **Wirral 2025 – More Prosperous More Equal**);
- the **Local Area Agreement**.

Partnerships also need to demonstrate:

- fitness for purpose;
- value for money;

- added value.

Taken together, this will make the **business case** for a partnership. Initially, the business case needs to be approved by the accountable head of service. The template can be found in **Appendix 2a**.

Partnership governance and working arrangements will also need to be developed. **Appendix 3a** is the partnership review template that needs to be followed when developing working arrangements for a new partnership or negotiating arrangements when joining an existing one.

The business case process and the partnership development process must be dynamic and overlap. But, for new/proposed partnerships, the head of service **must** get 'in principle' agreement from the Chief Officers Management Team and/or Cabinet or the relevant regulatory committee as appropriate, before documents are signed and firm actions are taken that set in place operational partnership working arrangements.

These processes will culminate in the production of a partnership **Memorandum of Understanding**. This is a document that makes clear the:

- aims and principles of the partnership;
- roles and accountabilities of each of the bodies represented on the partnership;
- procedures under which the partnership will operate.

A model Memorandum of Understanding that exhibits all the attributes of best practice is in **Appendix 8**. This can be adapted to suit any circumstance. No area of this model should be omitted.

The **Head of Legal and Members Services** must advise on any report to Chief Officers' Management Team or governance arrangement before they are finalised. If development of a new partnership or entry into an existing partnership is approved, the accountable head of service will nominate Council officers for the partnership, including a **link officer**. The link officer's role and responsibilities will include:

- providing a point of contact between the Council and the partnership;
- annually reviewing the partnership's business case and its governance arrangements and effectiveness, reporting to the head of service;
- reporting on an exception basis to the head of service if any significant issues arise between annual reviews.

Cabinet, the appropriate Regulatory Committee or Full Council will approve nominations for elected members and, if considered necessary, officer appointments on partnerships.

Appendix 1 gives an overview of this process.

9. Review and evaluation of continuing Council involvement in partnerships

Review

All existing partnerships need to be reviewed annually for continuing relevance to the Council's priorities. There are two aspects to this:

1. Review of the partnership itself; providing assurance that proper systems are in place and that its outcomes and performance are monitored and evaluated.
2. The Council must decide whether its requirements are being met and be assured that the partnership is effective.

The business case for continuing a partnership needs to be confirmed annually. The review process should align with the Council's business planning process.

If a business case cannot be demonstrated then a report needs to be submitted to Cabinet or the appropriate Regulatory Committee (via the Chief Officers Management Team) stating this. (Further information on leaving partnerships can be found in **section 10**)

If the business case is made then the review should continue. **Appendix 3a** contains the review template. **Appendices 6** and **6a** give general guidance on reviews, review teams and reporting arrangements.

The review will show if the partnership has effective governance and delivery arrangements. It will also consider whether the risks involved in remaining in a partnership outweigh any benefits of doing so. If this is the case then the Council should leave the partnership.

It is the responsibility of heads of service to provide the Chief Officers'; Management Team with a formal annual report on a partnership's effectiveness and fitness for purpose, or more regularly if issues arise between the annual reports.

Issues relating to performance targets should be reported to appropriate directors or heads of service.

This exercise is not a substitute for the ongoing monitoring, evaluation, and the reporting responsibility of the partnership itself. **Appendix 3a** should be made available to partnerships.

Partnerships are responsible for their governance arrangements. But the Council also has a duty to ensure that adequate procedures and processes exist regarding the stewardship of public funds. For further guidance on this contact **Wirral Internal Audit**.

Evaluation

The aim of this is to identify the impact of partnerships and whether they are achieving what they were set up to do. The report that heads of service produce as part of the review process must analyse if a partnership is achieving its' short, medium and long-term goals, and if it is not, what options exist.

After the individual annual reviews have been considered by the Chief Officers Management Team, the **Director of Law, HR and Asset Management** will produce an annual report for the Chief Officers Management Team, the Audit and Risk Management Committee, the Standards Committee and Cabinet on the overall impact of the Council's involvement in partnerships, with recommendations on any actions required.

10. Leaving partnerships

At some point, partnership arrangements, or the Council's involvement in a partnership, will come to an end. This could be for one or more of several reasons:

- the partnership achieves all that it set out to do;
- the priorities of the Council / LSP change;
- on review, the partnership is not delivering the outputs and outcomes it was set up to do and a new approach needs to be explored;
- the partnership is replaced by another partnership or working arrangement;
- external funding sources / resources cease;
- on review, an adverse level of risk of continuing the partnership is identified;
- the legal framework upon which the partnership was founded, changes.

Cabinet, the appropriate Regulatory Committee (or Full Council if it has constitutional implications) has the authority to determine if the Council's involvement in a partnership should cease. This does not necessarily mean that the partnership itself will cease.

All Memoranda of Understanding should identify how individual organisations can leave a partnership (see **Appendix 8**).

Within three months of the decision to leave a partnership, the **link officer** will complete the template in **Appendix 4** and submit it to the Chief Officers' Management Team and the **Director of Law, HR and Asset Management**. Any learning or best practice will be identified. Where significant issues are raised, eg system failures, results will be circulated as soon as they are known.

11. Risk assessment and risk management

As part of the business case evaluation, a full risk assessment must be carried out in accordance with the Council's **Corporate Risk Management Strategy**. The Council's **Risk and Insurance Manager** has also produced a specific **Partnership Risk Toolkit**. A copy of the toolkit is attached as **Appendix 9**. For any further information or guidance on risk management contact the **Risk and Insurance Manager**.

Risk management does not stop once an initial business case has been made. Good risk management is key to delivering successful outcomes. Stakeholders in the partnership should achieve a common understanding of:

- the potential adverse conditions or opportunities associated with achieving partnership objectives;
- their relative seriousness or where opportunities exist;
- how adverse conditions can be managed or opportunities exploited.

A designated member of the partnership board should be responsible for maintaining a risk register. It should specify those responsible for managing the action plan to reduce individual risks.

The partnership Memorandum of Understanding should mention the matter of shared risk assessment and risk management mechanisms. Other partnership documents need to identify in detail what systems are in place to monitor, review and evaluate risk and who is responsible for ensuring this is done.

The partnership board should ensure that effective risk assessment is undertaken in all key decision-making processes, and the partnership implements risk management plans to reduce identified risks, set clear deadlines and allocate responsible individuals for particular tasks.

Partnership working is often about accepting higher risks and sharing risk as part of developing new ways of working. This needs to be balanced against the organisation's statutory acceptable levels of risk. Partnership working can often offer additional ways of reducing risk or eliminating elements of it.

As well as risk management plans there need to be business continuity plans covering what actions will be taken if risks are realised.

It is important to note that as part of risk management, insurance is one way of transferring the level of risks. **Appendix 10** details a number of areas where insurance decisions may need to be taken by the partnership. Further advice and information can be obtained from the Council's **Risk and Insurance Manager**.

12. Developing skills for partnership working

The Council recognises that partnership working requires particular skills and abilities, if it is to be effective. The Council will ensure that its training and development programme will include appropriate provision and opportunities for officers and elected members to develop the skills needed for partnership working.

Appendix 11 gives general principles shown by successful partnerships. **Appendix 12** gives examples of skills and knowledge required by partnerships for successful working. The **Director of Law, HR and Asset Management** has responsibility for ensuring that resources are available to develop partnership working skills.

13. Protocol for elected members involved in any work with outside bodies

Councillors should read and follow the protocol in **Appendix 13** when working as part of any partnership; either directly representing the Council, in an advisory capacity, or as part of an interest group. Any issues in this protocol that you do not understand or which require clarification should be discussed with the **Head of Legal and Member Services,** your political group leader or the Chief Executive.

Councillors need to observe, at all times, the relevant **Codes of Conduct** in the **Constitution**, paying particular attention to requirements for making declarations of interests.

If a Councillor serving on a partnership suspects that fraud is being committed, they should report those suspicions to **Wirral Internal Audit** and the **Head of Legal and Member Services** immediately – refer to the **Whistle Blowing Policy**.

14. Protocol for employees involved in any work with outside bodies

Council employees should read and follow the protocol in **Appendix 14** when working as part of any partnership; either directly representing the Council in an advisory capacity, or as part of an interest group. Any issues in this protocol that you do not understand or which require clarification should be discussed with your line manager.

Officers need to observe, at all times, the relevant Codes of Conduct in the **Constitution**, paying particular attention to the requirements for making declarations of interests. For some higher level partnerships, Cabinet or Cabinet member approval will be required before any employee is allowed to represent the Council on a partnership.

If an officer serving on a partnership suspects that fraud is being committed, they should report those suspicions to **Wirral Internal Audit** and the **Head of Legal and Member Services** immediately – refer to the **Whistle Blowing Policy**.

Council staff must bear in mind that acceptance of a role as a charity trustee or company director (even if accepted as part of your work for the Council) is their personal responsibility. Responsibilities to the Charity Commission, as well as under company law, must be fulfilled. The duty to act in the best interests of the charity or company must be balanced with your duty to the Council as an employee, and as a representative within its community leadership role. If in any doubt about this, contact the **Head of Legal and Member Services**.

Appendix 15 provides an appraisal of legal and procedural aspects of partnership working.

15. Complaints

Clarity over the process for dealings with complaints about partnership activity can be problematic. This led the Local Government Ombudsman to issue guidance in 2007[2]. This states:

> *Complaint handling and redress need to be central in the governance of partnerships.*
> *Local authorities need to establish rigorous, transparent and accessible complaint handling arrangements in the partnership settings in which they are involved.*
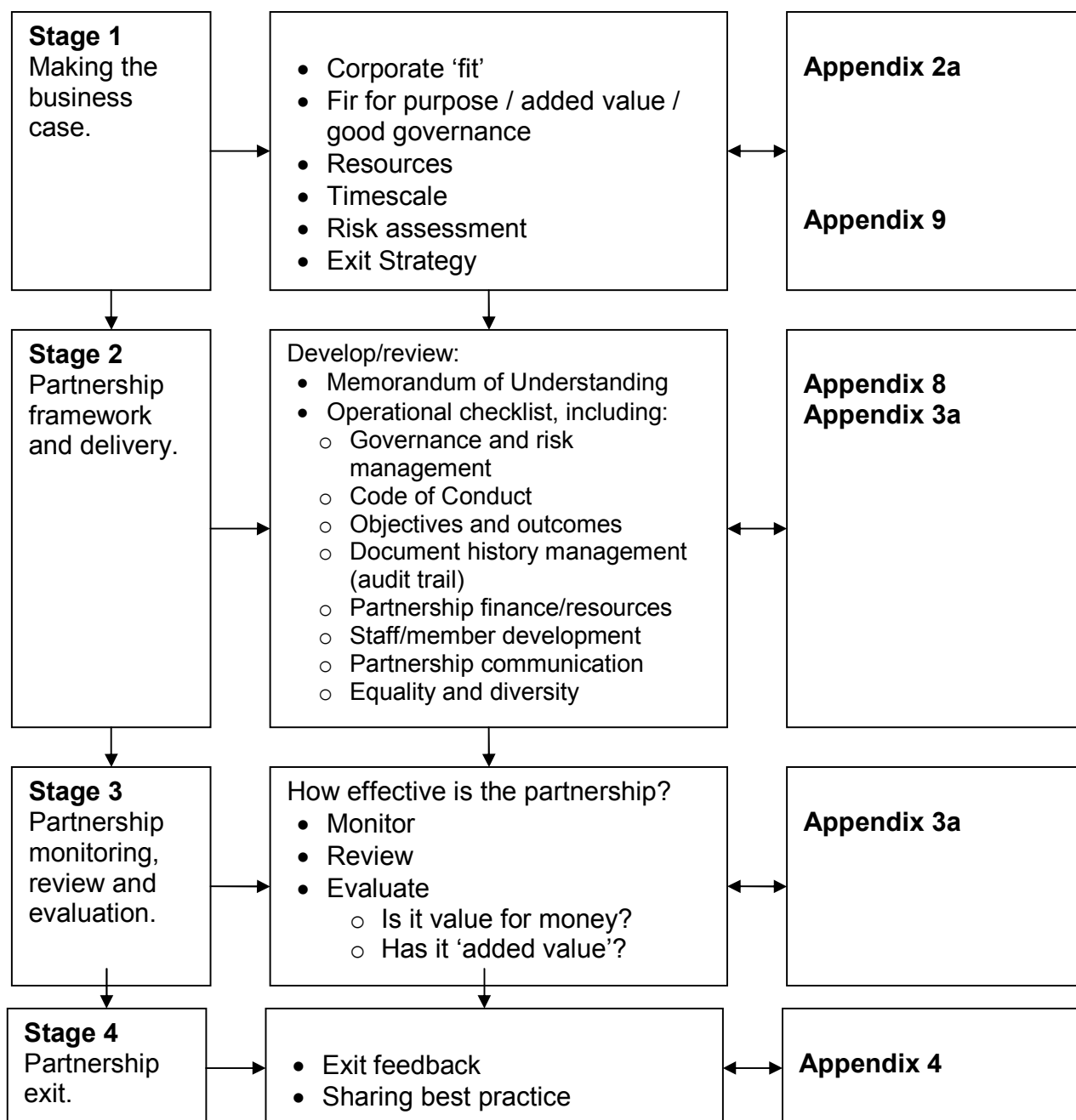
When entering any partnership or reviewing an existing one consideration must be given to the process for dealing with complaints about partnership activities.

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[2] *Special Report: Local Partnerships and Citizen's Redress*; Local Government Ombudsman, July 2007.

Appendix 1

The partnership cycle

This diagram gives an overview of our approach to partnership governance and delivery through the life cycle of a partnership: forming, performing and ceasing.

Stage 1 Making the business case.	• Corporate 'fit' • Fir for purpose / added value / good governance • Resources • Timescale • Risk assessment • Exit Strategy	**Appendix 2a** **Appendix 9**

Stage 2 Partnership framework and delivery.	Develop/review:
	 • Memorandum of Understanding
	 • Operational checklist, including:
	   o Governance and risk management
	   o Code of Conduct
	   o Objectives and outcomes
	   o Document history management (audit trail)
	   o Partnership finance/resources
	   o Staff/member development
	   o Partnership communication
	   o Equality and diversity
		Appendix 8
		 Appendix 3a

Stage 3 Partnership monitoring, review and evaluation.	How effective is the partnership?
	 • Monitor
	 • Review
	 • Evaluate
	   o Is it value for money?
	   o Has it 'added value'?
		Appendix 3a

Stage 4 Partnership exit.	• Exit feedback • Sharing best practice	**Appendix 4**

Appendix 2

Making the business case for new partnerships

This flowchart guides the head of service through the business case stage of developing a new partnership or joining an existing one.

Complete template 2a and evaluate if there is a **business case** for setting up or joining an existing partnership

No	Yes

Consider an alternative approach	Take to COMT and Cabinet / Full Council * for 'in principle' support. Proceed with developing working arrangements. See template 3a

Is approval granted to set up / join an existing partnership?

No	Yes

Negotiate and finalise partnership working arrangements in consultation with the Head of Legal and Member Services.

Unsatisfactory to COMT	Satisfactory to COMT

Head of service appoints staff representatives and a link officer. Cabinet / Full Council * appoints members / officers

* Approval for new partnerships is only required by Full Council where there are constitutional requirements.

Appendix 2a

Business case template

This is concerned with (tick appropriate box):

Setting up a new partnership		Joining an existing partnership		Reviewing an existing partnership	

Name of the partnership:_____

If the partnership is STATUTORY tick the box ☐

Issue	Key questions	Evidence and evaluation
Assessment of 'fit' with the Council and key policies		

Corporate 'fit'	1. How does the partnership contribute to the:
	   a. **Corporate Plan**?
	   b. **Sustainable Community Strategy**?
	   c. **Local Area Agreement**?	

Partnership - key information		
Strategy	1. List the agreed / proposed objectives and SMART outcomes and targets 2. What is its intended lifespan? 3. What is the exit strategy?	
Membership	1. Which organisations make up the partnership? 2. Are there any key players **not** in the partnership? 3. If yes, which ones?	
Leadership and engagement	1. Who is the partnership accountable to? 2. What is the role of the Council?	
Risk management & equality impact assessments	Attach the completed: 1. **risk assessment** 2. **equality impact assessment (EIA)**	
Excellence and efficiency		

Excellence, Economy, Efficiency and	Give specific examples of how the partnership delivers:
	   a. **value for money**;
	   b. '**added value**'.	

Issue	Key questions	Evidence and evaluation
Effectiveness		

Appendix 2a

Issue	Key questions	Evidence and evaluation
Resources		
Resources	What resources is the Council providing in terms of: a. finance? b. staff? c. accommodation? d. legal? e. IT? f. administration? g. training? h. insurance? i. recruitment? j. payroll? k. health and safety? l. advice? m. communication tools? n. other? [Answer all fields with details]	
Funding	1. When is funding for the partnership due to end? 2. If the Council leaves the partnership will any funding be lost to the borough? 3. If yes, please give details	
Other considerations for existing partnerships		
Reputation	1. Is there the potential for reputation damage to the Council if it leaves the partnership? 2. If yes, what is the risk and how can it be managed?	
Accounting	3. How will the partnership be treated for the purposes of the Council's accounts?	

MY OVERALL EVALUATION IS THAT THE BUSINESS CASE HAS / HAS NOT * BEEN MADE FOR SETTING UP / JOINING / CONTINUING * A PARTNERSHIP ARRANGEMENT.

Completed by:_____ **Date:**_____

Job title: Head of _____
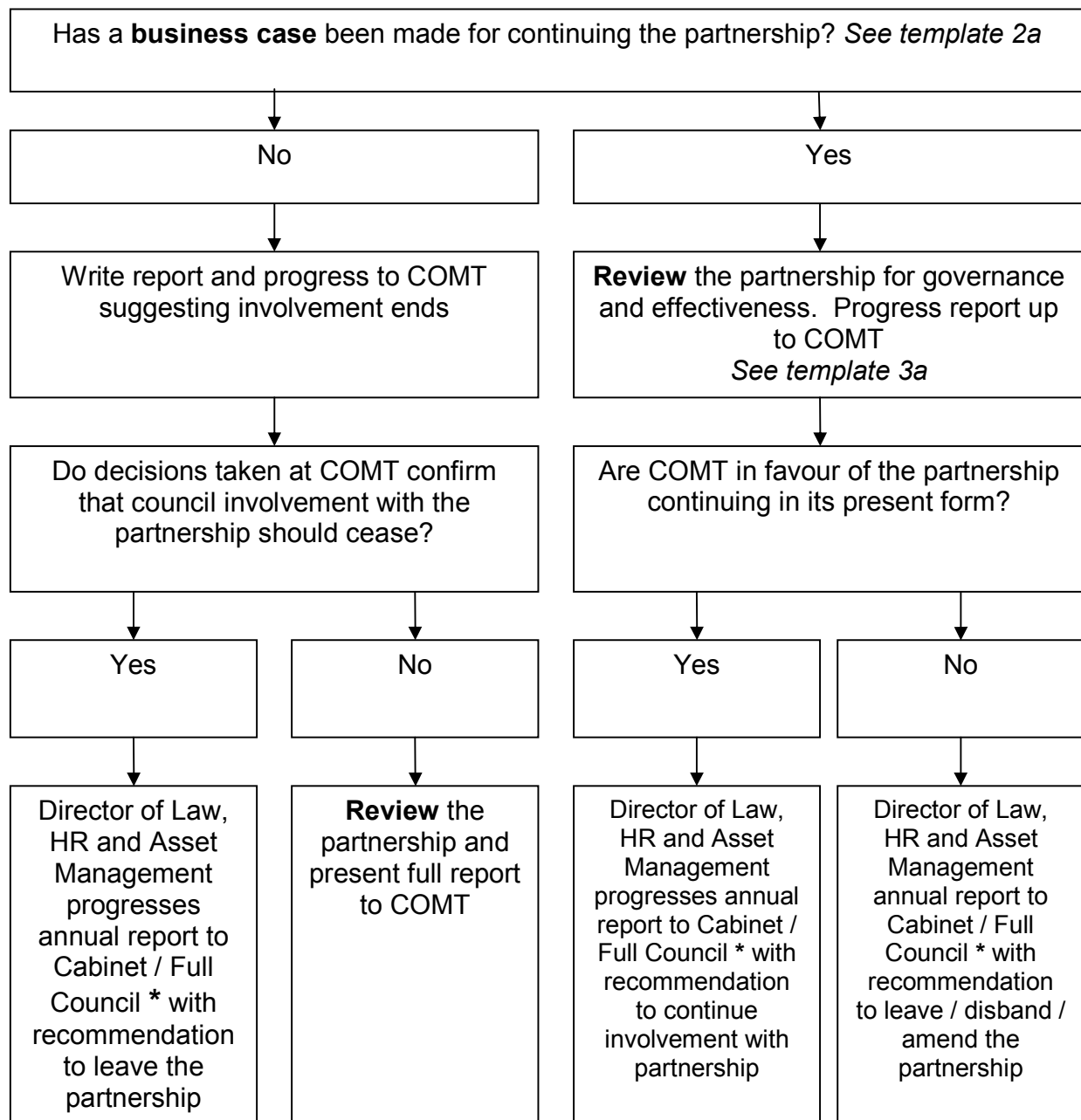
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Page 214

Email:_____

* Delete as appropriate

Appendix 3

Reviewing a partnership

This flowchart guides the head of service and partnership link officer through the review stage of an existing partnership.

Has a **business case** been made for continuing the partnership? *See template 2a*	
No	Yes
Write report and progress to COMT suggesting involvement ends	**Review** the partnership for governance and effectiveness. Progress report up to COMT *See template 3a*
Do decisions taken at COMT confirm that council involvement with the partnership should cease?	Are COMT in favour of the partnership continuing in its present form?

Yes	No	Yes	No
Director of Law, HR and Asset Management progresses annual report to Cabinet / Full Council * with recommendation to leave the partnership	**Review** the partnership and present full report to COMT	Director of Law, HR and Asset Management progresses annual report to Cabinet / Full Council * with recommendation to continue involvement with partnership	Director of Law, HR and Asset Management annual report to Cabinet / Full Council * with recommendation to leave / disband / amend the partnership

* Approval is only required by Full Council where there are constitutional requirements

Appendix 3a

Partnership review template

Whether you are setting up a partnership, joining or reviewing an existing one, the issues that need to be considered for partnership effectiveness will be the same. This guidance is to be used by:
- the head of service as a checklist when setting up or reviewing the appropriateness of joining an existing partnership
- the link officer carrying out a partnership review

This guidance should also be made available to the partnership officer responsible for monitoring a partnership's governance, performance and effectiveness.

Completing the template should provide assurance that appropriate standards are being met.

Name of partnership:_____

Head of service:_____

Link officer:_____

Governance and finance		
Formal status		
1. Is there clarity on the **legal status** of the partnership? 2. Is there an agreed **Memorandum of Understanding** or constitution, which sets out a clear purpose and clarity of expectation of the partnership members?		
Assessment	[insert self-assessment]	1. NO – action required, 2. YES – but could be improved, 3. YES- working effectively
Evidence 1. 2. **Actions needed** .		

Composition		
1. Is the partnership realistically sized and resourced? 2. Does it contain the right mix of **skills and knowledge** to get the work done?		
Assessment	[insert self-assessment]	1. NO – action required, 2. YES – but could be improved, 3. YES- working effectively
Evidence 1. 2. **Actions needed**		

Auditing and scrutiny arrangements
1. Are internal auditing arrangements for the partnership clear?
2. And are there agreed rights of audit access for each constituent member?
3. Does the partnership have any external review or monitoring mechanisms?

Assessment	[insert self-assessment]	1. NO – action required, 2. YES – but could be improved, 3. YES- working effectively

Evidence
1.
2.
3.

Actions needed

Finances and resources
1. Where does accountability lie for managing the spending of funds?
2. Are financial monitoring arrangements robust, clear and understood?
3. Have procedures for managing and monitoring pooled budgets and resources been developed?
4. Is there clarity over ownership and responsibilities?
5. Is there clarity over the accounting arrangements?

Assessment	[insert self-assessment]	1. NO – action required, 2. YES – but could be improved, 3. YES- working effectively

Evidence
1.
2.
3.
4.

Actions needed

Risk assessment & management
1. Are systems in place to assess and manage partnership risk?
2. Are business continuity plans in place?

Assessment	[insert self-assessment]	1. NO – action required, 2. YES – but could be improved, 3. YES- working effectively

Evidence
1.
2.

Actions needed

Conduct and behaviour		
1. Is there an agreed Code of Conduct for partners that is signed by all members and enforced by the Chair?		
Assessment	[insert self-assessment]	1. NO – action required, 2. YES – but could be improved, 3. YES- working effectively
Evidence 1. **Actions needed**		

Staffing		

1. Are roles and responsibilities and expected behaviours clear and agreed?
2. Are there opportunities for training partnership staff and members, including:
    a. appraisal and approval procedures?
    b. equality and diversity?
    c. Code of Conduct?		

Assessment	[insert self-assessment]	1. NO – action required, 2. YES – but could be improved, 3. YES- working effectively
Evidence 1. 2a. 2b. 2c. **Actions needed**		

Equality and diversity		
1. Has the partnership carried out an **Equality Impact Assessment (EIA)** on the way that it functions, on its policies and on what it delivers? 2. If no, an action plan needs to be drawn up to do so within the next 6 months		
Assessment	[insert self-assessment]	1. NO – action required, 2. YES – but could be improved, 3. YES- working effectively
Evidence 1. **Actions needed**		

Communication		
1. Is the partnership communicating well with its partner agencies, stakeholders and communities?		
Assessment	[insert self-assessment]	1. NO – action required, 2. YES – but could be improved, 3. YES- working effectively
Evidence 1. **Actions needed**		

Performance and Delivery		
Accountability		
1. Does the partnership have an officer accountable for monitoring its performance?		
Assessment	[insert self-assessment]	1. NO – action required, 2. YES – but could be improved, 3. YES- working effectively
Evidence 1. **Actions needed**		

Outcome-focused planning and performance management		

1. Does the partnership have a credible evidence-base to inform its objectives, outcome-focused planning and SMART targets?
2. Are there action plans in place to deliver these?
3. Do partners share information so that they can effectively:
    a. monitor performance, and
    b. appraise options?
4. And are sufficient joint mechanisms in place for effective monitoring and appraisal?
5. Are findings and recommendations owned and acted upon?
6. Are arrangements in place to tackle issues of non-performance?		

Assessment	[insert self-assessment]	1. NO – action required, 2. YES – but could be improved, 3. YES- working effectively
Evidence 1. 2. 3a. 3b. 4a. 4b. 5. 6. **Actions needed**		

GLOSSARY AND ABBREVIATIONS USED

Completed by:_____   **Date:**_____

Job title:_____

Organisation:_____

Tel No.:_____

Email:_____

Appendix 4

Leaving a partnership

The link officer needs to complete this form within three months of the Council's decision to end its working arrangement with a partnership. It should be submitted to the Director of Law, HR and Asset Management.

ISSUE	COMMENTS
1. **Name of partnership**	
2. **When was the formal decision taken to end the Council's working arrangement?**	
3. **From what date will / did active involvement end?**	
4. **Why was involvement ended?**	
5. **If failure to deliver was identified, was this a result of system failures?**	
5a. **If yes, what were they?**	
6. **Will the partnership continue without Council involvement?**	
7. **Is the Council looking to develop other working arrangements to succeed the partnership?**	
7a. **If yes, what are they?**	
8. **State up to 3 things that the partnership achieved**	
9. **State up to 3 examples of best practice exhibited by the partnership**	
10. **State up to 3 things that the partnership could have done better**	

Completed by:_____ **Date:**_____

Job title:_____ **Tel. No.**_____

Email:_____

Appendix 5

Roles and responsibilities

The role of the link officer is to:

- provide a point of contact between the Council and the partnership;
- assist the partnership work with the Council;
- support the Council's representative(s) on the partnership;
- alert relevant officers to arising issues eg **Internal Audit** and the Council's **Risk and Insurance Manager** on matters of risk, **Legal and Member Services** on matters of interpretation, etc
- undertake an annual review of the partnership's governance and performance effectiveness and submit a report to the head of service;
- report on an exception basis to their head of service if any issues arise between annual reports;
- ensure that quality standards with respect to the Council's governance framework are maintained.

The role of the head of service is to:

- evaluate the business case for proposed and existing partnerships;
- evaluate the annual partnership review and any exception reports, agree the reports and report to the Chief Officers Management Team;
- action any points arising from decisions taken at Cabinet/Chief Officers Management Team;
- identify any learning and ensure the Council benefits;
- coordinate with the link officer to troubleshoot any problems that arise in the day-to-day operation of the partnership that impacts on or involves the Council;
- refer any concerns to the Chief Executive, the Director of Finance, the Head of Legal and Member Services and/or Internal Audit.

The role of the Director of Law, HR and Asset Management is to:

- develop the partnership review programme;
- produce an annual report summarising partnership governance and effectiveness, the outcome of reviews and identifying any actions as necessary;
- ensure support and training is available to officers and elected members to serve on partnerships and carry out their duties effectively;
- ensure that the Council's partnership governance framework and toolkit is maintained and sustained;
- ensure that resources exist to sustain a database of partnership activity. produce an annual report summarising partnership governance and effectiveness, the outcome of reviews and identifying any actions as necessary;
- consider any evaluation report summarising Council involvement in partnerships, analyse and challenge outcomes, impact and direction;

- support the Chief Officers Management Team to identify and circulate learning and best practice from partnership working;

The role of the Chief Officers Management Team is to:

- ensure that the partnership review programme is carried out and to timescales;
- challenge if partnerships are adding value/offering value for money;
- collate the results of partnership review activity and pass them to the Director of Law, HR and Asset Management;
- ensure that the Council's partnership database is maintained and sustained;
- make the Director of Law, HR and Asset Management aware of partnership training needs;
- circulate learning and best practice on partnership working around the organisation;
- provide a mechanism for the Council to coordinate and discharge its duties under this partnership governance framework;
- receive the joint annual summary report on the overall impact of the Council's involvement in partnerships and agree any actions which do not require an elected member decision;
- ensure that partnerships are properly supported and that resources are provided to allow partnerships to succeed;
- monitor the overall performance and effectiveness of partnerships and advise Cabinet on any further action required;
- evaluate whether partnerships 'act together' and make differences to people's lives.

The role of Cabinet is to:

- agree Council involvement in new partnership working arrangements;
- appoint, substitute or remove elected members (and officers on higher level partnerships) on partnership bodies, or where appropriate make recommendations to Council;
- receive reports from the Director of Law, HR and Asset Management on the effectiveness of the Council's involvement in partnerships;
- agree future direction and/or any actions arising from evaluations;
- assess the Council's continued involvement in partnerships.

Appendix 6

The review

Although in practice, the day-to-day workings of the review are likely to be carried out by the link officer, how reviews are conducted will vary. This will depend largely on the working relationships between individuals/departments/organisations, etc

It is likely that link officers will know what works best in their partnerships when carrying out a review.

For smaller partnerships a link officer may have sufficient knowledge and expertise of a partnership to do a challenging desktop review.

For the larger and more significant partnerships, it may be appropriate to set up a small review team to give a steer to the officer(s) doing the groundwork. In these cases the nucleus of any review team should include:
- the accountable head of service for the partnership;
- the partnership link officer.

For the partnerships that sit under the LSP it may also be appropriate for a director to sit on the review team.

Partnership reviews are not intended to be laborious and drawn out processes. A quick but thorough and challenging examination should mean that most reviews should not take any longer than one month to complete the initial groundwork, with a further month to compile the report to COMT.

The review process itself should not be resource intensive, bureaucratic nor excessively time-consuming. In most cases, the information required will be to hand and will just needed pulling together in one place and evidencing.

In some cases it may be helpful to involve a *critical friend* in the review process.

Appendix 6a

Reporting to the Corporate Management Team

Report template

Name of partnership:_____

Area of focus	Findings and gaps	Evaluation	Recommendations
1. Are there adequate governance and financial management procedures in place?			
2. Is the partnership delivering the outcomes contained in the Local Area Agreement?			
3. Does the partnership adequately deal with risk?			
4. Does the partnership take its responsibilities regarding matters of equality of outcomes seriously?			
5. List up to 5 areas of best practice that is exhibited by the partnership			
6. Are there any other areas you wish to comment on that you think may improve the partnership's overall			

Area of focus	Findings and gaps	Evaluation	Recommendations
effectiveness?			
7. In your overall opinion and from the evidence you have reviewed, is the partnership: a. fit for purpose? b. giving an 'added value, or is it likely to? c. providing value for money?			

Completed by:_____ **Date:**_____

Position(s):_____

Organisation(s):_____

**Contact
details:**_____

Appendix 6b

Improvement plan template

Name of partnership:_____

Outcome	Action	Issues/risks	Means of verification	Lead officer	Completion date

Monitored by:_____

Position:_____

Organisation:_____

Contact details:_____

Appendix 7

Partnership Register

The Directorates and Chief Officers Management Team have overall responsibility for ensuring that the information on the database is accurate and maintained. The **Director of Law, HR and Asset Management** has responsibility for ensuring that the resources exist to sustain it.

The Council first compiled a Partnership Register for 2007/8. This was reviewed in 2008/9. A copy of the index of partnerships is attached as Appendix 17. This will be used as the baseline to populate the register. The following data have been sought in relation to partnerships:

- Name of partnership;
- Date established;
- Period of partnership;
- Purpose of partnership;
- List of partners;
- Wirral Council officer representatives;
- Wirral Council member representatives
- Annual revenue budget;
- Annual capital programme;
- Percentage of partnership funding from Wirral Council;
- Other bodies providing funding for the partnership;
- Is Wirral Council the accountable body;
- What are the arrangements for reporting to the Council;
- Is there a formal agreement;
- Is the partnership governed by Council Standing Orders?
- What ethical arrangements exist;
- Is there provision for declarations of interest at meetings;
- What training is carried out.

From the implementation of this framework and toolkit the following data will be held on the register and each directorate will be responsible for providing the Director of Law, HR and Asset Management with the necessary information for each partnership that they lead on to enable the register to be maintained and regularly updated:

- Name and type of partnership including any legal status, ie statutory or non-statutory.
- Partnership areas of work (geographical, theme and client groups).
- Membership of the partnership.
- Elected member contribution to the partnership.
- Organisation(s) that the partnership is accountable to.
- Head of service accountable for the partnership.
- Name of the partnership link officer and contact details.
- Start date and proposed end date of the partnership.

- How the partnership contributes to the Council Plan outcomes.
- How the partnership contributes to the Sustainable Community Strategy outcomes.
- How the partnership contributes to the Local Area Agreement outcomes.
- Funding sources available to the partnership.
- Council resources available to the partnership including:
  - finance;
  - staff;
  - accommodation;
  - legal;
  - IT;
  - administration;
  - training;
  - insurance;
  - recruitment;
  - payroll;
  - health and safety;
  - advice;
  - communication tools;
  - other.

Appendix 8

A model Memorandum of Understanding

A Memorandum of Understanding must address the following headings since this model combines all the attributes of best practice.

Aims and Objectives of the Partnership
List the aims and objectives of the partnership here. Good practice would be a separate paragraph with a short explanatory sentence for each aim and objective.

Partnership Principles
The following list should be included under this sub-heading. An explanatory sentence could follow each bullet point. This list is not exhaustive.

The members agree to work together actively to achieve the aims of the partnership, on the basis of:
- visible commitment and 'ownership' by the various member organisations and individual representatives;
- mutual trust and respect;
- openness and transparency;
- effective communication and accountability;
- shared ownership of resources, where appropriate;
- combined expertise;
- creative and innovative solutions to problems;
- identification and sharing of best practice, based on mutual learning;
- removal of barriers to equality of access and opportunity;
- clear purpose, clarity of expectations and agreed targets for action;
- effective decision-making;
- shared mechanisms for risk management, monitoring, evaluation, reviewing and reporting on performance, progress and success;
- allowing each constituent member unobstructed access to the audit records of the partnership, on request.

Terms of Reference
List the Terms of Reference (the purpose of the partnership) here. Good practice would be a separate paragraph with a short explanatory sentence for each Term of Reference.

Roles and Responsibilities
List the roles and responsibilities of each of the constituent members of the partnership here. It may be appropriate to talk more generally about what the voluntary and community sector, the business sector and the public sector members each bring to the partnership as groups, and the areas of the partnership activity that they will be responsible for delivering.

Appendix 8

Membership and Terms of Office (including any special provisions for Council Members / Officers)

List information like:
- the number of representatives from organisations in the public, private and the voluntary and community sectors, which are actively involved in the area. (Equal representation is not a requirement.) and why they were chosen;
- a list of the constituent members and the number of representatives they have on the partnership;
- who chairs and vice-chairs the partnership;
- how often the membership is reviewed and any time limits that an individual representative can serve on the partnership;
- how the membership of the partnership reflects the characteristics and aspirations of the area / people it has been set up to serve.

Equalities and Inclusion

A statement on how the partnership will operate on the basis of principles that actively value the benefits of diversity and ensure fair treatment and equality of opportunity. This includes representation and participation on the partnership.

A statement on how and when the partnership will carry out Equality Impact Assessments on its functions, policies and services. The Equality Impact Assessment should be carried out within 6 months.

Accountability

A statement on to whom and how the partnership is accountable and what that accountability includes.

A statement on the constituent members' accountability to each other including any expectations of behaviour.

Meetings

A short statement/sentence on:
- the minimum number of meetings in a period
- posting of meetings – including if open or closed
- convening of extraordinary meetings
- responsibility for the setting of meetings, agendas, working papers, minutes, etc.
- venues – why and how they are chosen
- acceptability of meeting times
- representation and quorum
- expectation of behaviour in meetings
- replacements at meetings and any protocols to be followed
- Declarations of Interest and protocols on withdrawal from meetings.

This list is not exhaustive.

Appendix 8

Disrepute and Conflict Resolution

A statement on behaviour that could reasonably be expected to bring a partnership into disrepute. A short list could include:

Members of the partnership:
- must not use their position improperly, confer on, or secure for themselves or any other person, an advantage or disadvantage
- must ensure that activities are not undertaken for political purposes
- must not unduly influence any person in the paid employment of any of the partner agencies.

A statement on the systems and procedures that exist to resolve issues of conflict within the partnership.

Secretariat

A short statement on which constituent member(s) will provide the secretariat function.

Termination of Partnership Involvement

A short statement on written notification to the Chair and secretariat of the intention to leave the partnership. Also state any notice period required or any exceptions.

Review and Alteration to the Memorandum of Understanding

A short statement on how often the Memorandum of Understanding shall be reviewed and protocols for changing/amending it.

Appendix 9

Partnership Risk Management for the Public Sector
and Public Service Organisations

A Guide and Toolkit

Contents

1   Introduction

In today's working environment, it is increasingly likely that your service will deliver at least some of its services in partnership with other organisations. This may be as a result of legislative requirements, or because you have identified a good business opportunity with another organisation.

Working in partnership usually means that organisations will commit resources, which may be significant, in terms of officer time or direct financial funding to develop and then deliver the desired outcome. It is therefore essential that all of the partners identify, understand and manage their role in the partnership in the most appropriate way. Part of this process should involve identifying the risks, or what might go wrong, preventing the partnership from achieving its objectives. If this is done properly, and at the start of the process, there is a much better chance that the partnership will be successful and all parties enjoy a win/win outcome. It doesn't matter if the partnership is small, involving only two parties, or a large and complex multi-agency arrangement: the same principles apply.

There are many different forms of partnership but partnerships generally fall into one of two distinct types: procurement partnership or mutually supportive partnership. This toolkit concentrates on the latter type of partnership, where two organisations come together in a mutually supportive manner, to work together to improve services. Typical examples are internal audit or revenues and benefits partnerships where all the partners are local authorities, albeit perhaps supported by a commercial organisation with which the partners have a contractual relationship. The former has a much stronger client: contractor split to the partnership where the gains for each partner differ (money for the contractor; services for the client). The risks facing this sort of partnership are outside the scope of this toolkit.

Risk management is not about risk avoidance – it is about taking managed risks. That is what modern life is based on, but we may forget how to do this in partnerships and other complex arrangements. You can use risk management as a common language for managing a partnership, checking that it's working, and ensuring that the service recipients are gaining from all your effort.

This guidance sets out some tools which you can use to determine the significance of the partnership to your organisation, identify and analyse the risks both of going into and staying out of the partnership, and manage those risks. IT IS NOT INTENDED TO BE A COMPLETE PANACEA as there are too many variables and complexities to set down in a summary toolkit such as this.

We recommend that you use as many, or as few, of the tools within this guidance as you need to help you and your partnership. The most important thing is to involve all the relevant people in the partnership in deciding which approach to use. This is because the successful management of risk will depend on the buy-in of the key players. All key players have to own the solutions, and be persuaded of the benefit of doing so.

As well as using risk management techniques, you should also consider using a stop/review/go-ahead process, sometimes called a Gateway Review[3]. This means that all partners identify the critical stages of the partnership, which will be transparent and reasonable, and make sure that time is taken to review the progress of the partnership against its objectives. Do not be afraid to stop the partnership altogether if it no longer seems to be the right approach to take or isn't working: that is better than progressing down a route which wastes public resource and your time for limited or no benefit.

---

[3] **Office of Government Commerce - Best Practice OGC Gateway™ Reviews**

Risk management should be seen as an integral part of the partnership process, which needs to have resources devoted to it, as with any other areas of work, if it is to be successful. Resources for managing the risks should be agreed at the outset, based on the risk prioritisation, and reaffirmed as part of the gateway review process that you agree between you all.

The techniques to identify risks and develop methods to record and manage them will depend on the type and complexity of the partnership, but it is vital that all partners are involved at the start. It is important to ensure that all partners' risks are recognised and included in joint risk registers, which are shared and regularly reviewed and updated by all the partners.

> RISKS **OF** THE PARTNERSHIP – are things external to the partnership the partnership might impact on, for example a major change to people's jobs

Key partnership risks should be managed through your own internal risk process looking at both the risks TO the partnership and the risks OF the partnership. Risk registers should be drawn up both for the process of forming a partnership and for the live partnership. The risk register for the live partnership, however embryonic its form, is a vital document to consider as part of the decision to proceed, or not, with the partnership.

> RISKS **TO** THE PARTNERSHIP – are risks internal to the partnership that can set the partnership off course and may even cause it to fail

Successes and achievement of the outcomes of partnerships should be celebrated and widely shared, particularly where you can show that a managed risk has been taken within a partnership which has led to savings in time and/or money.

Public Risk Management Ltd has devised this toolkit in conjunction with the London Risk Management Group. Copyright is owned by Public Risk Management Ltd. See the final appendix for copyright conditions, contact details and contributors.
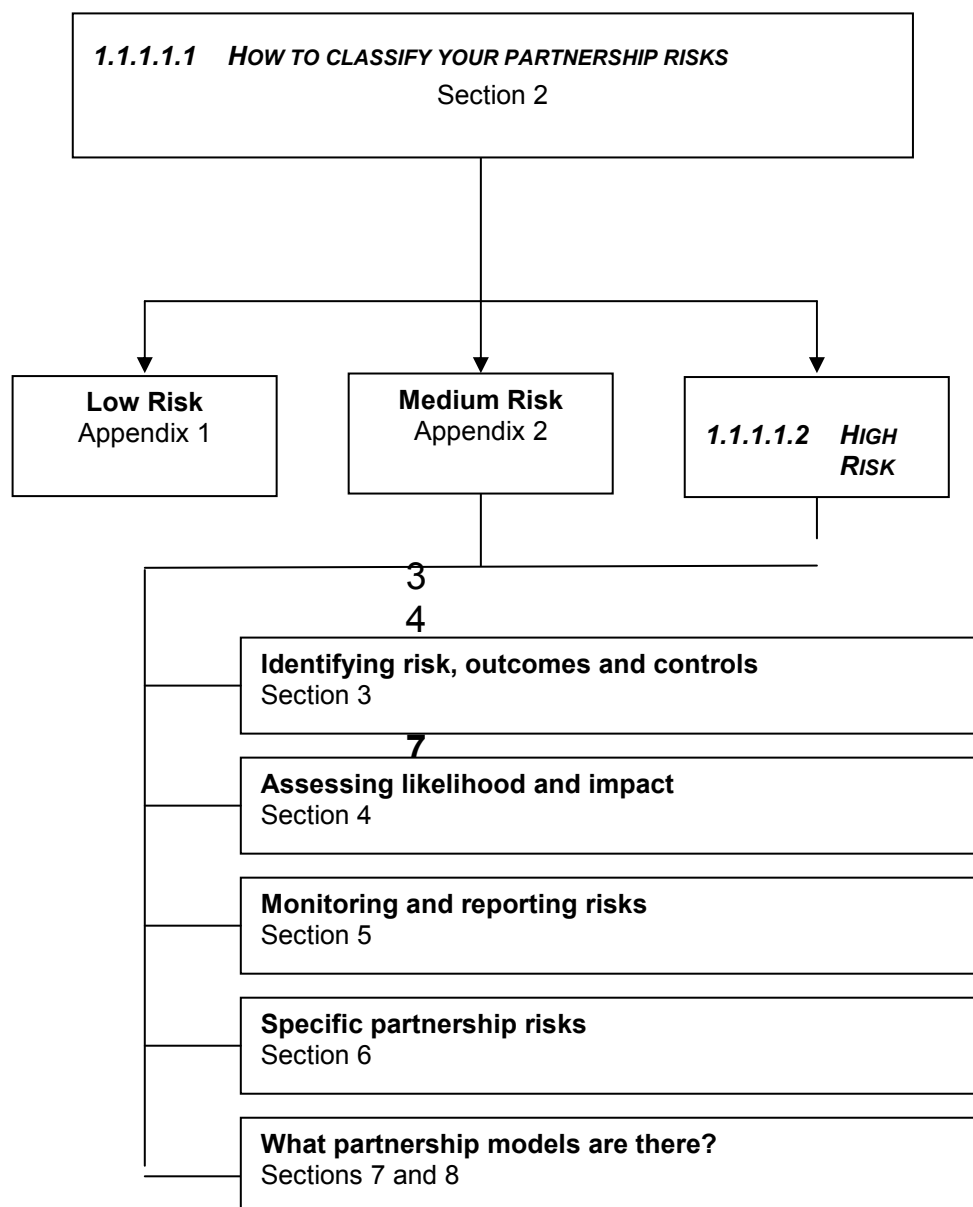

What is a partnership?

A suggested definition is where the partners;

- are otherwise independent bodies and
- agree to co-operate to achieve a common goal or
- create a new org structure or process to achieve the goal separate from own orgs or
- plan an implement a jointly agreed programme often with joint staff resources and
- share relevant information or
- might pool resources, risks and rewards
- and the partnership is not subject to the normal command and control management

---

2 Section 1: How to use this toolkit

If this is the first time you have used this document or you are new to thinking about partnership risk, it will be worthwhile reading the document all the way through.

To use this document as a tool, please go to Section 2 (page 4) and follow the partnership assessment to decide which the appropriate tool is.

1.1.1.1.1 HOW TO CLASSIFY YOUR PARTNERSHIP RISKS
Section 2

Low Risk	**Medium Risk**	*1.1.1.1.2 HIGH*
Appendix 1	Appendix 2	*RISK*

3
4

Identifying risk, outcomes and controls
Section 3

7

Assessing likelihood and impact
Section 4

Monitoring and reporting risks
Section 5

Specific partnership risks
Section 6

What partnership models are there?
Sections 7 and 8

Section 2: How to classify your partnership risks
8

Partnerships can vary hugely in size and complexity, from a mutual coming together to solve a joint problem (for example, a recruitment gap) to a multi-agency partnership used to deliver a completely new set of services in a completely new way. From a risk management perspective, it is not necessarily appropriate to devote the same resources and attention to every partner or partnership, although the risks involved are not necessarily in proportion to the size of the partnership and will change as it develops and matures.

Two simple tools can help you identify how important the partnership is to your organisation and thus, where you are on the above spectrum. Risk management activities can then be proportionate to the risks associated with a particular partnership agreement.

Diagram 1 below shows a simple way of assessing the relative importance of different partnership activities against the size of the partner:

Diagram 1 - Size of partner v impact of failure
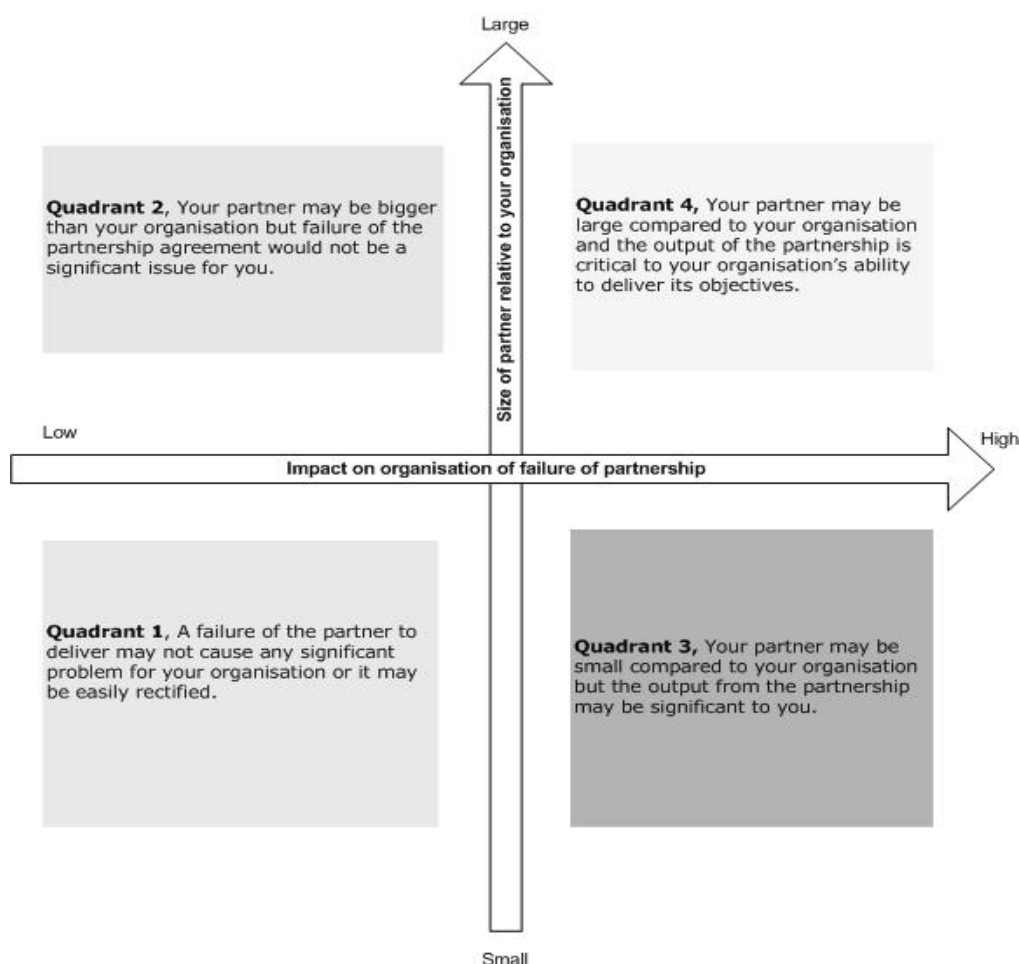
Diagram 2 shows a simple way of analysing the complexity of the partnership against the impact on your organisation of its failure.
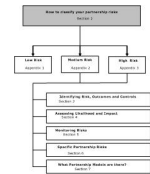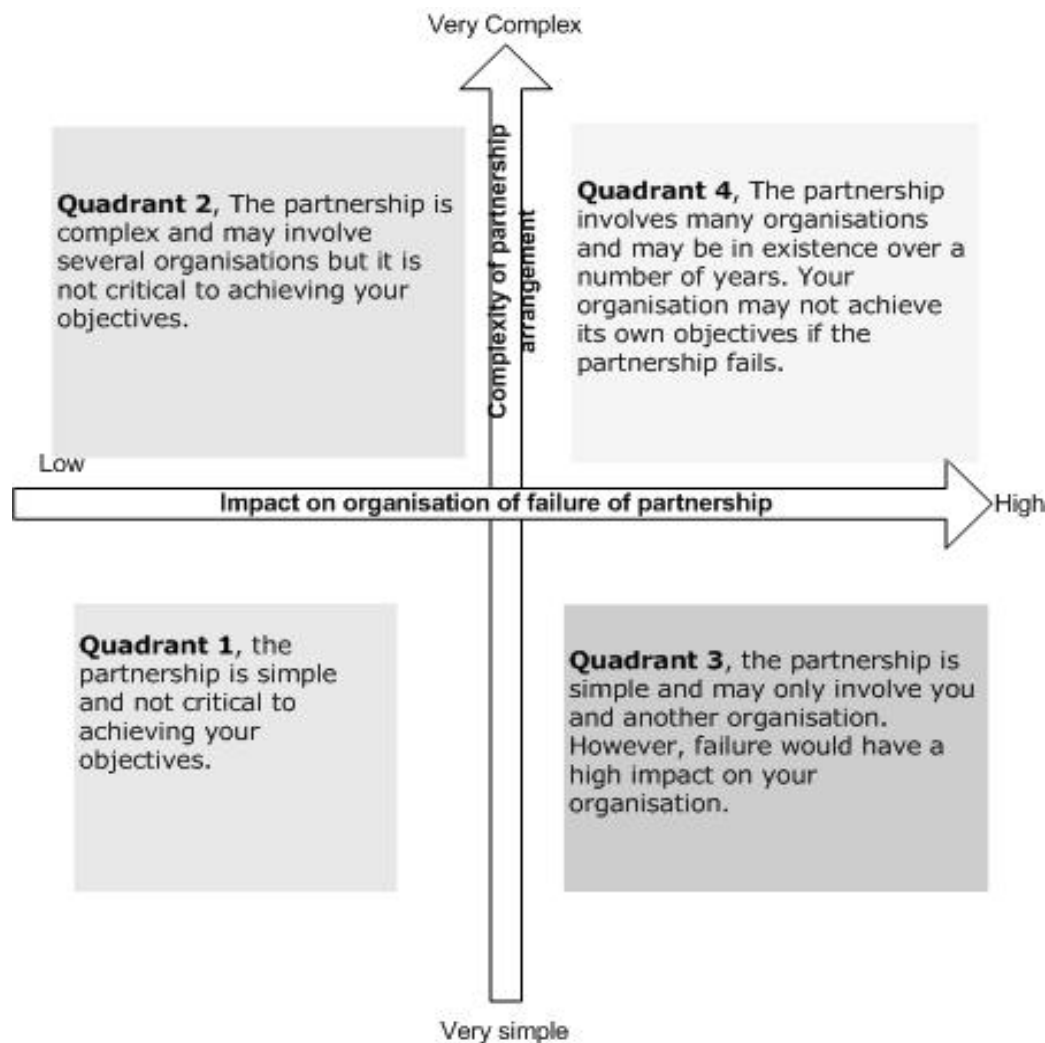
Diagram 2 - Complexity v Impact of failure

Identifying and assessing partnership risks

Based on the above analysis, you can go on to allocate a risk score to your partnership.

Diagram 3 - Putting diagrams 1 and 2 together

IMPACT of failure of partnership	**SIZE** of partner relative to organization	**COMPLEXITY** of partnership	**RISK**	*8.1.1.1.1 o To*
High Risk	**Large**	**High**	**High**	8.1.1.1.1.1 **Appendix 3**
		Low		
	Small			
		High		
		Low	**Med**	**Appendix 2**
Low Risk	**Large**	**High**		
		Low		**Appendix 1**
	Small	**High***	**Low**	
		Low		

* This category may be found where there are many partners and, while the partnership is critical to the organisation, individual partners are not. The whole process is about ensuring that your risk management efforts are prioritised towards the most critical areas first.

9

> **2   ADD ANOTHER MATRIX**
> **3   You might want to add some more of your own matrices to prioritise the risk further, such as the availability of equivalent partners or competition for the partners.**
> **4**
> **5   The high risk might be where your potential partner is the only one that can provide that particular service combined with a high impact of failure.**
> **6**
> **7   The mutual need for each other**

10 Section 3: Identifying risk, outcomes and controls

Before going on to analyse risk, here is a quick guide to the terminology. The five key terms are cause (some people refer to this as hazard), risk, outcome (or consequence), control and tolerance. A simple example helps explain. A hole in the road is a cause, leading to the risk that someone might fall into it, with the outcome that they hurt themselves. Putting barriers, signs and lights round the hole are all controls. Your tolerance for risk will determine quite how high the barriers are, how well lit the hole is and the nature of the signs that are put up.

At every stage of a partnership, from the moment it becomes more than just a bright idea, you need to ask the following questions:

- What are the risks?

- What is the balance between opportunity, innovation and risk? In other words, what risks can you tolerate because they are outweighed by the potential benefits or because they are highly unlikely to happen or because the cost of the controls exceeds the potential cost of the risk?

- What are the causes and likely outcomes of any risks?

- How likely are they to happen?

- What is the impact if they do?

- What controls are in place to manage the risk, reducing the likelihood or impact of it occurring?

11 When should risk identification be undertaken?

As mentioned on page 1 whenever a new partnership arrangement is being considered, part of the Business Case process should be an initial evaluation of the risks and opportunities which it presents.

As mentioned previously, risk can be thought of in 2 senses - risks of the partnership, that is, the uncertainties which the partnership itself can create for your service or even the Council as a whole – and risks to the partnership, by which we mean the uncertainties that outcomes for the partnership will differ from those we intend. The initial risk identification exercise should cover both of these aspects. Even if your partnership is already in existence, an initial exercise like this can provide you with a baseline picture of the risks.

Once a partnership is in operation, a formal review of the risks to it should be undertaken at least once a year. This could form part of the review of risks to your services which you carry out as part of the Council's service planning process.

In addition to the formal annual review, you should reconsider the risks to your partnership whenever there is a significant change, such as –

- moving into a new phase in the partnership's lifecycle;
- when there is a reorganisation or a change of staff;
- when agencies join (or leave) the partnership, and;
- when there are unforeseen changes to services and connected partnerships on which yours depend.

11.1.1 How to identify risks

Wirral Council's recommended process for identifying risks is through free-thinking sessions. In order to get the widest perspective on the risks to a partnership, representatives of all organisations involved should attend these.

Identifying the risks essentially involves answering three questions:

1. What are the objectives of the partnership?
2. What circumstances, actions, situations or events could frustrate or prevent the achievement of each of those objectives?
3. What are the consequences of each risk materialising?

Referring to the Council's standard risk categories (Appendix5) will bring structure to this exercise. You can also use the list of specific partnership risks shown in Section 6 to generate ideas. However, the list is just a guide and should not be treated as exhaustive.

How to describe your risks

It is good practice to include both the cause and the consequence(s). The following example should help to illustrate this and also explain what does and does not constitute a risk:

Objective: To travel by train from A to B for a meeting at a certain time.	
Missing the train causes me to be late and miss the meeting.	√ - this is a risk which can be controlled by making sure I leave plenty of time to get to the station.
Severe weather prevents the train from running and me from getting to the meeting.	√ - this is a risk I cannot control, but against which I can make a contingency plan.
Failure to get from A to B on time for the meeting.	X – this is simply the converse of the objective.
Being late and missing the meeting.	X – this is the impact of the risk, not the risk itself.
There is no buffet on the train so I get hungry.	X – this does not impact on the achievement of the objective.

(Crown Copyright 2004 – taken from HM Treasury's "The Orange Book")

The most effective way to capture and manage the output from risk identification sessions is by creating a risk register for the partnership. This should be considered mandatory for each medium and high-risk partnership. A template for a risk register is shown in Appendix 4.

Where a risk to a partnership also constitutes a risk to the achievement of a sectional objective or a departmental aim, it should also be recorded on PIMS.

An alternative method of identifying the risks, the causes and controls is to tabulate them for each stage of the partnership's development. (See Appendix 2).

Once you have identified the risks, an approach which can be helpful in understanding them better is the "bow tie" method. This tool is increasingly used in assessing risks and determining controls. An example is shown in diagram 4 below.

Diagram 4 - The bow tie

Controls for causes	Causes	The Risk	Outcomes	Controls for outcomes
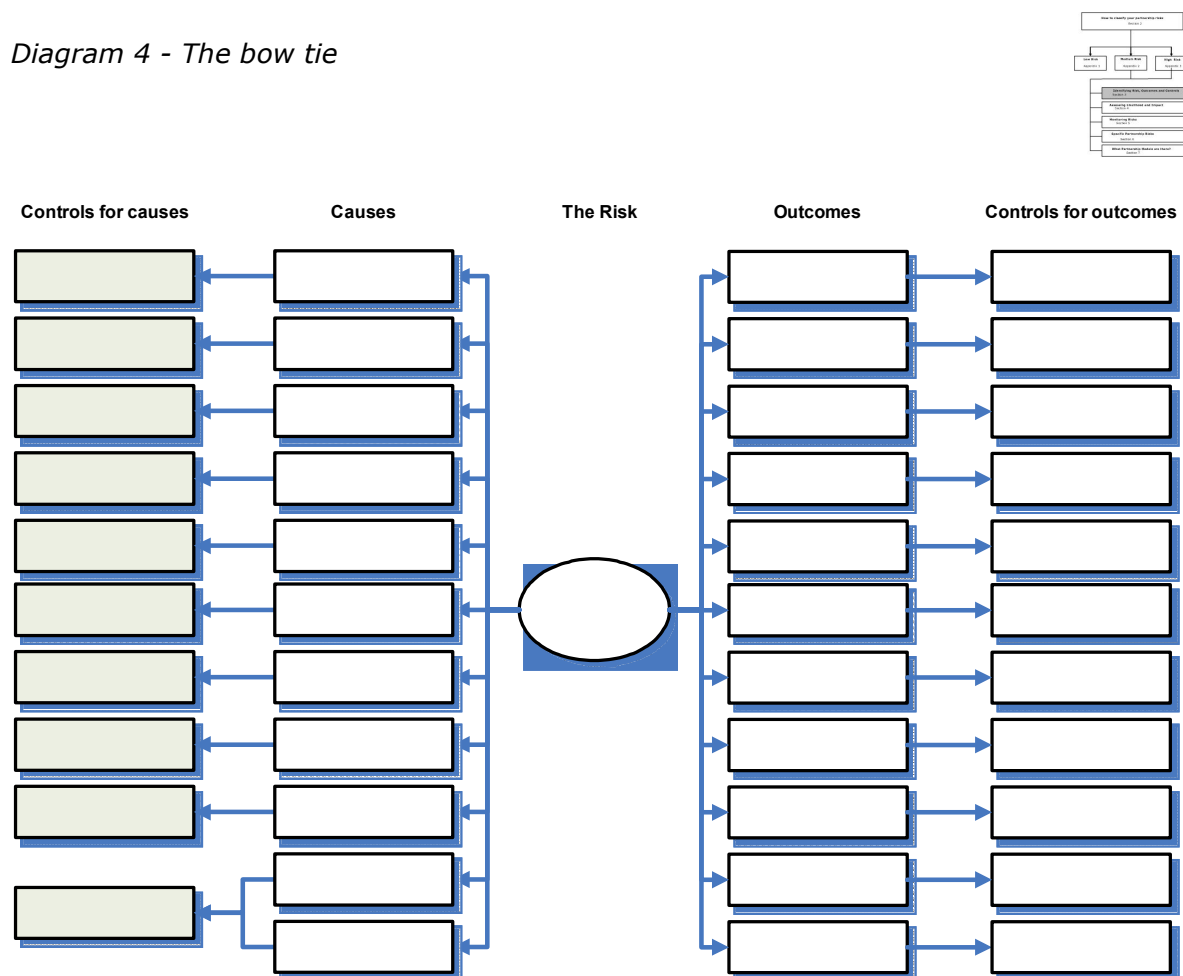
In this example the risk is in the middle (that is what makes it a "bow tie"), but you can adapt the model to any shape, as long as you are specific about the causes and the outcomes so that you can create controls – current and required. In this example, the cause of a risk and any controls that are already in place to reduce or negate the impact of that cause are on the left of the diagram, while the outcomes of a risk and controls to reduce or negate the impact of those outcomes are on the right.

A particular control may relate to a single cause or outcome or may influence a number of causes or outcomes. The risk, if it occurs, may result in a number of outcomes that have been identified and there may be several controls that will act to reduce the outcomes. Again, a particular mitigating control may influence more than one of the potential outcomes.

If the "bow tie" method is used to analyse the risks in the different stages of a partnership, the information generated can be recorded on the table shown on page 25.

Type of controls
The section below indicates the types of controls that can be implemented. Typically, controls that affect causes will be those of elimination and detection, and controls that affect outcomes will be those of mitigation and contingency response.

Diagram 5 – a sample of a partially completed Bow Tie

Controls for causes	Causes	The Risk	Outcomes	Controls for outcomes
Ensure alignment	No alignment of objectives		Failure to achieve objectives	
Agree internal lead and high level sponsor	Lack of strategic sponsorship		Impact on key performance indicators	
Set clear objectives & terms of reference	Lack of clear objectives		Reputational damage	PR & media strategy
Profile partnership risks & opportunities	Lack of incentives		Legal proceedings / damages	Seek legal advice
Agree targets and milestones	Expectations too high		Damage to other relationships with partner	"No Blame" approach to understanding failure
Agree lead partner and responsibilites	Ineffective Leadership	Partnership Failure	Loss of community confidence	Community consultation
Implement information sharing	Lack of understanding		Loss of morale / motivation	
Ensure deputies where possible	Loss of key individual		Disruption to other partnerships	
Agree funding arrangements & controls	Loss of funding		Loss of grants	
	Breakdown in personal relationships		Financial losses in dissolving the partnership	
Facilitated discussions	Lack of trust		Potential claims	Ensure insurance arrangements are in place

Types of controls ………..the four "Ts"……………….

All the above material in the "bow tie" analysis leads directly to the next question, which is "what do you do about the risk?" Below is a simplified list of control options that are available to an organisation that has worked out where controls are needed. You need to think about these options whether or not you are using the "bow tie" method.

Terminate (or Avoid)

Stop doing the risky activity or partnership. This in turn might lead to other risks or disadvantages, especially where you provide a statutory service, so use this control with caution.

Transfer

Get someone else to take on the risk, either by making them responsible for it in a contract, insure it (insurance is an important risk control), or pass the risk on by some other method. Again this control needs to be used with caution, as the price of transferring the risk might be greater than the risk itself.

Tolerate (or Accept)

Put up with the risk. You might have worked out that you have no control over the risk, or doing something about it is out of proportion to the risk.

Treat

Do something about it. Here, we have another four options for you to select from:

Treating the risk – the four options……DDPC

Directive
Stop the risk arising in the first place. Through your "bow tie" analysis you have worked out all the causes that need to be in place to make the risk happen. You may be able to find one particular cause which, if removed, would stop the risk from happening. For example, a fire needs heat, oxygen and fuel. Take one of those away and you don't have a fire. What are the equivalent areas in your risk?

Risk Area for working out Directive Controls	Three things needed for the risk to arise – take out any one of these and the risk DOES NOT ARISE		
Fire	Heat	Oxygen	Fuel
Fraud	Means	Culture	Opportunity
Partner financial failure	Too much commitment	Inadequate Funding	Timing wrong

Detective
Spotting the risk arising early enough to nip it in the bud perhaps with careful tracking of key performance indicators to make sure things are on target and to set alarm bells ringing early enough to correct the fault

Preventive
It's started, but you can limit the damage. For example, one partner is having problems coping with delivery capacity, but through the arrangement you have set up, you can provide some intervention to help that partner, such as more funding or people resource.

Corrective
It's all gone wrong, but you have a contingency plan. Business Continuity Management (BCM) is an important control area of risk control that is becoming more prevalent since the advent of the Civil Contingencies Act.

The private sector has used BCM as part of good governance for some time. The basic steps are to

- Work out what can go wrong
- Work out what you really need to do to keep the most important parts of your partnership working
- Pre-plan what you could do in advance, and at the time of things going wrong.

For example, you might keep up a relationship with another potential partner who wasn't interested in being part of the initial partnership but might be able or willing to step in at a later date.

12 Section 4: Assessing likelihood and impact

The next stage is to understand the risk in terms of its likelihood and impact. Wirral Council's uses a 5-point scale for assessing these.

> Your partners will also have their own criteria for assessing impact and likelihood. It is therefore important to agree a common approach.

The diagram below shows Wirral Council's likelihood and impact matrix.

Diagram 6 - Likelihood and impact matrix

This process of assessment allows risk management actions to be prioritised. If there are risks that are assessed as being in the "**High''** area of the matrix, then these are where immediate attention and actions to reduce the risk should be focussed. Those risks in the "**Medium**" section of the matrix may warrant further attention to reduce the risk, but are not as critical as those in the red section.

Many of the risks in the "**Low**" section may warrant no further action as they have minor impact and are very unlikely to occur. There may also be some risks that are very unlikely to occur but that would have catastrophic consequences for the organisation and partnership if they do. For example, the complete failure of a major partner might be very unlikely, but if it were to occur, the impact could be disastrous.

The line between medium and low is the tolerance line: any risks below the line (and in the low area of the matrix) can be tolerated; any risks above the line need to be controlled in some way.

Section 5: Monitoring and reporting risks

Depending on the size and complexity of your partnership, you may have a long list of potential risks. The impact and likelihood matrix will help you prioritise the risks that you will want to tackle first. Similarly, the risks with the highest scores are also those which should be monitored most closely.

The purpose of monitoring is to review progress in implementing control actions and to see whether they are having the intended effect. One way of doing this, is to study events, situations or changes (sometimes called 'trends'), which could potentially affect the risks you have previously identified. Reviewing relevant performance indicators can also be helpful in this respect. For example, if you have identified the absence of key members of staff as a potential risk, reviewing attendance figures could help you to understand whether this is an increasing or diminishing threat and whether the risk scores need to be amended.

Trends and indicators should be regularly and systematically monitored, ideally in regular meetings involving key members of each organisation in the partnership.

Monitoring is a long-term management challenge, and you need to set your risk priorities on the same timescale as the partnership. For example, in a three year partnership, you may select to spend the first six months concentrating on the top six[4] risks, then the next six and so on, constantly reviewing the changes in risk profile. Similarly, you will want to prioritise risk management during the partnership's implementation phase and in line with the implementation plan's timescales.

Diagram 7 - Sample Timeline for dealing with risk
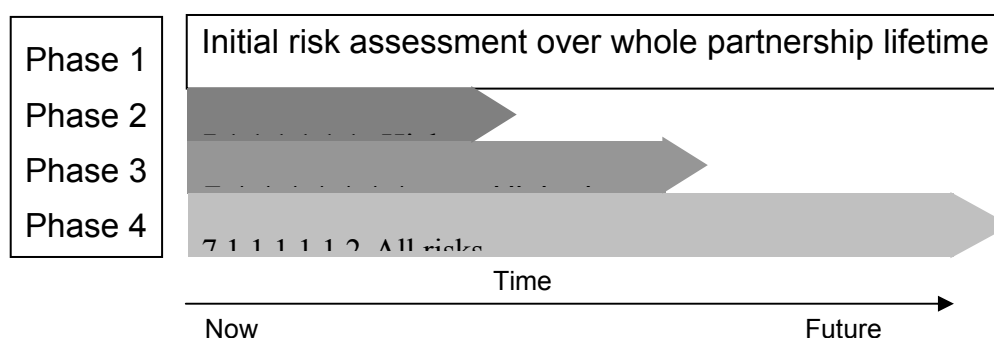
The table below shows, for each level of risk, the <u>maximum</u> interval between each review.

13 Overall Level of Risk	14 Frequency
Red (High)	3 months
Amber (Medium)	6 months
Green (Low)	12 months

The risk register should be updated after each review.

Managing partnership risks

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[4] Choose the number you prefer – six is just included by way of illustration – but don't choose more than say 20 – the number has to be proportionate to the overall project importance and resources available.

The success of any project can be measured by how it achieves its objectives: in the case of a partnership the key success criteria will generally be whether the partners have achieved more together than they could have achieved separately. In aiming for this objective, however, it is vital that partners do not lose sight of the environment within which they operate and make sure that value for money is achieved; appropriate controls are in place so that expenditure is reliably recorded; that it complies with all relevant accounting requirements, authorities and regulations including the Partnership Directives of the European Communities; and that the risks of waste, impropriety and fraud are minimised. The range of partnership models, from a loose alliance to a multi-agency contract, means that the nature of the risks faced by a partnership will vary considerably. A comprehensive risk framework, with appropriate checks and controls, will help ensure that these issues are addressed.

In determining how to control risk, it is important that any proposed controls and the cost of applying them are proportionate to the risk. Apart from the most extreme undesirable outcome (such as loss of human life where the risk is greater than one in a million[5]) it is normally sufficient to select your controls to give a reasonable assurance that any possible loss can be tolerated by the partnership. Audit processes can make an important contribution by adopting a forward looking and constructive approach to:

➢ Reviewing how public bodies and agencies identify possible partnership opportunities and seek potential partners.
➢ Highlighting successful partnerships backed up by practical examples which could be more widely applied
➢ Supporting well managed risk taking and innovation that is likely to lead to sustainable improvements in both the efficiency and effectiveness of partnership and the quality of the service provided.
➢ Ensuring that public bodies and agencies have overall organisational and management capacity to undertake large, novel and/or contentious projects.

All activity by public bodies involves some risk, for example:

• Key outputs are not delivered on time, to budget and to the required quality;
• Financial impropriety, fraud and waste;
• An unexpected event, which knocks planned activities off course;
• An opportunity missed to do something better and more cost effectively.

Partnership is no exception and all of the above risks need to be considered in decisions relating to partnerships and managed where appropriate.

15 Reporting partnership risks

As mentioned in the Council's Partnerships Guidance and Checklist, there should be governance and performance management arrangements for each partnership in which the Council is involved. These should include the framework for reporting performance issues, including risks.

Good practice would be to present the latest version of the partnership risk register, highlighting any changes, to each meeting of the partnership board (if there is one) or whichever forum is responsible for scrutinising the performance of the partnership. For example, for a medium risk partnership affecting a single division of one department, it may be sufficient to report to the register to the management team of the department concerned.

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[5] HM Treasury *Managing Risks to the Public Appraisal Guidance* Oct 04, pp 25 & 29.

Where any risk associated with a given partnership is also considered to be a key risk for a particular Council department, progress in managing it should be reported to the relevant Overview and Scrutiny as part of that department's Quarterly Performance Monitoring Report.

16 Section 6: Specific partnership risks

The following[6] sets out the key partnership risks and how they might be addressed:

Unnecessary partnering
Clearly justify the need for the partnership. The business case should be independently reviewed when outcomes are of significant value or strategic importance.

Activity does not represent value for money
The partnership should deliver services more efficiently than the separate bodies could achieve and Gershon savings should be achieved. Benchmarking will help ensure that the partnership remains worthwhile.

Partnership fails to deliver
Assess the financial viability of the partnership and the past performance of the separate partners. Each partner should draw up contingency plans for how they will ensure public services are delivered in the event of the partnership failing to deliver.

Activity is not of the quality required
Ensure that each partner is aware of what is expected of them and that performance management is given sufficient emphasis. Formalise in the partnership agreement the approach to performance management.

Impropriety and fraud
Have a fraud prevention strategy with separation of duties and regular independent review of the adequacy of internal systems to minimise the risk of fraud. Agree the process for internal and external audit to avoid duplication but also ensure full coverage.

Missed opportunities
Remain alert to other opportunities, new partners and developing the partnership to bring in additional services.

Failure to stop a failing partnership
If the partnership is floundering, do not plough on regardless of failing performance, thus wasting public resource and time. Use gateway reviews[7] at critical points in the partnership to measure progress. This means that you:

- Determine beforehand where the natural review points occur in the lifespan of the partnership
- Agree in advance the key success criteria
- Agree in advance the level of failure that would mean that the partnership needs to be stopped, or readjusted for optimum performance
- Compare performance against those performance indicators
- Stop the partnership, go on, or put in place the adjustments for managing the risks.

> **THE RISK OF SUCCESS**
> A group of successful professionals collaborated in a syndicate for the National Lottery. After several small wins, the partners could not agree between them how a large win would be shared, and the partnership disintegrated into negative bickering.

Risk sharing
Partnerships can fail because there has been no up-front and transparent discussion and agreement on risk sharing, and no arrangements in place for dealing with such risk. For example, someone is injured as result of a decision by a partnership. Who pays? The worst possible outcome is that the injured party suffers several years of long and complicated wrangling between the respective insurance companies as to who pays. One solution is to set

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6 Adapted from OGC Guidance

7 Office of Government Commerce - Best Practice OGC Gateway™ Reviews

up a limited company for the partnership, and buy insurance for it. Another is to purchase "difference in conditions, difference in limits (DIC/DIL)" insurance for the partnership from the main partners' insurance companies.

Sharing the risk of success
Who owns the intellectual property rights to the outcomes of the partnership? Agree an arrangement beforehand, which is signed off by all parties, for dealing with positive outcomes. The worst possible outcome is that the partnership flounders as success rears its head because the partners cannot agree who gets the benefit of the success.

Design and construction risks
- Surveys and investigations fail to identify problems
- Construction lasts longer than expected
- Construction costs are higher than expected
- Inability to agree on a specification for accommodation
- Facilities are not provided to the required specification
- Need to avoid the perception of a take over (and, thus, an unequal partnership) if one partner moves in with the other
- Alternative service provision is required during the delayed completion

Commissioning and operating risks
- Partner fails to meet agreed performance standards for service delivery
- Partner fails to make assets available for use
- Operating costs are more than expected
- Operating income is less than expected
- Assets underpinning service delivery are not properly maintained

> **Risks associated with Private Finance Initiative projects**
> Appropriate risk allocation between the public and private sectors is the key to achieving value for money on PFI projects. If the private sector is asked to accept responsibility for a risk that is within their control, they will be able to charge a price for this part of the deal which is economically appropriate.
>
> However, if the organisation seeks to transfer a risk which the private sector cannot manage, then the private sector will seek to charge a premium for accepting such a risk, thereby reducing value for money.

Demand risk
Demand risk is the risk that the level of demand assumed in a partnership business plan, proves to be incorrect and therefore the pricing or partner contributions vary from those anticipated. It is not always desirable to transfer or share demand risk since the level of usage required of an asset or service may not be within the public sector's control. The partners should carry out, at an early stage, an appraisal of the likely demand for services before designing the specification for a specific project. This appraisal should include an assessment of the factors likely to influence demand for the services being supplied and an evaluation of the robustness of the assumptions made. Partners should have frank discussions with each other as part of the partnership planning process to agree their joint approach to demand risk.

Residual value risk
Assets purchased, created or input into the partnership may have a residual value. You will need to be clear who will own this asset if the partnership should end and who is responsible for its ongoing maintenance.

Technology/obsolescence risk

There is a risk that the quality of service delivery may be affected if the equipment or other assets used in the service delivery become out of date. Alternatively, there could be a need to make further financial investment in the project in order to introduce equipment or other assets which are based on new technology. This is an important factor in all long-term partnership projects and is likely to be particularly important in IT projects or those where services are dependent on other specialist equipment or software. Technological refresh should, therefore, be built into the agreement. All parties to the partnership should contribute an agreed amount to the refresh budget, allowing the partnership to remain up to date. This can apply to all manner of assets, including contractor methods, materials, vehicles and so on.

Where the partnership is contractual and there is a risk (as with an IT system) that an asset might become technologically obsolete by the end of the partnership agreement period, the organisation should consider the pros and cons of including a payment arrangement, which the partner only becomes entitled to if the asset is still usable at the end of the period. The organisation should weigh the likely benefit that may arise from encouraging the partner to keep the asset technologically up to date against any impact the existence of a transfer payment may have on subsequent competitions, as it may affect other suppliers' interests in bidding or their pricing strategy for a new partnership agreement once the initial one expires.

Regulation risk

This is the risk that the balance of a deal may be affected by regulatory changes (such as changes in taxation type or rate), planning regulations, or other legal aspects. A major difficulty is that there are many different types of regulation which may affect a project. The approach to regulatory risk should be agreed in whatever way is deemed appropriate as part of the partnership agreement.

Financing risk

Most partnerships are intended to be either cost neutral (better service; same cost) or to save money, but they may need some pump-priming to get them underway. The risks vary according to the source of those initial funds.

Where the partners fund the set-up costs from their own capital, the main risk is that the anticipated savings do not materialise and so the cost/benefit analysis is not accurate and the return on the investment is not as anticipated. The cost/benefit analysis and business case should be prudent, with a worst-case scenario included.

If the funding is external, there are two main areas of risk, depending, once again, on the source of the funds. Where pump-priming is provided by means of a grant, the risk is that the partnership is, in reality, financially reliant on that grant and cannot survive when the grant ends. If the funding is from debt, the risk is that the partnership cannot fund the debt repayments. Again, in both cases, prudent forecasting, a realistic business case and a rigorous cost/benefit analysis process should minimise the risk of these eventualities.

Risk of partner default

Your partner may find that it has underestimated the work involved in forming and maintaining a partnership, or the organisation's leadership may loose its appetite for partnership leading to a default. Ensuring that the partnership is mutually beneficial and cheaper for both partners than operating independently is vital to reduce the likelihood of such an event occurring. A detailed partnership agreement will also reduce the risk and an exit strategy will minimise the impact should the worst happen.

Political business risk

Each partner must take responsibility for the risks of political embarrassment or the risk to the delivery of their core business/service should the partnership fail to deliver.

Reputation risk
Each partner should also be aware that reputation risk can be transferred from one public sector body to another and that by coming together to deliver services your reputations are also coming together. The public and media are unlikely to differentiate between two public sector bodies if something goes wrong and it is important to agree a joint approach as part of the partnership development process.

Partnership relationships
The partnership relationship is a further vital element in managing partnership risk. The importance of good relationships is demonstrated in the diagrams below.

17 Section 7: Managing dual party partnerships

Model A	Model B
Shows the relationship focused solely through the partnership managers who are the only points of contact for their respective organisations. Could be phase 1 of designing the multi-agency relationship. An example is that of a single-function partnership, such as an internal audit partnership.	Shows the partnership agreement relationship managers at the apex of each organisation with functional relationships operating at several points at the interfaces of the relationship. Could be phase 2 of designing a multi-agency relationship. An example is that of a complex service partnership, such as a corporate services joint provision partnership.

Diagram 8 - Model A   *Diagram 9 - Model B*

Functional manager

Relationship manager

Organisation

ADVANTAGES	ADVANTAGES
• There is strong control focused on the relationship managers • Communication channelled through the relationship managers • This is a model to be used where absolute control is necessary, such as in respect of a very vulnerable person or issue • Change can be implemented quickly as there is only one point of contact • It is easy to exit this relationship • Potentially very speedy decision making and quick to implement	• The relationship managers are mature in their relationship with each other and with their organisation. • Meetings can happen without them having to be present. • There is good feedback from their internal team, which is reviewed regularly with their opposite number in the other organisation. • The conversation between the relationship managers can concentrate on the achievement of the performance indicators for the relationship, quality of service and where value add can be improved using examples of where things have gone right, as well as areas that need to be adjusted for improvement
DISADVANTAGES	DISADVANTAGES
• The relationship managers hide their organisations from the other partner – they front up the relationship. • They rarely have a transparent conversation about quality of service. • This relationship is tense with pressure from the organisation focussed on the relationship manager. • Time with each other is curtailed. • Because of the pressure, the conversation mainly rests around things that are wrong with the relationship, rather than the things that are right and those that can be improved. • This could be a slow relationship to implement as the relationship managers act as a funnel for all aspects	• Change is slow to implement as there are many points of contact • Communication can get out of control if there are not good feedback loops between the relationship managers and their functional management, and between the relationship managers themselves • It is difficult to exit this relationship

18 Section 8: Managing risks in multiple partnerships

Model C	Model D
Strategically focused	**Operationally focused**

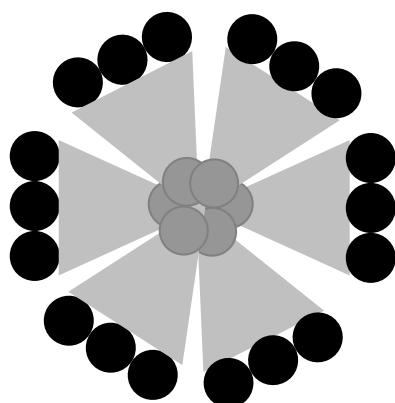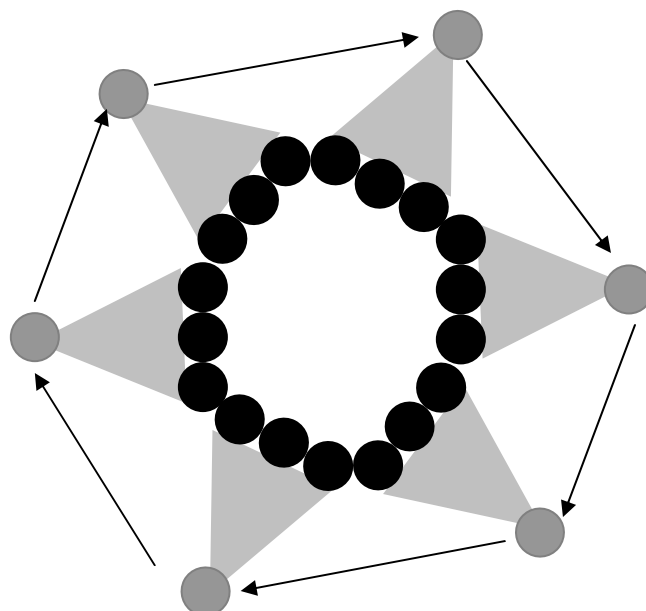| Could be phase 3 of managing the relationship An example is a Local Resilience Forum set up to manage community emergencies such as flood or foot and mouth disease.	Could be phase 4 of managing the relationship An example is a Local Strategic Partnership

Diagram 10 - Model C   *Diagram 11 - Model D*

ADVANTAGES • Strong central communication between relationship managers • Strong control at the centre • Confidential information can be managed properly • Communication plans can be well controlled	ADVANTAGES • Excellent communication between functional management • Better opportunity for sharing good practice • Good opportunity for making things happen from ground up
DISADVANTAGES • Functional management don't feel too involved • Communication between functional managers is limited, unless strong links are put in place – normally led by the relationship manager • The relationship manager becomes a barrier to change	DISADVANTAGES • Needs a good communication process between functional management and relationship managers • Needs a good communication process between relationship managers

19 Appendix 1: How to manage low risk partnerships – key questions

If, in assessing your partnership (pages 4 and 5), most of your answers are in quadrants 1 or 2, then these are the key things you need to consider in the early stages:

| Key tasks you need to consider	Is it needed?	Is it signed off/agreed?	Who is responsible?	Status
Formal partnership agreement (duration and gateway reviews)				
Define roles and responsibilities				
Governance arrangement in place				
Aims and objectives set out clearly				
Performance monitoring arrangements (including budget and VFM)				
Performance reporting arrangements (incl. budget & VFM)				
Insurance and risk sharing requirements				
Business continuity arrangements				
Human resource implications (health and safety, equality, pay and conditions, diversity and data protection and so on)				
How to deal with under or over achievement against targets				
Exit strategy and handover processes				
Risk management arrangements				

20 However, within your plan for the lifetime of the partnership it would still be sensible to include a full assessment of the risks at some point. For example, in a 3 year partnership you might complete the checklist at the beginning and then carry out the full assessment in 18 months time.

Appendix 2: Medium risk partnerships – risk assessment

In order to manage the risks in a medium risk partnership, it is worth breaking down the process into its component parts over time/maturity.

Diagram 12[8] - The Process
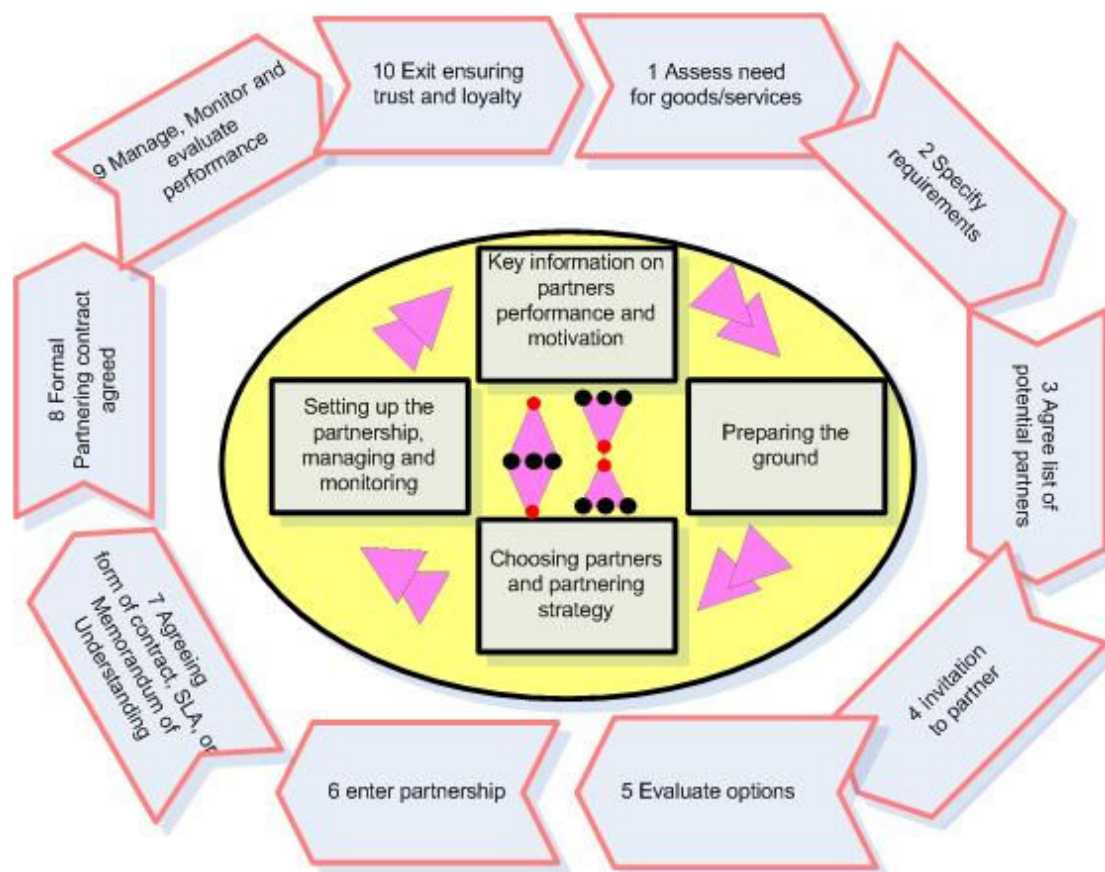
Once you have broken down the process into these component parts, then you can work out more precisely what the risks are and where they might occur, using the following checklist as a guide.

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[8] Adapted from http://www.ogc.gov.uk/sdtoolkit/reference/ogc_library/Partnership/vfmPartnershipguide.pdf

21

Appendix 2: Medium risk partnerships – risk assessment sample checklist	RISK/ISSUE	CAUSE	L	I	OUTCOME	L	I	CONTROLS
Assess the need for a partnership								
Specification of requirement and outcomes for the partnership								
Agree a list of potential partners								
Invitation to participate								
Agree criteria for potential partners								
Enter partnership								
Draw up business case and cost/benefit analysis								
Agreeing the form of partnership agreement								
Formal decision to proceed								
Managing, monitoring and evaluating the performance of the partnership								
Exit strategy								

Example Completed Partnership Risk Assessment – Medium Risk Partnerships

	Risk/ Opportunity	Causes		Outcomes		Controlled risk rating	
		Detail	Controls	Details	Planned Controls	L	I
Assess need for goods/ service	Identification of "best areas" for partnership working	Political drive to partner at all costs	Justification of business case to be documented and agreed by all parties	Partnership unnecessary and wasting time and resource	Identify opportunities and base case BEFORE entering partnership		
	Option for selecting who and why to partner with	Legal reason	Find a partner who can deliver the service.	Compliance	Ensure that the partner has the resources to deliver the service(s)		
		Lack of internal resources/skills/ authority to deliver service					
Specification of requirement	Agreeing shared scope and objectives	Lack of communication or misunderstanding	Suggested scope to be submitted	Inability to performance monitor the delivery of the partnership and/or know when the exit strategy should be initiated	Signed approval from all parties to the scope		
					Regular review to ensure there is no scope creep		
	Continuity arrangements of the partnership including governance procedures	Clear working arrangements for all partners	Guidance and structure information to be submitted with bid	Failure to meet legal requirements re governance	Constitution for partnership drawn up early in the implementation		
Agree list of potential partners	Unable to find a single partner to supply all areas of the specification	Scope is too big	Break down the scope into manageable proportions	Partnership complexity increased requiring additional resource	Re-scope internal resources		
					Contract external resources		
	Internal issues with potential new partner	Unable to agree on suitable partners	Identify reasons for concerns with potential partner and address, discount or find an alternative partner	Time table could slip Fail to meet political imperative to partner Loss of grant funding Service suffers Uncertainty for staff	Communi-cation with all stakeholders		
Invitation to participate	Preferred partner isn't interested	Partnership option is not lucrative/ attractive	Obtain feedback from potential partners	Reappraise scope	Consult with all stakeholders		

Example Completed Partnership Risk Assessment – Medium Risk Partnerships

	Risk/ Opportunity	Causes		Outcomes		Controlled risk rating	
		Detail	Controls	Details	Planned Controls	L	I
	Gap analysis between scope and agreement not carried out	Agreement that does not deliver requirements	Consult with wide range of stakeholders	Signification scope changes required	Re-scope		
			External review of tender				
Agree criteria for potential partners	Potential partner doesn't agree with bid criteria or underestimates the impact of the criteria on their organisation	Undermines the relationship between the partners as it will not be on a mutually agreed basis	Carry out feasibility study of the partnership proposals and criteria	Failure to meet expectations of the partnership or fail to deliver what is needed	Re-visit partnership negotiations to ensure discussions are on an understood basis		
	Additional added value of the partnership	Reputation opportunities	Track record	Enhanced delivery of partnership	Ensure delivery of both sides of all aims and objectives		
Enter into the partnership	Clarity of exit strategy	Wasted public resource	Clarify partnership management	Scope change to include exit strategy	All partners to agree to exit strategy		
	Prospective partner reject agreement	Prospective partner does not have the resources to devote to the partnership or its development	To offer additional time for recruitment of resources. Reconsider structure and requirements of partnership	Time table issues	Communi-cation to all stakeholders		
				Re-visit agreement	Offer to another prospective partner(s) or re-negotiate		
Agreeing the form of partnership agreement	Short fall between agreement and expectations	Agreement that does not deliver requirements	Consult with wide range of stakeholders	Formal new scope discussions	New scope signed off by all partner(s)		
			External review of initial scope	Prospective partner pulls out	Look for other partners		
	Agreement cannot be ratified	Shared objectives cannot be agreed	Mediation discussions	Formal new scope discussions	New scope signed off by all partner(s)		
				Prospective partner pulls out	Look for other partners		
Formal decision to proceed	Unable to proceed with formal signing with all partner(s)	Geographical/ lack of delegated authority/ timetabling	Timetable established to suit all partner(s)	Time delay	Formal apportionment to be held outside working hours		
	Prospective partner(s) internal issues/ ratification of agreement	Agreement issues identified	Communi-cation between partner(s) prior to formal	Formal new scope discussions	New scope signed off by all partner(s)		

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Example Completed Partnership Risk Assessment – Medium Risk Partnerships

	Risk/ Opportunity	Causes		Outcomes		Controlled risk rating	
		Detail	Controls	Details	Planned Controls	L	I
			agreement		Additional clause included		
Manage, monitor and evaluate performance	Agreed reporting arrangement by all partner(s)	Passive monitoring	Active monitoring to be set up including performance indicators	Objective are being met and reported	Not losing sight of aims and objectives		
	Not setting out escalation procedures could lead to relationship problems	Lack of communication	Medication discussions	Review monitoring arrangements	All partner(s) agreeing to new arrangements		
Exit strategy	Handover procedures to manage partnership closure	Professional closure enhances the reputation of all partners	To ensure that all partners have their exit agreed	New partnership approaches made	Reputation		
	Continuity of objectives achieved lost if exit plan is not controlled	Inadequacy of exit arrangements	Incentive included in original scope to manage the exit	Bad references/ media attention	Engage with public relations team to manage issues		
		Exit early due to irresolvable differences	Mediation				

22 Appendix 3: High risk partnerships – checklist

Introduction

The attached checklist[9] is designed to facilitate an in-depth risk management exercise for complex and high risk partnership arrangements (PA). The complete set of answers to the questions raised here provides for an initial review of a MAJOR new partnership, a renewal of an arrangement, or a planned review, depending on which sections are completed. This review process should be used in full only on HIGH RISK PARTNERSHIPS, and should be conducted incrementally over a period of time. The matters raised in the checklist should

This is a "due diligence" process, a term used in the private sector for an acquisition of another company or any major legal change.

The prospective purchaser calls for an in-depth analysis of all aspects of the new arrangement, looking into past performance and gathering evidence as appropriate.

be prioritised and any proposed PA should ensure that all high priority matters are dealt with before the PA starts. Partners should not, however, make failure to complete the entire checklist an excuse for not going ahead: all PAs involve a leap of faith at some point and there comes a stage when simply getting on with it is more important than finalising every last issue.

This checklist is a summarised version of a more complete "due diligence" process. A full copy can be obtained from Public Risk Management Ltd.[10]

The checklist is split into several sections to make it easier to use. Each partner in the partnership should satisfy itself that it has met the issues addressed in the checklist. The sections covered are:

- Preparation, set-up and engagement
- Commercial
- Finance
- Compliance and regulatory matters
- Human resources
- Information security
- Business continuity and disaster recovery
- Business trialling and modelling
- Performance
- Other

Each section also identifies, by means of a tick in the box, when each of the following three activities occurs:

- Inception or renewal of the arrangement
- A planned review
- Any significant material changes in the arrangement

No.	High risk partnerships – Suggested checklist	Inception or renewal Suggested areas		Planned review & material change

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[9] Special thanks to the Isle of Wight Council for the use of this document which has been appropriately adapted.
[10] tel 01626 355333 or email info@publicriskmanagement.co.uk

No.	High risk partnerships – Suggested checklist	Inception or renewal Suggested areas		Planned review & material change
1.	**Preparation, set-up and engagement**			
1.1	Is there a justified and proven need for a partnership arrangement?			✓
1.2	Is the PA approved?			✓
1.3	Was the PA planned or unplanned?	✓		
1.4	Have the needs to be met, aims and objectives of the PA been determined, defined and documented?			✓
1.5	Have the PA's aims and objectives been aligned with the strategy and policy for partnering **and** the strategy for the delivery of this service?			✓
1.5.1	Are the costs of the PA, the benefits and the value created consistent with the needs to be met			✓
1.6	What is the classification of the PA?			✓
1.6.1	Is the PA corporate or non-corporate?	✓		
1.6.2	Is the PA a separate company?	✓		
1.6.3	Is the PA a registered charity?	✓		
1.7	Who are the partners and the contact points?			✓
1.8	Who is the lead partner, if appropriate?			✓
1.9	What is the target/actual date for the commencement of the PA?	✓		
1.10	What is the planned duration of the arrangement?	✓		
1.11	What are the cessation/termination arrangements?	✓		
1.12	Which statutory, Local Government or other external governance framework applies?			✓
1.13	Which internal governance model was selected for this PA?			✓
1.14	Which constitutional model was selected for this PA?			✓
22.1.1.1.2	**Commercial**			
2.1	When was the last visit to the partners'/PA's premises/facilities?	✓		
2.2	What position does the PA occupy in the sector currently?	✓		
2.2.1	Has this position changed significantly since inception?			✓
2.3	Do the partners/PA have a website?	✓		
2.4	Has there been any press coverage; regarding the partners in relation to the PA; or the PA itself?			✓
2.4.1	What was the effect of the press coverage?			✓
2.4.2	What are the procedures for the review and approval of press releases?	✓		
2.5	What partner references are held on file?	✓		
2.6	Has the PA lost any clients due to poor service?			✓
2.7	Are role profiles/job descriptions/CVs available for PA managers/account managers and/or relationship managers?			✓
2.8	What is the current reporting structure for the partner/PA team?			✓
2.9	Do the partners have a business strategy/ business plan that supports this PA?			✓
2.10	Will the PA be taking on the totality of the service or will any part of it be delivered by other means?			✓
2.10.1	If so, what level of reliance will be placed on this arrangement?			✓
2.11	Does the PA (or a partner) pass on any of the service requirement to an outsourced arrangement?			✓
2.11.1	If so, what level of reliance is placed on this arrangement?			✓
2.12	When was the last walkthrough test of the PA capability undertaken?			✓
2.13	Have any references been taken from other clients of the partners/PA who have similar service arrangements?			✓
2.14	To which relevant professional bodies / professional organisations do the partners/PA belong?	✓		
3.	**Finance**			
3.1	**Finance – this section applies to the PA and/or the partners involved**			
3.1.1	Who is the financier of last resort?	✓		

No.	High risk partnerships – Suggested checklist	Inception or renewal Suggested areas		Planned review & material change
3.1.2	Who is the PA banker?	✓		
3.1.3	Name of the PA bank accounts	✓		
3.1.4	Names of the PA cheque signatories	✓		
3.1.5	Will PA staff/partner staff be able to commit authority funds and resources?	✓		
3.1.6	Provide full details of the funds, funding, grants and concessions provided to the PA.			✓
3.1.7	What are the internal and external audit and non-financial audit arrangements for the PA?	✓		
3.1.7.1	Which is the accountable body?			✓
3.1.8	Have all voluntary funds in which the authority has an interest been registered with the Directorate of Finance and Information?	✓		
3.1.9	What are the VAT arrangements for the goods, works and services procured by the PA?			✓
3.1.10	Have the following been determined, defined and documented: • Capital, leasing, expenditure and income plans • All sources of income • The conditions of any grants • On-going revenue liabilities where the grant was capital • Procedures for the return of funds not spent • Procedures for over-spends • Match funding • Responsibility for compliance with all funding and grant conditions			✓
3.1.11	Does the PA have a financial plan, (a) specifically outlining the expenditure and income over the next financial year, (b) consistent with the delivery plan?			✓
3.1.12	What are the arrangements for taxation?	✓		
3.1.13	What are the arrangements for petty cash and reimbursement?	✓		
3.1.14	What are the arrangements for ordering goods and services (for the PA)?	✓		
3.1.15	What insurance cover is provided?	✓		
3.1.16	Detail the provision of separate accountancy codes	✓		
3.2	**Finance – this section applies to PAs that are companies and applies to contractors**			
3.2.1	Obtain a copy of the company and ultimate holding company last audited Director's Report and Financial Statements, and any more recent quarterly financials.	✓		
3.2.2	If available, obtain Credit Analyst's report	✓		
3.2.3	Run D&B and S&P check	✓		
3.2.4	Perform a Company Search	✓		
3.2.5	Financial results - cover:	✓		
3.2.5.1	What are the net assets of the company and how have they moved recently?	✓		
3.2.5.2	Are any of the assets "intangible" (e.g. capitalised software development costs, goodwill etc), how have they moved?	✓		
3.2.5.3	What are the liabilities and other commitments of the company and how have these moved?	✓		
3.2.5.4	Are there any "contingent liabilities" (e.g. court cases against the company)?	✓		
3.2.5.5	Is there a holding company?	✓		
3.2.5.6	What financial appraisal has been conducted over sub-contractors and other outsource service providers?	✓		
3.2.5.7	Are revenue and profits growing (turnover, margins, profitability, ROCE etc)?	✓		
3.2.5.8	Review the rate of growth and assess whether this results in any strain on resources	✓		
3.2.5.9	Can the company easily pay its liabilities as they fall due (liquidity)?	✓		
3.2.5.10	Is the company committed to this type of business?	✓		
3.2.5.11	Is the company too reliant on any particular customer, product, supplier, financing or other outsourcing arrangement?	✓		
3.2.5.12	What are analysts' views on the share price, business and the competition?	✓		
3.2.5.13	Are there any current events to consider that have had or will have a material impact on the business?	✓		
3.2.5.14	Perform ratio analysis and identify any adverse or positive trends.	✓		
3.2.5.15	Is a bond or parent company guarantee required?	✓		
4.	**Compliance and regulatory matters**			
4.1	Are the partners/PA regulated ?	✓		
4.1.1	If yes, regulated by which body?	✓		
4.1.2	Have there been any breaches or fines over the past three years?			✓

No.	High risk partnerships – Suggested checklist	Inception or renewal Suggested areas		Planned review & material change
4.2	Who is responsible for compliance and who is responsible for following up actions?			✓
4.3	What is the status of any outstanding actions?			✓
4.4	Does the PA have formally documented procedures, which relate to the services provided?	✓		
4.5	Is the PA vires?			✓
4.6	If this is a service performed for other clients, are there any SAS480 type arrangements in place?	✓		
4.7	Has the PA been subject to a complete risk assessment?	✓		
4.8	Does the PA have a risk register?	✓		
4.9	Does the PA have a risk mitigation strategy?			✓
4.10	Are PA risk mitigation actions documented?			✓
4.11	Are actions regularly followed up?			✓
4.12	Is the risk register regularly updated?			✓
5.	**Human resources**			
5.1	Have any staff undergone a TUPE transfer to the PA?			✓
5.1.1	Are the procedures for this documented?	✓		
5.2	Is there an employee handbook?	✓		
5.2.1	When was it last updated?			✓
5.2.2	Does the PA have a formal grievance/disciplinary procedure?	✓		
5.3	Is the PA/are any of the partners an "Investor in People"?			✓
5.4	Are PA staff directly recruited by the PA?	✓		
5.4.1	What is the PA's recruitment policy?	✓		
5.4.2	Do all members of staff have a job description/role profile?			✓
5.5	Are employees put through a formal induction programme?	✓		
5.6	Is there a formal appraisal process?	✓		
5.7	Do all employees have a contract of employment?	✓		
5.8	How many people does the PA employ?			✓
5.8.1	What proportion of staff are permanent, temporary, contract?			✓
5.8.2	What is the level of staff turnover? How many current vacancies are there?			✓
5.9	Who is responsible for Health and Safety at work policy?	✓		
5.10	What is the PA's training and development policy?	✓		
5.11	How does the PA plan to absorb the staff/manage the culture shift for staff working on this arrangement (where seconded or TUPE'd)?.			✓
5.12	Is there a manager/staff forum (possibly involving trade unions)?	✓		
6.	**Information security**			
6.1	Do the partners and/or does the PA subscribe to or use BS7799?	✓		
6.2	Does the PA have specific information security policies and procedures?	✓		
6.3	What are the procedures for dealing with information security breaches?	✓		
6.3.1	Have there been any breaches?			✓
6.4	Are the partners/is the PA registered with the Office of the Information Commissioner and is the registration up to date?			✓
6.5	What policies and procedures are in place to ensure that the partners/PA complies with all applicable parts of the Data Protection Act, including the classification of data.			✓
6.6	How frequently are information security practices reviewed or tested?	✓		
6.6.1	What was the outcome of the review?	✓		
6.7	Does the PA have record keeping and retention policy?	✓		
6.8	Where are records stored and archived?	✓		
6.9	Is there an information security education and awareness programme developed?	✓		
7.	**Business continuity and disaster recovery**			
7.1	Do the partners/does the PA have a contract (e.g. with SG-RS or Comdisco) for disaster recovery?	✓		
7.1.1	If no, what backup facilities exist?	✓		
7.2	Do the partners/does the PA have disaster recovery and business continuity planning standards.	✓		
7.3	Do the partners/does the PA have current DR and BCP plans, procedures and testing plans?			✓
7.4	Has the PA classified its processes and identified the critical processes?	✓		

No.	High risk partnerships – Suggested checklist	Inception or renewal Suggested areas		Planned review & material change
7.5	In respect of the critical processes, are maximum recovery times specified?	✓		
7.6	How frequently are the plans tested?	✓		
7.6.1	What was the result of the last test?			✓
7.7	Where is back up media stored?	✓		
7.8	What mechanisms are in place to advise clients of downtime?	✓		
7.9	Does the PA have backup power and UPS on site?	✓		
8.	**Business trialling and modelling**			
8.1	What business processes has the PA defined that should be tested before "go live" of the arrangement?			✓
8.2	Are relevant business processes tested and documented/signed off before "go live"			✓
9.	**Performance**			
9.1	Have service delivery performance criteria been specified for this PA?			✓
9.2	Has the management information (MI) been specified to support the measurement of the performance of the delivery of the service?			✓
9.3	What measurements are taken and when?			✓
9.4	Have performance targets been set for the delivery of the service?			✓
9.5	Are the performance measurement criteria, the MI and the measurements consistent with the Best Value Indicators, Quality of Life Indicators?			✓
9.6	What performance reports are produced?			✓
9.7	Has there been a BV inspection?			
9.8	Does the PA have procedures for responding to material changes in the performance of the delivery of the service?			✓
10.	**Other**			
10.1	Do the partners and the PAs have a money laundering, fraud and anti-corruption policy?			✓
10.2	Do the partners and the PAs provide money laundering, fraud and anti-corruption training regularly to all staff?			✓
10.3	Is a standard confidentiality clause inserted into all agreements?	✓		
10.4	What are the procedures for dealing with conflicts of interest?	✓		
10.5	Are regular Partnership meetings held?			✓
10.6	Are meetings minuted?			✓
10.7	How are members of staff chosen to represent the authority on a PA?			✓

Appendix 4: Risk Register Template

Partnership Name		Partnership Manager		Author	
Version No.		Date			

22.2 Risk Register

Summary							Description				Controls			
Risk Number	Date Raised	Date Last Reviewed	Owner	Category	Status	Links to Other Plans/Projects	Description of Risk	Likelihood Score	Impact Score	Total Score	Description of Controls	Responsibility	Target Date	Status
										0				
										0				
										0				
										0				
										0				
										0				
										0				

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22.2.1 Appendix 5: Risk Categories

STRATEGIC 23 *Risks that relate to doing the wrong things*	***23.1 OPERATIONAL*** *Risks associated with the nature of each service or activity*
• Insufficient forward planning or horizon scanning • Incorrect strategic priorities • Community planning oversight or errors • Policy decisions based on incomplete or faulty information • Failure to exploit opportunities • Inappropriate capital investment decisions	• Poor partnership working • Failure to continuously improve / innovate • Inadequate service continuity planning • Over-reliance on contractors / suppliers • Breakdown of work system • Poor project planning and management
23.2 INFORMATION / TECHNOLOGICAL 24 *Risks that relate to the loss of or inaccuracy of data and the use of / reliance on technology*	**REPUTATION** 25 *Risks that relate to the organisation's image*
• Systems and management data not up to date • Ineffective prediction of trends and poor forecasting • Breaches of security of network and data • Obsolescence of technology • Lack of network resilience	• Unfulfilled promises to the electorate • Ineffective PR / Media strategy • Association with unsuitable organisations • Poor standards of service • Failures in corporate social responsibility
25.1 FINANCIAL *Risks that relate to losing monetary resources or systems of financial planning and control*	**PEOPLE** 26 *Risks associated with employees and the management structure*
• Occurrence of fraud • Unreliable accounting records • Failure to prioritise, allocate appropriate budgets and monitor / report • Failed resource bids • Sustainability of time limited funding	• Over-reliance on key officers • Inefficient/ineffective management processes • Failure to recruit/retain qualified staff • Lack of investment in training • Poor absence management
REGULATORY / LEGAL / STATUTORY *Risks related to the legal and regulatory environment*	***26.1 PHYSICAL*** *Related to fire, security, accident prevention and health & safety*
• Compliance failures (e.g. procurement, LA 21) • Inadequate response to/failure to prepare for/ implement legislative change • Intervention by Regulatory Bodies and Inspectorates • Failure to meet targets agreed with / imposed by Central Government • Breaches of contract, failures in duty of care	• Loss of intangible assets • Failures in health & safety management • Loss of physical assets

Appendix 6: Further Information and Guidance

27 Associated Council Policies and Documents

- Corporate Risk Management Strategy
- Partnerships Toolkit
- Contract Procedure Rules and Financial Regulations

http://10.107.1.50:8888/pp/Docs/Constitution_part4.pdf

- Code of Corporate Governance

http://10.107.1.50/Personnel/Forms/Code of Corporate Governance.doc

28 Sources of Further Guidance

Improvement Network
http://www.improvementnetwork.gov.uk/imp/core/page.do?pageId=1006274

Audit Commission 'Governing Partnerships'
http://www.audit-commission.gov.uk/Products/NATIONAL-REPORT/1CDA0FEF-E610-463c-B3F3-220F607B1A2C/GoverningPartnerships26Oct05REP.pdf

29 Acknowledgements

Liz Taylor, Author   Public Risk Management Ltd
Hazel Elderfield   Public Risk Management Ltd

Peer review and contribution:
Barry Ryder   Public Risk Management Ltd
Chris Luck   Public Risk Management Ltd
Elizabeth Humphrey   Public Risk Management Ltd
Karen Dodds   Public Risk Management Ltd

Anne Woods   LB Haringey
Christine Bentley   Isle of Wight
David Esling   Transport for London
Frank Smith   Association of London Government
George Hook   LB Ealing
Gordon Mitchell   Met Police
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Julia Bourne   LB Harrow
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31 Disclaimer

This is a toolkit for use with officers and management at all levels, it is not a practitioner expert guide. It is not a complete description of all aspects of managing risk in partnerships and has been kept short and simple to be of practical use. It should be used alongside your own legal advice and guidance in respect of contractual issues. No attempt has been made here to address such matters. This is not for use outside the UK. Public Risk Management Ltd assumes no responsibility or liability for any errors or inaccuracies that may appear in this document.

Appendix 10

Insurance considerations

The following list highlights a number of areas where insurance decisions may need to be taken by a partnership. In instances where the issue is relevant to the partnership, further advice and information can be obtained from the **Council's Risk and Insurance Manager**.

Professional or trustee indemnity insurance would normally be expected to be in place. However, the cost of such insurance could be prohibitive for smaller groups with only a small income and no employees. In this case, a risk assessment should be carried out to ensure that financial systems are in place to prevent financial or legal difficulties.

It is important to note that as part of risk management, insurance is one way of transferring risks. As insurance premiums rise and organisations increasingly self-fund risks, there is greater emphasis on risk management.

Name of partnership:_____

Issue	Insurance considerations	Evaluation/comments
Employment of staff	• Do officers involved in the partnership have appropriate cover for employer's liability by their host organisations for their work in the partnership?	
Use of physical assets – buildings, equipment, vehicles	• Which party owns the assets and are they appropriately safeguarded in terms of security, control over use, etc? • Are the assets insured for identified risks, for example, fire, theft, vandalism, accidental damage, etc?	
Responsibility for finances	• Does the partnership manage finances and are they protected by sound systems of internal control and policies covering fidelity?	
Capital works and intellectual property rights	• Are appropriate arrangements in place for being clear on the same and managing risks regarding such works?	
Officers/elected members indemnity and public liability	• Do Council officers/elected members have appropriate insurance cover or indemnities for their partnership work, including public liability?	

Completed by:_____ **Date:**_____

Job title:_____ **Tel. No.**_____

Appendix 11

General principles for effective partnership working

These general principles have been adapted and developed from the statutory instrument relating to the ten general principles of public life (which built upon **Lord Nolan's seven general principles**).

Selflessness
Members of the partnership should serve only the public interest and should never improperly seek or confer an advantage or disadvantage on any person or organisation.

Honesty and integrity
Members of the partnership should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly, and should on all occasions avoid the appearance of such behaviour.

Objectivity
Members of the partnership should always make decisions on merit. This includes when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability
Where appropriate, members of the partnership should be accountable to the public for their actions and the manner in which they carry out their responsibilities. They should cooperate fully and honestly with any scrutiny appropriate to their particular office.

Openness
Members of the partnership should be as open as possible about their actions and those of the organisation they represent. And they should be prepared to give reasons for actions taken.

Personal judgment
Members of the partnership may take account of the views of others, including those of political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for others
Members of the partnership should promote equality by not unlawfully discriminating against any person, and by treating people with respect, regardless of their race, age, gender, disability, religion or faith or sexual orientation. They should respect the impartiality and integrity of the local authority's statutory officers, and its other employees.

Duty to uphold the law
Members of the partnership should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship
Members of the partnership should do whatever they are able to ensure that the organisation they represent authorises use of their resources prudently and in accordance with the law.

Leadership
Members of the partnership should promote and support these principles by leadership and acting by example. They should act in a way that secures and preserves public confidence.

Appendix 12

Skills and knowledge required for partnership working

The following table shows the type of skills and knowledge required for successful partnership working.

It is unrealistic to expect one person to possess all of these. But when considering the partnership's membership, it is expected that all these skills and knowledge are addressed and exhibited.

Leadership	
Skills	Coalition building, vision and consensus building, communicating, consulting, managing change, delegating, influencing, negotiating and assertiveness, resource allocation, knowing when to leave / disband partnerships
Knowledge	Needs and opportunities which provide the basis for common ground, policy and funding developments, partners' roles, contributions, constraints, motivations
Trust	
Skills	Building relationships, managing expectations, promoting dialogue, listening, empathy, managing conflict, giving constructive feedback, managing communications, coping with the unfamiliar and unexpected, team working
Knowledge	Group dynamics, cultures, values and ways of working with others, forms of partnership arrangement
Learning	
Skills	Problem solving, creative thinking, systems thinking, networking, diagnosing performance issues, scrutiny
Knowledge	Benchmarking and process mapping, partnership review and evaluation, how to promote learning in partnerships, facilitation techniques
Performance management	
Skills	Negotiating, entrepreneurial, setting objectives and performance measures, project planning / management, business planning
Knowledge	Partnership structures, accountability mechanisms, managing meetings, ways of making better use of resources
Value and Culture	
Skills	Understanding diversity, effective communication, corporate governance, risk management, policy creation
Knowledge	Council policies, risk methodology, aims and objectives of Council/partner groups, business continuity plans
Strategic issues	
Skills	Decision-making, community/business empowerment methodologies, thinking about and preparing for future challenges
Knowledge	Community needs, strategic functioning, political appreciation, long-term assessment, environmental factors

Appendix 13

Protocol for elected members involved in any work with outside bodies

Introduction

This protocol should be read and followed when working as part of a partnership, either directly representing the Council, in an advisory capacity or as part of an interest group.

Any issues in this protocol that you do not understand or require clarification on should be discussed with the **Head of Legal and Member Services**, your political group leader, the Chief Executive or the appropriate director.

Elected members should ensure that partnership documents are being used by all partnerships that they are involved with. A Memorandum of Understanding should be used by all partnerships but may differ slightly for each partnership. A model Memorandum of Understanding is at **Appendix 8**.

Protocol

The Council supports the activities of partnership working and recognises the benefits to the community, but wishes to ensure that elected members and the Council are not exposed to any unidentified and unexpected risks and liabilities.

Authority to become involved with a partnership

Any elected member who is approached or wishes to become involved in a partnership should discuss the matter and the extent of their involvement with their group leader. The group leader may want to discuss the partnership and aspects of work with the Chief Executive. The elected member should only accept or become involved after receiving approval from their group leader <u>and</u> the formal approval of the Cabinet/relevant Regulatory Committee/ Full Council as appropriate.

The elected member and an appropriate director should discuss and agree if any support or training is required. The appropriate director also needs to inform, at once, the **Head of Legal and Member Services** and the Director of Finance of the elected member's involvement.

Prohibition on signing contracts

Elected members working for a partnership should not sign any contracts or legally binding documentation on behalf of the partnership or the Council. Elected members are reminded that only authorised officers have power to sign documents of this nature.

Appendix 13

Prohibition on provision of financial, technical or legal advice

Elected members should not provide financial, technical, or legal advice to a partnership. Advice is available on these issues and may be taken when necessary. They must ensure that the partnership arranges indemnity insurance as appropriate, details of which should be provided to the Council's **Risk and Insurance Manager**.

Professional or trustee indemnity insurance would normally be expected to be in place. However, the cost of such insurance could be prohibitive for smaller groups with only a small income and no employees. In this case, a risk assessment should be carried out to ensure that financial systems are in place to prevent financial or legal difficulties.

General

Elected members must report any personal changes in circumstances which may create a new or perceived conflict of interest. Elected members must also discuss with the partnership any new issues of potential conflicts of interest or issues which impact on their role as an elected member for Wirral Council - changes to the aims, constitution or position of the partnership that could be contrary to the public or the Council's interest. If in doubt, advice should be sought, at an early stage, from the **Head of Legal and Member Services**.

Elected members must also remember that, if they act as a trustee of a charitable partnership or body, their first duty is to the Charity. This is also the case in respect of elected members appointed as directors of companies. Elected members must also remember that, when working within a partnership, they remain elected members of Wirral Council and are still bound by the relevant Codes of Conduct in the **Constitution**. They should actively encourage the partnership to follow similar practices and procedures and must immediately report to their group leader/Chief Executive when they feel that the partnership is not acting in a manner acceptable to the Council or in the public interest.

Appendix 14

Protocol for employees involved in any work with outside bodies

Introduction

This protocol should be read and followed when working as part of a partnership, either directly representing the Council, in an advisory capacity or as part of an interest group.

Any issues in this protocol that you do not understand or require clarification on should be discussed with your line manager or with the **Head of Legal and Member Services** before any involvement with outside bodies is accepted.

Employees should ensure that appropriate partnership documents are adopted by all partnerships in which they are involved. A Memorandum of Understanding should be used by all partnerships but may differ slightly for each partnership. A model Memorandum of Understanding is at **Appendix 8**.

Personal responsibility of employees

Employees must bear in mind that acceptance of a role as a charity trustee or company director (even if accepted as part of your work for the Council) is a responsibility personal to you. There will be responsibilities to the Charity Commission, and under company law, which must be fulfilled.

Protocol

The Council supports the activities of partnership working and recognises the benefits to the community, but wishes to ensure that the employee and the Council are not exposed to any unidentified and unexpected risk and liabilities.

Authority to become involved with a partnership

Any employee who is approached or wishes to become involved in a partnership should discuss the matter and the extent of their involvement with their line manager. The manager may want to discuss the partnership and aspects of work with their head of service or with the **Head of Legal and Member Services** before any involvement with outside bodies is accepted, if the employee is unsure about potential liabilities.

The employee must receive approval, in writing, from their line manager (but sanctioned by the head of service) before accepting any position on the partnership. Some high profile appointments may require Cabinet or Cabinet member approval.

It is the responsibility of the line manager, whilst discussing the employee's involvement in the partnership, to be clear as to the role and whether the employee approached is the most appropriate representative. Once the appropriate employee has been identified,

Appendix 14

then the manager should establish what, if any, additional support and training is required. The line manager is responsible for arranging this training and support.

Notification to head of service, legal and finance

It is the employee's manager's responsibility to ensure that the head of service is aware of the Council's involvement in any partnership and also to inform the **Head of Legal and Member Services** and the **Director of Finance**.

Prohibition on signing contracts without legal advice

Employees working for a partnership must not sign any contracts or legally binding documentation on behalf of the partnership unless written confirmation of legal advice confirming acceptability is provided.

Provision of financial, technical or legal advice

If an employee provides financial, technical, legal or other advice to a partnership, a written copy of the advice should be made and a copy provided to their line manager. Any legal advice must be suitably cleared by the Head of Legal and Member Services representative.

If the implications to the partnership of not following the advice could lead to an illegal act, health and safety issues, financial implications or other serious implications not in the partnership/public/Council's interest, then these should be made clear to the partnership when the advice is given and a written note provided. A copy of this should be provided to the line manager.

It is the responsibility of the finance manager, when they are informed of the establishment of or the Council's involvement in a partnership, to raise appropriate issues such as budgetary control and financial monitoring procedures and whether there are any VAT implications. Any Memorandum of Understanding with the partnership to provide financial advice and support must be made after approval from the **Director of Finance**.

General

Council officers must report any changes in personal circumstances which may create a new or perceived conflict of interest. If in doubt, advice should be sought, at an early stage, from the **Head of Legal and Member Services**.

Council officers must also remember that, if they act as a trustee of a charitable partnership or body, then their first duty whilst acting as a trustee is to the charity. This is also the case in respect of officers appointed as directors on companies. When working in a partnership, they remain Council officers of Wirral Council and are still bound by the relevant Codes of Conduct in the **Constitution**. They should actively encourage the partnership to follow similar practices and procedures and must immediately report to

their manager if they feel that the partnership is not acting in a manner acceptable to the Council or in the public interest.

Appendix 15

Appraisal of legal and procedural aspects

Many local authorities become members of, or wholly own, companies that deliver public services, eg Arm's Length Management Organisations (ALMOs). These have a strict definition in law. There are also companies in which the Council has membership and/or a level of interest. In most cases, the Council is represented on the board by elected members or senior officers.

Companies are governed by their own Memorandum and Articles of Association. These set out the aims and objectives, classes of membership, management structure and general governance. The memorandum and articles will bind any elected member or officer representing the Council on company boards, or any of their management and operational sub-committees. General rules and codes of conduct in respect of outside bodies and partnerships should be observed. Those representing the Council may often bring examples of best practice to enhance governance arrangements.

Before accepting company membership for the Council or any post on its structure, full appraisal should be undertaken and appropriate authorisation sought. Where the Council is forming a company the **Head of Legal and Member Services** must be consulted well in advance.

The four main forms of legal entity are:

1. Private Limited Companies.
2. Partnerships.
3. Limited Liability Partnerships.
4. Industrial and Provident Societies.

The main differences between them and the responsibilities of the directors are outlined below:

Private Limited Companies

A company consists of a board of directors and members. The functions of the company are governed by its constitution documents that are called the Memorandum and Articles. These set out how the company functions and whether decisions are required to be made by the directors at a board meeting or by the company members at a general meeting.

A company director takes on a number of duties when agreeing to perform this role and although the directors' financial liability is limited to the amount stated in the company's constitution, they also agree to take on personal responsibilities in respect of the way they act. It is possible that as a result of their actions they may face criminal charges.

Private Limited Companies are subject to a number of disclosure requirements and accounting rules and the strict provisions of company legislation. The company will

Appendix 15

appoint a company secretary to ensure compliance. But, all directors have a responsibility to ensure compliance. There may be sanctions if the full and correct information is not recorded and maintained in respect of the company's activities.

Companies limited by guarantee may obtain charitable status. Charities are able to raise funds and access grants more easily. There are specific criteria that must be met to qualify for charitable status. Details are available from Legal Services. Companies with charitable status report to the Charity Commission.

Companies with share capital are likely to undertake commercial enterprises for profit. In most cases, this will be inconsistent with the duties and functions of a local authority. Any proposal to establish or accept membership in such a venture must be discussed with the **Head of Legal and Member Services**.

Partnerships

Partnerships can involve both formal and informal working relationships that are governed in a way decided by the partners. The partners draft the partnership Memorandum of Understanding document in whichever way and with the content the partners deem necessary. Formal partnerships can be governed by the Partnership Acts, so it is essential to be clear at the start, of the objectives and legal status of any 'partnership'.

A partner is jointly and severally responsible for the actions of the partnership. A partner does not have the benefit of limited liability. However, a partnership has the perceived advantage of not being subject to extensive disclosure and accounting requirements or to strict regulation by a body such as Companies House.

Limited Liability Partnerships (LLPs)

LLPs are a fairly new but already popular way of constituting a legal entity offering limited liability for the partners and requiring a minimum amount of control by external bodies. The LLP, like a partnership, seems to offer more privacy and freedom than a company but partners have the advantage of limited liability.

Industrial and Provident Societies (I&PSs)

These are not registered under the Companies Acts, but with the Financial Services Authority. They are an alternative corporate structure that suit community projects. They have a separate legal status and the benefit of limited liability for members. I&PSs cannot register as charities, but do enjoy similar advantages.

An I&PS must be an industry, trade or business, but this also must be a genuinely co-operative venture for the benefit of the community. There are clear synergies with local authority activities, although in practice this model is relatively rare.

More detailed information on the types of structure, legal or otherwise, that a partnership could adopt, is available from the **Head of Legal and Member Services**.

Appendix 16

Contacts

If you have any queries about the Council's Partnership Governance Framework and Toolkit or the Register then, in the first instance, contact:

Head of Legal and Member Services
Town Hall
Brighton Street
Wallasey
Wirral
CH44 8ED
Tel. 691 8569
Email legalandmemberservices@wirral.gov.uk

For queries regarding other Council officers mentioned in this document, refer to the table.

Name	Position	Contact address	Contact telephone number	Email address
Bill Norman	Director of Law, HR and Asset Management	Town Hall Brighton Street, Wallasey Wirral CH44 8ED	691 8498	billnorman@wirral.gov.uk
Ian Coleman	Director of Finance	Treasury Building, Hamilton Street, Birkenhead, Wirral		iancoleman@wirral.gov.uk
Mike Lane	Risk and Insurance Manager	Treasury Building, Hamilton Street, Birkenhead, Wirral		mikelane@wirral.gov.uk
Mark Niblock	Deputy Chief Internal Auditor	Treasury Building, Hamilton Street, Birkenhead, Wirral		markniblock@wirral.gov.uk

Each Directorate also has a partnership 'co-ordinator'. The purpose of the partnership co-ordinators group is to take a strategic overview of partnership working making appropriate links to other areas of work, and to keep their directorates informed of developments regarding the corporate work on partnerships.

Area of responsibility	Coordinator	Job title	Contact telephone number	Email address
Adult Social Services				
Children and Young People Services				
Corporate Services				
Finance				
Law, HR and Asset Management				
Regeneration				
Technical Services				

APPENDIX 17 – PARTNERSHIP REGISTER INDEX

This is the index of the Council's partnership register for 2008/09. . The register is subject to annual review.

1) Key Partnerships

(TO FOLLOW)

WIRRAL COUNCIL

CABINET   **9 APRIL 2009**

COUNCIL   **27 APRIL 2009**

REPORT OF THE DIRECTOR OF TECHNICAL SERVICES

_____

AMENDMENT TO THE SCHEME OF DELEGATION TO OFFICERS FOR THE DETERMINATION OF PLANNING APPLICATIONS AND PLANNING RELATED MATTERS

1.   EXECUTIVE SUMMARY

1.1   This report recommends that the current Scheme of Delegation relating to the determination of planning applications and other associated planning matters including enforcement action be revised. The proposed changes to the Scheme of Delegation are as stated in Appendix **B** attached to this report.

1.2   The provision of an effective development control service is an essential part of protecting and enhancing the environment, and contributes to committing to excellence. A more efficient development control service will result in savings in officer and Committee time and resources.

1.3   At Planning Committee on 12 March 2009 and Regeneration & Planning Strategy O&S Committee on 18 March 2009, Members endorsed these proposed changes to the Scheme of Delegation.

1.4   Cabinet Members are now asked to endorse the proposals and recommend to Council that the revised Scheme of Delegation be adopted as defined in Appendix **B**. The adoption of the revised scheme of delegation will free up resources that will then be focused on improving performance and service delivery and enable the Planning Committee to focus upon the more complex, detailed and controversial planning applications and enforcement matters.

2.   BACKGROUND

The purpose of delegation is to simplify procedures, speed up the process, minimise costs and leave the Planning Committee Members with more time to concentrate on major or controversial planning issues. A well-constructed scheme allows action to be taken by officers in order to deliver decisions more efficiently, particularly having regard to National Indicator 157 relating to the performance on delivery of planning decisions.

It is important, however, to ensure that such a scheme allows efficiency of service without prejudicing the opportunities of local residents to have their views taken into consideration. It is hoped that the proposed scheme of delegation would provide a development control service that is responsive and meets customer service objectives of efficiency, effectiveness and equality.

The Scheme of Delegation for development control was last reviewed in 2006. In 2007, 90% of the total number of planning applications were determined under delegated authority by officers. In 2008, this figure was 91%.

Considerable officer time and resources are expended in preparing for and presenting reports to Planning Committee, and the need to report to Committee inevitably adds to the length of time required to reach a decision. Applications that are reported to Planning Committee are rarely determined within the statutory timescales, which impacts on the Council's ability to achieve its agreed performance targets under National Indicator 157 (formerly BV109).

Members will also be aware that a number of key major infrastructure and development proposals are planned for the Wirral, not least the Wirral Waters development. It is therefore important to ensure that arrangements are in place that enable both Members and officers to deal with this workload and associated challenges efficiently and effectively as they are presented to them.

Concern is sometimes expressed that applications decided under delegated powers are outside of Members' control. However, an examination of the proposed Scheme of Delegation will show that Members remain in complete control of the delegation process. They determine the development plan policies within which all applications will be judged, and they also determine other Council policies, standards and guidance, within the context of which applications are made. Members also decide the terms on which the Scheme operates, the level of Member involvement, and the circumstances in which an officer's delegated authority to make a decision may not be exercised.

3.   **PROPOSED CHANGES TO THE SCHEME OF DELEGATION**

The existing scheme of delegation is attached as Appendix A for Members information and reference. The proposed changes are highlighted in bold and italic text in attached Appendix B. However, the changes can be summarised as follows:

a) All Enforcement action delegated to officers.

b) Delegated authority to refuse all planning applications

c) Delegated authority to determine applications for works to Grade I Listed Buildings

d) Delegated authority to determine applications requiring minor Section 106 Agreements

e) To require Members who are removing applications from delegation to do so prior to the expiration of the last date for comment

In respect of proposal a) it is proposed that all enforcement action is delegated to officers for action. Members have been anxious in recent years that where breaches of planning control have been alleged that speedy investigation takes place and where necessary, formal enforcement action ensues. Bringing reports to Planning Committee for approval of enforcement action can sometimes result in avoidable delays. It is noted that in cases where the enforcement team have recommended enforcement action be taken, Members have supported such recommendations. In fact, it is only where officers have recommended that taking enforcement action would not be expedient that Members have historically debated or raised issues with officer recommendations. So it is proposed that in order to avoid delays in pursuing formal enforcement action, that authority for all enforcement action is delegated to officers. However, it should be pointed out that Members will still retain control over the delegation process. This is due to the fact that Members currently receive weekly lists of enforcement complaints that have been logged with the department and where Members have concerns, they may still request that a particular matter is brought to the committee for consideration. However, it is proposed that where officers **do not** intend to take formal enforcement action, that a report will be brought to Members outlining the reasons for non-expediency for their approval. In this instance, Members retain control over whether formal action is actually taken or not. This will apply to all matters relating to Priorities 1, 2 and 3 of the adopted Enforcement Policy. For the avoidance of doubt, these include:

Priority 1 (Statutory/Legislative Requirements)
- Licensing consultation
- Certificate of Lawfulness for Existing and Proposed Development
- High Hedge Complaints
- Listed Buildings and Protected Trees.

Priority 2 (Controversial Development)
- Councillors Complaints/Concerns
- MP's Complaints/Concerns
- Committee Approvals (conditions/approved plan monitoring)
- Controversial sites with a wide community interest, such as development of a large scale that results in unacceptable harm to amenity

Priority 3 (Council Objectives)
- Concerns of other departments - risk to health, traffic hazard etc
- Delegated decisions (Conditions/approved plans monitoring)
- Advertisements
- Changes of use (substantial and/or contrary to policy)
- Development in sensitive areas i.e. Green Belt, Conservation areas
- Major commercial development (changes of use, buildings and extensions)

Members will also receive **quarterly** reports from the Principal Enforcement Officer to update them on the Enforcement matters that have been investigated and actioned during the previous 3 months. This will outline what enforcement action has been taken and the results of such action for Members information.

In respect of proposal b), it is proposed that all refusals of planning permission have delegated authority, including majors. Officers currently have delegated authority to refuse minor applications but currently all majors, regardless of recommendation are required to come before planning committee. Where officers are like-minded to refuse a major application, they will be required to notify Ward councillors of their reasons for refusal and unless officers receive notification from Members that they would like to support the application on planning grounds, the application will subsequently be refused under delegated powers. This will reduce the number of major applications that currently come before committee quite considerably. It is extremely rare that officers and Members disagree on recommendations to refuse planning permission. In the event that a petition of objection has been received, if the officer is like-minded to refuse then the lead petitioner will be notified that the application will be refused under delegated powers and notification of the decision sent to them. This proposal also encompasses telecommunications development. It may be of interest to Members that neighbouring Local Planning Authorities, such as Liverpool City Council do not require applications with recommendations of refusal to be considered by their Planning Committees. This is a practice that is also quite common throughout England and Wales.

In respect of proposal c), it is proposed that all applications for planning permission and listed building consent affecting Grade I Listed Buildings are dealt with under delegated powers. At present, applications affecting all Grade II* or Grade II Listed Buildings are determined under delegated powers, except in those instances where a Member has requested the application is determined by Planning Committee or the Council receives a qualifying petition. The requirement to bring applications affecting Grade I listed buildings to committee stems from the fact that such applications must be referred to the Government Office for the North West and is therefore caught up by the clause in the existing scheme of delegation that all decisions that need to be referred to the Secretary of State need to be

determined by Committee. Under the revised scheme, where there are no objections to such proposals on conservation grounds, officers would be able to refer the application to GONW with a recommendation without first requiring the application to come before Planning Committee. In the event of conservation-based objections (or receipt of a qualifying petition or a Member request to remove such an application from delegation) such applications will be reported to committee. All other applications that need to be referred to the Secretary of State will still come before the Planning Committee as per the existing scheme of delegation.

In respect of proposal d), it is proposed that any applications requiring minor section 106 agreements would be determined under delegated powers. Such applications would be limited to the provision of litter bins or minor traffic/highway improvements, such as Traffic Regulation Orders, where the financial contribution of the developer is less than £10,000. Applications requiring Section 106 Agreements are rarely dealt with within the timescales set out in NI 157, and this is often related to the fact that such applications currently need to come to Planning Committee first. If Members are like-minded to support this proposal, it is intended that the Council's Section 106 Officer will report to Members on a **quarterly** basis to advise them of the number of S106 Agreements negotiated and agreed during the previous 3 months and the monies involved. It is proposed that all applications requiring substantial Section 106 Agreements and/or financial contributions by a developer will continue to be reported to Planning Committee.

In respect of proposal e), it is proposed to require Members who are removing applications from delegation to do so prior to the last date of comment. By giving officers the earliest possible indication that they wish to remove applications from delegation allows them to still report to Planning Committee and determine application within the timescales laid out by NI 157. All such requests should be done in writing and specify the planning reasons for doing so, as per the existing scheme of delegation.

4.   **CONCLUSIONS**

The Technical Services Department and the Development Control Division are committed to continuous improvement and the performance in the determination of planning applications, and this is closely scrutinised through the Council's Performance Information Management System. The Development Control National Indicator (NI157) has been identified as one to the Council's key corporate NI's. The implementation of the changes to the Scheme of Delegation as outlined above would free up resources and allow officers to go some considerable way to achieving this objective.

Members still retain ultimate control over all aspects of the scheme of delegation in so much as they may remove any application from

delegation at any time and this is also the case for all enforcement related matters. By freeing up some of those applications that are currently required to come to Planning Committee for resolution, Members are able to concentrate and focus their attention on the larger schemes that will be coming in front of them that potentially have more lasting and strategic implications.

5. FINANCIAL AND STAFFING IMPLICATIONS

5.1 A more efficient development control service will result in savings in officer and Committee time and resources. NI 157 is currently exceeding locally set targets for major applications and others, but minors are struggling due to a large percentage of them being referred to Planning Committee for various reasons, the larger proportion of which relate to Member requests for them to removed from delegation. The second most common reason for bringing these applications to committee is the receipt of a qualifying petition and at the moment, even if the application is recommended for refusal, the existing Scheme of Delegation requires that these applications are considered by the Planning Committee. Agreement to the amendments to the scheme of delegation as outlined above will result in further improvements in service delivery and performance.

6. EQUAL OPPORTUNITY IMPLICATIONS

6.1 There are no equal opportunity implications arising directly from this report.

7. COMMUNITY SAFETY IMPLICATIONS

7.1 There are no community safety implications arising directly from this report.

8. LOCAL AGENDA 21 IMPLICATIONS

8.1 The changes introduced will allow for improvement in the provision of planning services to Wirral's residents.

9. LOCAL MEMBER SUPPORT IMPLICATIONS

9.1 The report will be of interest to all Members of the Council.

10. HUMAN RIGHTS IMPLICATIONS

10.1 There are no human rights implications arising directly from this report.

11. ANTI-POVERTY IMPLICATIONS

11.1 There are no known anti-poverty implications arising directly from this report.

12. SOCIAL INCLUSION IMPLICATIONS

12.1 There are no known social inclusion implications arising directly from this report.

13. BACKGROUND PAPERS

13.1 The following background paper was used in the preparation of this report:

Existing Approved Scheme of Delegation (October 2006)

14. RECOMMENDATION

14.1 Cabinet Members are asked to endorse the proposals and recommend to Council that the amendments to the Scheme of Delegation be adopted as set out in **Appendix B**.

D GREEN
Director of Technical Services

This report was prepared by Matthew Davies of the Development Control Section who can be contacted on 606 2246

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Director of Technical Services

The Director of Technical Services has authority:

(i)   to determine all planning and related applications other than those listed under (a) below;

(ii)   to take appropriate enforcement action on matters relating to **the following** (including the issue and service of Enforcement Notices, Breach of Condition Notices and Discontinuance Orders):

- Advertisement control

- Conditions monitoring

- Fences and other means of enclosure to front

- Substantiated complaints of changes of use (such as car repairs and maintenance)

- Breaches of a minor nature raising minimal planning concerns and where unconditional planning permission would be likely to be granted (e.g. house extension built to acceptable standards).

- Fences and other means of enclosure to rear.

- Unsubstantiated or anonymous complaints concerning changes of uses or, car repairs and maintenance.

(For the avoidance of doubt) Authority to take enforcement action on matters, other than those in (ii) above will be granted by the Planning Committee.

(iii)   after consultation with the Chair of the Planning Committee and the appropriate ward councillors, to determine applications in relation to telecommunications development which, following the receipt of a petition or referral by an elected member, cannot be dealt with by the Planning Committee within the statutory 56-day period, subject to his reporting the use of such delegated authority to the next available meeting of that Committee, for information.

The Assistant Director has authority to determine all minor and other applications submitted by or on behalf of the Borough Council other than those listed under (a) below;

(a)   **Applications to be determined by Committee:**

        (i)   "Major" applications – "Major" applications will be defined as any application for residential development or change of use involving 10 or more dwellings, and other forms of development or change of use of 1,000 square metres floorspace relating to B1(Light Industrial), B2(General Industrial) or B8 (Storage an Distribution) Uses , or applications for development or change of use of 0.5 hectare or more of land. Minerals and waste applications will be regarded as "major" applications (other than minor amendments to existing permissions, and ancillary or small scale works).

        (ii)   Applications where it is proposed to make a decision that is contrary to the development plan with the exception of domestic extensions.

        (iii)   Decisions that would need to be referred to the Secretary of State.

        (iv)   Applications which any Member has asked to be referred to the Planning Committee. When a Member has requested an application be referred to the planning Committee the Member must, however, state the reason(s) on planning grounds for that request.

        (v)   Applications that attract one or more petitions of objection, within the specified consultation period, which contains 25 or more signatories from individual households or 15 individual objections in writing.

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(vi)   Any personal/private application made by any Member of the Council, or any member of staff employed in the Technical Services Department.

(vii)   Decisions that would require a Section 106 obligation or action under other powers.

(viii)   Decisions where a claim for compensation from the Council may arise or which otherwise may involve a financial payment.

(b)   **The Director of Technical Services is authorised to undertake the following functions and powers:**

(1)   To exercise all the powers and duties of the Council in respect of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990 as follows:-

(a)   To take appropriate action to advertise planning applications and display site notices.

(b)   Reject an outline application because of insufficient details.

(c)   Require owners to carry out proper maintenance of land where its condition detracts from the amenity of the immediate surrounding area, including the service of appropriate statutory notices under Section 215 of the Act.

(d)   Serve planning control contravention notices and to hold discussions as a result of the "time and place" procedure under Section 171(C) of the Act.

(e)   Make and confirm emergency Tree Preservation Orders except where objections/representations have been received and confirm unopposed Tree Preservation Orders under Section 201 of the Act.

(f)   Determine applications for the lopping, felling or topping of trees covered by Tree Preservation Orders and require such replanting as is considered necessary.

(g)   Issue screening opinions (Regulations 5, 7 and 25) and scooping opinions (Regulation 10) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

(h)   Authorise entry on to land under Sections 196 and 324 of the Act and under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(2)   To exercise all the powers and duties of the Council arising under the provisions of the Building Act 1984 as follows:-

(a)   Part I – Building Regulations.

(b)   Part III – Drainage, provision of sanitary conveniences, buildings, defective premises and demolition.

(c)   Part IV – Powers of entry, execution of works and enforcement.

(3)   To exercise all the powers and duties of the Council arising under the provisions of Safety of Sports Grounds Act 1975 in relation to the issuing of notices prohibiting the admission of spectators to sports grounds and make agreed amendments to safety certificates.

(4)   T**o** exercise all the powers and duties of the Council arising under the provisions of the Building (Approved Inspectors) Regulations 1985.

Note: This power may also be exercised by the Building Control Manager and the Fire/Safety at Sports Grounds Officer.

(5) To exercise all the powers and duties of the Council arising under the provisions of the Public Health Act 1936 in relation to sanitary conveniences for buildings and culverts, ditches and watercourses.

(6) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings and conservation areas.

(7) To exercise all the powers and duties of the Council arising under the provisions of the Planning (Hazardous Substances) Act 1990.

(8) To exercise all the powers and duties of the Council arising under the Town and Country Planning (Control of Advertisements) Regulations 1992 or any amendments to those regulations.

(9) To exercise all the powers and duties of the Council arising under the provisions of the Hedgerows Regulations 1997.

(10) To respond to consultations from neighbouring local planning authorities on planning applications.

(11) To exercise all the powers and duties of the Council under the provisions of the Local Land Charges Act 1975.

(12) After consulting the Director of Finance, to vary the standard scale of charges of the Local Government Association model structure by plus or minus 10%.

(13) To take action to prosecute offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990, the Planning (Hazardous Substances) Act 1990, the Public Health Act 1936 and the Safety at Sports Grounds Act 1975.

(14) To exercise all the powers and duties under Part 8 of the Anti-Social Behaviour Act 2003 to consider and determine complaints about high hedges.

(15) To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000 and to designate officers to carry out that function.

SCHEME OF DELEGATION

<u>**APPENDIX B:** PROPOSED SCHEME OF DELEGATION</u>

Director of Technical Services

The Director of Technical Services has authority:

(i)   to determine all planning and related applications other than those listed under (a) below;

(ii)   to take appropriate enforcement action on ***all*** matters relating to the issue and service of Enforcement Notices, Breach of Condition Notices and Discontinuance Orders, ***including the following:***:

- *To take initial action to deal with breaches of planning control including the serving of Planning Contravention Notices to obtain relevant information in order to assess whether or not a breach of planning control has occurred.*

- *To serve Breach of Condition Notices where planning conditions have not been complied with and to specify the steps which the Council consider ought to be taken or the activities which ought to cease.*

- *To serve Enforcement Notices or to withdraw, modify and reissue any Enforcement Notice following a decision by the Planning Committee to grant permission for development or not to proceed with enforcement action.*

- *In cases of urgency, in consultation with the Chair, vice-Chair and Party Spokespersons of the Planning Committee, to issue and serve Stop Notices unless the serving of such a notice would result in the significant loss of jobs or the potential for substantial costs against the Council.*

- *In consultation with the Chair, vice-Chair and Party Spokespersons of the Planning Committee to serve Temporary Stop Notices.*

(For the avoidance of doubt) ***where it is proposed not*** to take ***appropriate*** enforcement action ***relating to Priorities 1, 2 and 3 of the adopted Planning Enforcement Policy on the grounds of non-expediency, the Authority of Members of*** the Planning Committee ***must be sought.***.

(iii)   to refuse applications in relation to telecommunications development.

(iv)   ***where it is proposed to recommend approval of telecommunication development,*** after consultation with the Chair of the Planning Committee and the appropriate ward councillors, to determine applications in relation to telecommunications development which, following the receipt of a petition or referral by an elected member, cannot be dealt with by the Planning Committee within the statutory 56-day period, subject to his reporting the use of such delegated authority to the next available meeting of that Committee, for information.

The Assistant Director has authority to determine all minor and other applications submitted by or on behalf of the Borough Council other than those listed under (a) below;

(a)   **Applications to be determined by Committee:**

(i)   "Major" applications ***(unless recommended for refusal and has not been supported on planning grounds by a Member as set out in (vi) below)*** – "Major" applications will be defined as any application for residential development or change of use involving 10 or more dwellings, and other forms of development or change of use of 1,000 square metres floorspace relating to B1(Light Industrial), B2(General Industrial) or B8(Storage and Distribution) Uses , or applications for development or change of use of 0.5 hectare or more of land. Minerals and waste applications will be regarded as "major" applications (other than minor amendments to existing permissions, and ancillary or small scale works).

(ii)   Applications where it is proposed to make a decision that is contrary to the development plan with the exception of domestic extensions.

(iii) Decisions that would need to be referred to the Secretary of State *with the exception of applications for Planning Permission and/or Listed Building Consent to Grade I listed buildings, where there are no objections on conservation grounds.*

(iv) Applications which any Member has asked to be referred to the Planning Committee. When a Member has requested an application be referred to the Planning Committee the Member must, however, state the reason(s) on planning grounds for that request *in writing and must make any request prior to the last date for comment as published on an application.*

(v) Applications that attract one or more petitions of objection, within the specified consultation period, which contains 25 or more signatories from individual households or 15 individual objections in writing, *unless the application is being recommended for refusal, in which case, the application shall remain under delegated powers, (unless a Member registers support in writing for an application on planning grounds). The lead petitioner will be informed of the recommendation to refuse under delegated powers.*

(vi) *Any application recommended for refusal where a Member has registered support in writing for an application on planning grounds <u>and</u> has requested the application is determined by Planning Committee.*

(vii) Any personal/private application made by any Member of the Council, or any member of staff employed in the Technical Services Department.

(viii) Decisions that would require a Section 106 obligation or action under other powers, *with the exception of applications requiring the provision of additional litter bins or where an applicant is required to provide the Council with a sum of £10,000 or less towards any minor traffic/highway improvements.*

(ix) Decisions where a claim for compensation from the Council may arise or which otherwise may involve a financial payment.

(b) **The Director of Technical Services is authorised to undertake the following functions and powers:**

(1) To exercise all the powers and duties of the Council in respect of the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning Act 1990 as follows:-

(a) To take appropriate action to advertise planning applications and display site notices.

(b) Reject an outline application because of insufficient details.

(c) Require owners to carry out proper maintenance of land where its condition detracts from the amenity of the immediate surrounding area, including the service of appropriate statutory notices under Section 215 of the Act.

(d) Serve planning control contravention notices and to hold discussions as a result of the "time and place" procedure under Section 171(C) of the Act.

(e) Make and confirm emergency Tree Preservation Orders except where objections/representations have been received and confirm unopposed Tree Preservation Orders under Section 201 of the Act and vary and revoke such orders.

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(f)   Determine applications for the lopping, felling or topping of trees covered by Tree Preservation Orders and require such replanting as is considered necessary.

(g)   Issue screening opinions (Regulations 5, 7 and 25) and scoping opinions (Regulation 10) under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

(h)   Authorise entry on to land under Sections 196 and 324 of the Act and under Section 88 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(2)   To exercise all the powers and duties of the Council arising under the provisions of the Building Act 1984 as follows:-

      (a)   Part I – Building Regulations.

      (b)   Part III – Drainage, provision of sanitary conveniences, buildings, defective premises and demolition.

      (c)   Part IV – Powers of entry, execution of works and enforcement.

(3)   To exercise all the powers and duties of the Council arising under the provisions of Safety of Sports Grounds Act 1975 in relation to the issuing of notices prohibiting the admission of spectators to sports grounds and make agreed amendments to safety certificates.

(4)   To exercise all the powers and duties of the Council arising under the provisions of the Building (Approved Inspectors) Regulations 1985.

      Note: This power may also be exercised by the Building Control Manager and the Fire/Safety at Sports Grounds Officer.

(5)   To exercise all the powers and duties of the Council arising under the provisions of the Public Health Act 1936 in relation to sanitary conveniences for buildings and culverts, ditches and watercourses.

(6)   To exercise all the powers and duties of the Council arising under the provisions of the Planning (Listed Buildings and Conservation Areas) Act 1990 relating to listed buildings and conservation areas.

(7)   To exercise all the powers and duties of the Council arising under the provisions of the Planning (Hazardous Substances) Act 1990.

(8)   To exercise all the powers and duties of the Council arising under the Town and Country Planning (Control of Advertisements) Regulations 1992 or any amendments to those regulations.

(9)   To exercise all the powers and duties of the Council arising under the provisions of the Hedgerows Regulations 1997.

(10)   To respond to consultations from neighbouring local planning authorities on planning applications.

(11)   To exercise all the powers and duties of the Council under the provisions of the Local Land Charges Act 1975.

(12)   After consulting the Director of Finance, to vary the standard scale of charges of the Local Government Association model structure by plus or minus 10%.

(13)   To take action to prosecute offences under the Town and Country Planning Act 1990, the Planning (Listed Buildings and Conservation Areas) Act 1990,

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the Planning (Hazardous Substances) Act 1990, the Public Health Act 1936 and the Safety at Sports Grounds Act 1975.

(14)   To exercise all the powers and duties under Part 8 of the Anti-Social Behaviour Act 2003 to consider and determine complaints about high hedges.

(15)   To authorise directed surveillance, for investigatory purposes, in accordance with the Regulation of Investigatory Powers Act 2000 and to designate officers to carry out that function.

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WIRRAL COUNCIL

CABINET – 9th April 2009

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES

LIVERPOOL MARITIME MERCANTILE CITY WORLD HERITAGE SITE SUPPLEMENTARY PLANNING DOCUMENT – LIVERPOOL CITY COUNCIL CONSULTATION – WIRRAL COUNCIL RESPONSE

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1. EXECUTIVE SUMMARY

1.1 Liverpool City Council has issued a consultation draft Supplementary Planning Document (SPD) on the Liverpool Maritime Mercantile City World Heritage Site (WHS), which includes the Liverpool Waterfront and parts of Liverpool City Centre. The Liverpool Waterfront has a buffer zone extending to the centre of the River Mersey, with rigorous controls on development to be provided in that zone by policies in the emerging Liverpool Local Development Framework. The City Council's draft SPD sets out a more detailed planning policy framework for the WHS, which has an overall aim of encouraging economic regeneration, whilst ensuring the protection of the outstanding universal value of the WHS.

1.2 Consultation responses are required by 14th April and Cabinet is asked to agree that the comments of the Director of Corporate Services within this report form the response to Liverpool City Council on the Liverpool World Heritage Site Supplementary Planning Document.

2. The Consultation Supplementary Planning Document Outlined

2.1 The Liverpool WHS was defined by the United Nations Educational and Scientific Organisation (UNESCO) in 2004 as: *'the supreme example of a commercial port at the time of Britain's greatest global influence'*. Both the port and parts of the city centre were included to reflect the influence on the built environment of the early development of dock construction, port management and international trading systems in the 18th and 19th centuries. The buildings and structures of the port and the city are seen as an exceptional testimony to mercantile culture, including the slave trade and the mass emigrations to the New World.

2.2 The WHS covers the majority of Liverpool City Centre and its central docks north to Stanley Dock and south to Wapping Dock. A buffer zone has been drawn to the centre of the River Mersey and across the city centre up to the Metropolitan and Anglican Cathedrals.

2.3 The Supplementary Planning Document was called for by UNESCO in October 2006, as a means of strengthening planning and design control over the WHS. The Liverpool City Council Unitary Development Plan (UDP) predated the WHS but the SPD has been linked to the planning policies for conservation within the UDP and also those in the Regional Spatial Strategy (RSS issued September 2008) and the emerging Liverpool City Council Local Development Framework Core Strategy.

2.4 Liverpool City Council has set out a series of objectives for the WHS:

   i. Ensure that new developments in the WHS reflect the inherited patterns of local architectural diversity and the unique townscape and historic characteristics of each area of the WHS

   ii. Ensure that new developments protect the outstanding universal value of the WHS

   iii. Ensure that the setting of the WHS is adequately protected and that new development respects its visual and historic context

   iv. Encourage high quality developments that will stimulate city centre regeneration and enhance the profile and image of the City

   v. Safeguard the historic fabric of the WHS's historic buildings and ensure that they continue in appropriate uses

   vi. Encourage building owners and occupiers to maintain and conserve the WHS's stock of historic buildings and structures

   vii. Support the delivery of public realm schemes throughout the city centre to enhance the character of the WHS and Buffer Zone

   viii. Bring listed buildings in the WHS and its Buffer Zone that are currently 'at risk' due to under-use back into beneficial and sustainable use

   ix. Improve the character of the WHS in the long term through the sympathetic replacement of buildings that detract from its townscape character and quality

   x. Ensure that applicants engage in early pre-application discussions to assess the impact of their proposals on the outstanding universal value of the WHS and mitigation as appropriate

2.5 In addition to general policy derived from RSS and the Liverpool City development plans, the WHS has been divided into a series of 6 character areas. Specific policy is provided for 5 of these areas, as Duke Street already has its own within the Ropewalks SPD.

2.6 The WHS or its buffer zone does not extend into Wirral. However, the SPD notes the importance of views within, out of and into the WHS. Many of these important views are internal to Liverpool, from the ridge of land to the east of the city centre, framing views of the most important key buildings in the city centre and along the waterfront. Already development control decisions have been taken in Liverpool to balance the needs of economic regeneration and protection of the WHS.

2.7 The WHS SPD recognises the role of tall buildings in the economic regeneration of the City but also the impact of those tall buildings and proposes two areas within which such buildings would be acceptable. These areas are to the south of the city around Parliament Street/Chaloner Street and to the north of the city at Old Hall Street/Tithebarn Street/Pall Mall. Whilst there is already a significant cluster of tall buildings at Princes Dock, the SPD notes that any further tall building development in this area should demonstrate how it relates to the commercial quarter functionality.

2.8 Tall buildings are defined by CABE and English Heritage as buildings significantly taller than the surrounding buildings and/or buildings that have a significant impact on

the City's skyline. The SPD draws on previous work by the City Council which identified mid rise buildings as 7-15 stories (21-45 metres) and high rise buildings as 15 or more storeys (over 45 metres).

2.9   In addition to the key local views, there are a number of distant views identified, including from the Wirral waterfront (Vale Park New Brighton, Egremont Promenade and Woodside) and Bidston Hill.

2.10   Within and into the WHS, the SPD notes the importance of river views, both from the river to the WHS and the visual connections between the WHS and the river, including river views of the river from the dockyards and surviving historic buildings along the river (eg from the Pier Head) and views of the river along the east-west roads within the WHS.

2.11   The SPD recognises that new development within the WHS and Buffer Zone has the potential to alter the visual character of the WHS. Most significant are tall buildings and high-rise proposals. The SPD sets out the importance of bringing forward new development in Liverpool in a manner that respects the network of views to, from and within the WHS. Liverpool City Council would expect to work with developers of schemes in Liverpool at the pre-application stage to determine which views require assessment and consideration as part of the application process.

2.12   The City Council would also expect applications for schemes in Liverpool to clearly demonstrate in their Design and Access Statements how they have addressed potential impacts on the agreed views and the City Council will require applicants for such schemes to provide accurate visual representations showing the effect of the development on the agreed views where the City Council considers that this is necessary to assess the scale of potential change. This will always be the case with high rise and tall building proposals in Liverpool.

2.13   Whilst the City Council accepts that all developments have some impact upon views, the City Council would expect applications for schemes in Liverpool not to have a significant adverse impact on the key views to, from and within the WHS.

2.14   The relationship between the River Mersey and the WHS is a fundamental aspect of its outstanding universal value. Views over the river towards the WHS are of importance as are views from the river itself. The SPD states that it will be important to deliver riverside development within the Buffer Zone in a manner that respects the importance of views of the Pier Head buildings as the focal point for Liverpool's and the WHS's river frontage and also respects the varied skyline of the city centre, in particular views to the cathedrals, the ridge and other landmark buildings.

3.   Director's Comments

3.1   The SPD is an important policy document for Liverpool City Council, providing a link between the Management Plan required by UNESCO (prepared in 2003) and the City Council's development plan. Because the WHS declaration post-dated Liverpool City Council's UDP, policy in the UDP does not take full account of the WHS. However, the emerging Liverpool Local Development Framework Core Strategy does take account of the WHS and the SPD will therefore in time draw support from the Core Strategy. It is consistent with the Regional Spatial Strategy (RSS), issued in September 2008.

3.2   I support the WHS SPD overarching aim, which is to provide a framework for protecting and enhancing the outstanding universal value of Liverpool – Maritime

Mercantile City WHS, whilst encouraging investment and development which secures a healthy economy and supports regeneration. However, I do have concerns that the control proposed over development around the WHS and its buffer zone might impact adversely on Wirral's own regeneration efforts.

3.3 Members will recall that I reported on WHS issues twice last year, to Cabinet on 13th March 2008 (Government consultation on the impact of significant development on WHS) and to Cabinet on 25th September 2008 on draft Communities and Local Government/English Heritage (CLG/EH) guidance. The September report identified a series of principles within the draft CLG/EH guidance, which included balancing conservation needs against access, the interests of the local community and the achievement of sustainable economic growth.

3.4 The Liverpool draft SPD sets out guidance in the context of that balance between conservation and economic regeneration. As the document is currently drafted, Liverpool City Council has not attempted to influence development within Wirral (including at Wirral Waters) to the detriment of those principles within Wirral. The WHS Buffer Zone is restricted to the middle of the River Mersey, which provides an adequate buffer to the WHS. Whilst it is still open to Liverpool City Council as an adjoining local planning authority to comment on individual planning applications of a significant scale, I would expect them to consider the need to provide a balanced response.

3.5 I have previously sought clarification from the Government on the issue of the impact of development within Wirral, outside the WHS and its Buffer Zone, on the WHS's outstanding universal value. The CLG has not responded to that request. I can only propose that in principle Wirral Council should expect that Liverpool City Council would provide a balanced response in any consultation on any significant development within Wirral outside the WHS Buffer Zone. Consistent with its previous response to CLG, Wirral Council should confirm its understanding that development outside the buffer zone, within Wirral, will not impact on the WHS.

3.6 In particular, it should be made clear in the strongest possible terms that the issue of views out of the WHS should not include attempts to control development within Wirral (ie outside the buffer zone). The WHS draft SPD can only be used in conjunction with Liverpool City Council's development plan and cannot be used to augment Wirral's development plan, against Wirral Council's wishes.

4. Financial implications

4.1 There are no implications arising directly from this report.

5. Staffing implications

5.1 There are no implications arising directly from this report.

6. Equal Opportunities implications

6.1 There are no implications arising directly from this report.

7. Community Safety implications

7.1 There are no implications arising directly from this report.

8. Local Agenda 21 implications

8.1 There are no implications arising directly from this report. The protection of local heritage is, however, a significant element in the pursuit of sustainable development.

9. Planning implications

9.1 When adopted the Liverpool City Council SPD will be a significant material consideration, alongside the adopted Liverpool UDP and RSS in the determination of planning applications within Liverpool. In due course, the Liverpool Local Development Framework Core Strategy will replace the Liverpool UDP and be supported by the SPD. The SPD cannot be used in conjunction with Wirral's development plan.

10. Anti-poverty implications

10.1 There are no implications arising directly from this report.

11. Human Rights implications

11.1 There are no implications arising directly from this report.

12. Social Inclusion implications

12.1 There are no implications arising directly from this report.

13. Local Member Support implications

13.1 There are no implications arising directly from this report.

14. Background Papers

14.1 The following background papers have been used in the preparation of this report:

(i) Liverpool Maritime Mercantile City – World Heritage Site, Supplementary Planning Document, Consultation Draft, Liverpool City Council, March 2009

http://www.liverpool.gov.uk/Environment/Planning/Local_Development_Framework/work_in_progress/World_Heritage_Site/index.asp

(ii) Protection of World Heritage Sites, DCLG, May 2008

http://www.communities.gov.uk/publications/planningandbuilding/worldheritagesitesconsultation

(iii) Seeing the History in the View: A Method for Assessing Heritage Significance Within Views, English Heritage, April 2008

http://www.english-heritage.org.uk/server/show/ConWebDoc.13380

(iv)   Liverpool City Council Local Development Framework Core Strategy Preferred
        Options, March 2008

        http://liverpool-consult.limehouse.co.uk/portal/planning/cspo/cspo?pointId=project_15

(v)   North West of England Plan Regional Spatial Strategy to 2021, Government Office for
        the North West, September 2008

        http://www.gos.gov.uk/gonw/Planning/RegionalPlanning

(vi)   Liverpool Maritime Mercantile City – Management Plan, Liverpool City Council,
        December 2003

        http://www.liverpool.gov.uk/Leisure_and_culture/Tourism_and_travel/World_heritage_
        site/Management_plan/index.asp

RECOMMENDATIONS

1.   That Cabinet agrees that this report forms the basis of Wirral Council's response to
        the Liverpool City Council consultation on its draft Supplementary Planning Document
        for the Liverpool Maritime Mercantile City World Heritage Site.

2.   That Liverpool City Council be advised that Wirral Council understands that the World
        Heritage Supplementary Planning Document cannot be used to control development
        outside the buffer zone, in Wirral and that references to views out from the World
        Heritage Site in the draft SPD are limited to those within the City and the buffer zone.

This report was written by Richard Lewis in the Strategic Development Division of Corporate
Services, who can be contacted on 0151 691 8222.

J. WILKIE
Deputy Chief Executive/Director of Corporate Services

WIRRAL COUNCIL

Cabinet - 9th April

REPORT OF THE DEPUTY CHIEF EXECUTIVE/ DIRECTOR OF CORPORATE SERVICES

Business Support - Response to the Current Economic Conditions

1.   Executive Summary

1.1   This report asks for Cabinets support for provision within the Council's constitution to increase the delegated authority of the Deputy Chief Executive/ Director of Corporate Services, in consultation with the Cabinet member for Regeneration and Planning Strategy, to approve business support grants from £5,000 to an amount of up to £20,000.

2.   BIG Support Grant/ Consultancy Support

2.1   On the 19th March, Cabinet approved a programme that has been designed to specifically support SME's (250 employees and less) with a specific focus on micro businesses. This programme will utilise the £50,000 identified at Cabinet on 23rd February 2009 to support local companies during the current economic downturn and £800,000 per year of Working Wirral funds. The fund will be available for a wide range of support, including access to consultancy and grants. It is also hoped that the availability of such financial support will encourage banks and other lending institutions to also invest in these businesses

2.2   Cabinet expressed the desire that the process should be as responsive as possible in terms of speed and efficiency and Officers have devised a process a process to enable this to be the case. One of the key features in the design of this grant programme should be the ability to respond quickly to a company to support them in the current financial climate. In order to do this, a quick turnaround for a decision is essential.

2.3   The timeframe for the assessment of applications for grant and consultancy support is six weeks from start to finish. Having reviewed relevant Cabinet dates and in order to ensure that no decisions are delayed by having to fit in with committee cycles, it is requested that the delegated authority for the Director of Corporate Services is increased from £5,000 to £20,000 for authorisation of support grants for businesses,

in consultation with Cabinet member for Regeneration and Planning Strategy. Authorisation will only be given following a robust assessment of activity. Grants awarded under delegated authority will be reported to Regeneration and Planning Strategy Committee, with updates also provided to Cabinet.

2.4 An assessment panel is being established which will include the Head of Strategic Development, a representative from the Federation of Small Business (FSB) as well as the Wirral Chamber of Commerce. It will also include Wirral Council Finance department. The panel will also include a representative from the financial institutions (although this will work on a rotation basis).

3. Proposed Amendment

3.1 The proposed amendment to the Council Constitution is to delegate authority to the Deputy Chief Executive/ Director of Corporate Services, in consultation with Cabinet member for Regeneration and Planning Strategy, for grants for businesses up to the value of £20,000. This is an increase of current authority which is £5,000 and will only apply to the new BIG grant programme approved at Cabinet on the 19th March and will not apply to the Think Big Investment Grant.

4. Financial implications

4.1 Cabinet approved the use of £800,000 from Working Wirral for a business support programme on the 19th March 2009. This follows the Cabinet budget proposal of £50,000 identified within the budget resolution to support local companies during the current economic downturn.

5. Staffing implications

5.1 No implications arising directly from this report.

6. Equal Opportunities implications

6.1 No implications arising directly from this report.

8. Community Safety implications

8.1 There are no direct Community Safety implications arising from this report.

9. Local Agenda 21 implications

9.1 None as a direct result of this report.

**10.	Planning implications**

10.1	No implications arising directly from this report.

**11.	Anti-poverty implications**

11.1	No implications arising directly from this report.

**12.	Human Rights implications**

12.1	There are no implications arising directly from this report.

**13.	Social Inclusion implications**

13.1	No implications arising directly from this report.

**14.	Local Member Support implications**

14.1	There are no implications arising directly from this report.

**15.	Background Papers**

15.1	Can be obtained by contacting Alan Evans on 0151 691 8426.

Recommendation

That Cabinet support the request for provision within the Council's constitution to allow the delegated authority for the Deputy Chief Executive/ Director of Corporate Services, in consultation with Cabinet member for Regeneration and Planning Strategy, to approve business support grants of up to £20,000.

Jim Wilkie

Deputy Chief Executive/Director of Corporate Services

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WIRRAL COUNCIL

CABINET – 9th April 2009

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES
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UPDATE ON REVIEW OF SUB-NATIONAL ECONOMIC DEVELOPMENT AND REGENERATION (SNR) AND CITY REGION ISSUES

1.   EXECUTIVE SUMMARY

1.1   The Government has now published its response to the public consultation on the Sub-National Review of economic development and regeneration. The Review was originally published in July 2007 and reported to members in September 2007. In March 2007, the Government published a consultation document, *"Prosperous Places: Taking Forward the Review of Sub National Economic Development and Regeneration"* and Wirral Council's formal response was reported to members in June 2008. This report updates members on the Government's final response to the consultation and highlights the key implications of new legislation expected in the next parliamentary session. It also provides the progress to date on Liverpool City Region governance arrangements. Cabinet are asked to authorise Officers to continue to work on developing the Liverpool City Region multi Area Agreement (MAA).

2.   Background

2.1   As part of Budget 2006, the Government announced it would carry out a review of sub-national economic development and regeneration in England, commonly referred to as the sub-national review or SNR. The review set out a number of proposals aimed at strengthening economic performance and tackling deprivation at the regional, sub-regional and local level.

2.2   The main proposals of the review were to:

- streamline economic development and regeneration activity;
- reduce disparities in economic performance between the poorest six performing regions and the rest and bring the poorest up to the national average;
- replace the existing regional economic and spatial strategies with one single integrated strategy for the region covering economic development and regeneration, transport, planning and housing;
- refocus RDA activity on policy and strategy and introduce delegated funding and delivery to Local Authorities and other partnerships;
- abolish Regional Assemblies by 2010;
- introduce an economic assessment duty for upper tier and unitary local authorities;
- support collaboration by local authorities across functional economic areas via the introduction of voluntary Multi Area Agreements, and potentially statutory economic development companies;

- consider options for supplementary business rates, working closely with business, local government and other experts.

2.3 In designing the final response, Government has considered over 500 responses to the consultation and taken into account the current economic situation. Wirral submitted its response to the consultation document as reported to Cabinet on 12th June 2008. It is also worth noting that this is one in a series of reforms which follow the principles set out in the first SNR document including:

- transferring 14-19 skills responsibilities from the Learning & Skills Council to local authorities;
- the simplification of local area agreements (LAA) and introduction of multi area agreements (MAA);
- the introduction of new freedoms and flexibilities for local authorities to introduce new planning levies and business rate supplements;
- the proposals for Regional Select Committees;
- Regional Funding Advice 2008.

2.4 The principles of the SNR are further supported in the Pre-Budget Report (PBR) which sets out proposals for city-region growth in line with devolved responsibilities. This means key roles for local authorities working together and with partners across city-regions and for the RDAs in supporting these relationships. Through the Regional Strategy, the RDAs in conjunction with the Local Authority Leaders Board, will have a critical role to play in supporting strong city-regions.

3. Key Implications for Wirral

3.1 The main implications for the Council are outlined below:

Local Authority Economic Assessment Duty

3.2 The consultation paper sought views on whether there should be a focused statutory economic assessment duty for local authorities to enable a robust, shared evidence base to be developed in support of local, sub-regional and regional strategic planning. Three options were presented for consideration:

Option 1 – **a duty** to assess economic conditions with powers to require information from named partners, including lower tier authorities. Primary legislation would be needed. RDAs would be required to have regard to assessments in the preparation of the regional strategy. The lead authority would be required to have regard to guidance issued by the Secretary of State, which could itself be statutory.

Option 2 – **a requirement** on local authorities to assess economic conditions. Priority areas to be covered might include levels of employment; transport; procurement of goods and services; and land and property markets. Non-statutory guidance could be issued by the Secretary of State, with no obligation on local authorities to have regard to it.

Option 3 – **no duty** would be introduced.

3.3 The Council agreed in principle with Option 1 but with an understanding that legislation would be required to place a duty on RDAs to have regard to the local economic assessment. The Government intends to legislate for Option 1, whereby the new economic assessment duty is created and underpinned by statutory guidance. Local authorities will have a duty to consult with public sector bodies and legislation will list these, however, there will be no new specific duty for these named bodies to co-operate. Under the Local Government and Public Involvement in Health Act 2007, these bodies are already subject to a duty to co-operate with local authorities in agreeing LAA targets and a further duty is judged unnecessary by Government.

3.4 In response to concerns raised on the availability of area based economic data, the Government will explore the feasibility of improving existing national datasets to support the introduction of the statutory economic assessment duty. This is welcomed; however, with the constraints of national administrative data sets and without the powers to require information from partners, it is unclear how meaningful local level assessment can be achieved. Draft guidance from Government on the broad principles and scope of the assessments will be released for consultation in due course.

3.5 Although economies of scale are suggested in the collation of data across authorities and partners, there is no reference in the original SNR or Government response document to combining duties to produce sub-regional economic area assessments. The statutory assessment remains a local area requirement, however there is a logical process that determines local issues and priorities which in turn support a sub regional assessment and priority setting.

Supporting Sub-Regions to Collaborate on Economic Development

3.6 One of the aims of the SNR was to support effective collaboration between local authorities. In order to facilitate this, Government will now legislate to allow for the creation of statutory sub-regional authorities for economic development. These will be known as 'Economic Prosperity Boards' (EPBs).

3.7 Creation of Economic Improvement Boards will be voluntary in nature with local authorities being able to 'opt-in' if they so wish. However, once created and joined, there will be no such freedom to 'opt-out'. All membership changes, both in and out, following the initial creation of the EPB will only be possible with ministerial agreement.

3.8 The function and purpose of the EPB will be to improve economic development in the area. Legislation will allow sub-regions flexibility to propose their own functions, within an initial framework set out. The EPB functions will require approval by Ministers with the flexibility to add further functions over time. It is expected that EPBs will evolve out of existing sub-regional partnerships taking on board existing performance and target frameworks, such as MAAs. The Government does not propose to introduce an additional performance framework or to use legislation to tie them into any existing framework.

3.9   As with the new statutory economic assessment duty, the Government will not impose a duty on named partners to co-operate with the new EPBs. The boards will adhere to the principles set out in the original review in that:

- they will be based on collaboration between elected members of existing local authorities;
- they will not include any council tax precept;
- they will not impose additional net costs on local authorities;
- they will provide transparent accountability for residents.

3.10   As a second element of support to encourage sub-regional co-operation, the Government will legislate to allow for the creation of MAAs with statutory duties. This will be a voluntary model with existing models retained if still the preferred option for sub-regions. As with the existing model, local authorities wishing to create MAAs with statutory duties will nominate one lead authority to be responsible for preparing and submitting the MAA.

Reforming Regional Governance Structures and a Single Regional Strategy

3.12   The original SNR proposed that:

- Legislation would be introduced to establish a new regional strategy to replace the existing spatial and economic strategies;
- RDAs would be responsible for regional planning and for producing the regional strategy;
- Local authorities, acting through a new Local Authority Leaders' Forum, would input, assist sign off and scrutinise the regional strategy;
- Regions would be given scope to collectively agree decision making structures best suited to their regional needs.

3.13   As part of the consultation response, Wirral Council expressed the view that it should not be possible for RDAs to submit a strategy to Government that has not been agreed by the Regional Leaders Forum and that there should be a requirement to produce a delivery plan setting out actions and investment priorities.

3.14   Following the consultation exercise, the Government has refined its plans for producing the regional strategy and the supporting governance arrangements, with the aim of bringing democratic accountability to the process. The revised proposals are:

- The RDA and the Local Authority Leaders' Board will have joint responsibility for the regional strategy, including drafting the strategy, producing an implementation plan and monitoring its delivery;
- Legislation relevant to regional assembly functions and process will be repealed and the regional planning function of the regional assembly passed to the RDA and the Local Authority Leaders' Board;
- If the RDA and the Local Authority Leaders' Board cannot reach agreement in the production of the new regional strategy, Government will take a power to allow Ministers to direct the process with the expectation that the task of leading the strategy development would then fall to the RDA. Ministers will be

able to direct both parties to submit statements detailing their disagreements and any papers that have been prepared in the process;

- Should the Local Authority Leaders' Board fail to operate effectively the Government will take a power to intervene.

3.15 The aim of the regional strategy has remained unchanged from the original SNR consultation document. Each region will have the flexibility to decide on the form and format of the strategy with an expectation that the following key areas will be covered:

- An overview of the key regional challenges over the plan period;
- How economic growth can best be delivered having regard to employment and the key drivers of productivity as well as regeneration;
- A distribution of housing supply figures as well as targets for affordable housing and achieving quality homes for all, including vulnerable and socially excluded people;
- How the region would manage the risks and opportunities of unavoidable climate change, achieving development in a way which is consistent with national targets for cutting carbon emissions;
- Those areas within the region identified as priorities for regeneration investment and intervention;
- Strategic requirements and provision for transport, waste, water, minerals, energy and environmental infrastructure, insofar as these are not already specified in national policy.

3.16 The Government believes that the regional strategy should set the framework for the activities, plans and investment decisions of the RDA, the Homes and Communities Agency and other public bodies in the region along with local authorities and other regional partners in order to ensure sustainable economic development. It should set out which places and sectors should be priorities for development and investment providing clarity and incentivising private sector investment in a region.

3.17 In order to facilitate the production of regional strategies across England, the Government will legislate:

- To require each region in England to produce a regional strategy for sustainable economic growth and sustainable development;
- For the Examination in Public (EIP) panel to report to the Local Authority Leaders' Board and the RDA, as well as Ministers, with the expectation that the panel's recommendations will be considered prior to submission of the draft strategy to Ministers;
- To require the RDA and Local Authority Leaders' Board to jointly produce an implementation plan setting out how the strategy will be delivered alongside an annual monitoring report requirement;
- To introduce a duty on the RDA and Local Authority Leaders' Board to consult and engage with stakeholders and communities around the regional strategy, with a requirement to produce and comply with a published statement to this effect.

3.18 Due to the joint accountability of the RDA and the Local Authority Leaders' Board for the regional strategy, the Government has reconsidered the regional scrutiny function

of the Leaders' Board. It is proposed that regional bodies and regional strategies will be the chief focus of regional select committees who will be therefore be best placed to carry out the scrutiny function of the new regional governance arrangements.

3.19 The first statutory Regional Strategy is expected in June 2010. The NWDA has drafted a timetable for the production of the North West strategy. The Principles and Issues Paper was released by the NWDA in February and the first Regional Strategy draft is planned for September 2009.

3.20 A further report on the Principles and Issues paper will be brought back to Cabinet.

Delegation of Decision Making by RDAs

3.20 As noted in the report to members in June 2008, there was a definite shift from the original SNR document to the consultation stage into an emphasis on sub-regional working rather than at a local authority level.   This shift is reflected in the Governments final response.

3.21 There will be no legislation introduced to support the delegation of funding from regional bodies to the local authority level. Formal approval and accountability will remain with the RDA, with the local authority and sub-regional partnerships having a determining role in the planning and delivery of interventions as part of the regional strategy investment planning structures.

3.22 While it is expected that the RDA will take on a more strategic programme management role, they will continue to have the freedom to deliver interventions directly where it is appropriate.

3.23 Further Government guidance is expected on revising the existing RDA appraisal process in an effort to enable it to support a more strategic role and encourage greater freedoms for local authorities in developing their proposals for delivery. It is expected that the appraisal processes of partners and the RDA will be aligned to enable a streamlined formal approval process with greater scope for sub-regional and local planning on how to deliver the outcomes within RDA commissioned work.

4. **Liverpool City Region Developments**

4.2 The progress made to date in developing the Liverpool City Region Governance arrangements was reported to Cabinet on the 16th October. Since then, a shadow City Region Cabinet has been established and work is being undertaken to develop the six policy boards that will form part of the governance arrangements. The Cabinet is made up of the leaders from all six local authorities, the Chair from The Mersey Partnership (TMP). These policy boards are as follows:

• Economic Development (led by Liverpool City Council in conjunction with TMP)

• Employment and Skills (led by Knowsley MBC)

• Environment and Waste (led by Wirral MBC)

• Transport (led by Halton BC in conjunction with Merseytravel)

- Spatial Planning and Housing (led by St Helens MBC)

- Safer, Healthier Communities (led by Sefton MBC)

- The six policy boards are supported by boards for Scrutiny, Research and Intelligence and Improvement and Efficiency.

4.4   It is now envisaged that the City Region Cabinet will form the basis of an Economic Prosperity Board (the detail of this is contained within para 3.6 of this report). This will form a key part of the proposed work plan for the City Region, alongside the development of an operating agreement for the Shadow Cabinet, the establishment of a scrutiny panel as well as the development of the policy boards. Further work undertaken on the developments will be brought back before Cabinet. Consideration is also being given as to the best way of supporting the understanding of the role of the City Region Cabinet. Ideas on how to do this are being worked up at present and will be reported back to Cabinet in due course.

4.5   Officers have reported periodically on the development of a Liverpool City Region Multi Area Agreement (MAA) and Cabinet were advised in October 2008 of latest proposals. MAA's include agreed priorities between sub regional partners and central government and are required to be consistent with regional strategies and Local Area Agreements (LAA's).

4.6   The first phase of the Liverpool City Region MAA proposals was submitted in November 2008 and it focussed on collaboration on employment and skills to improve the sub-region's economic prosperity. The MAA Skills and Employment platform, reported to Members in October 2008, was officially signed by the Prime Minister and Liverpool City Region Council Leaders at Downing Street on the 12th January 2009. The themes for economic development, housing and transport were originally expected submitted in April 2009. However, Government were unable to meet the timetable of April 2009 and the sign off will now be June.

4.6   Wirral Officers continue to work with sub region partners on the development of the MAA platform and proposals will be brought to Cabinet when the proposals have been developed sufficiently.

5.   **Financial implications**

5.1   There are no direct financial implications arising directly from this report, although the economic impact assessments will have an associated cost. Further information on the associated costs and financial implications for the local authority will be brought back to members as and when further detail is known.

6.   **Staffing implications**

6.1   No implications arising directly from this report.

7. Equal Opportunities implications

7.1 The Secretary of State's Proposed Changes to Draft RSS have been subject to an Equality Impact Assessment.

8. Community Safety implications

8.1 There are no direct Community Safety implications arising from this report.

9. Local Agenda 21 implications

9.1 None as a direct result of this report.

10. Planning implications

10.1 The legislative changes to integrate the Regional Economic Strategy with the Regional Spatial Strategy represent a significant change to the current process, particularly with the transfer of responsibility for regional planning from the NWRA to the NWDA.

11. Anti-poverty implications

11.1 The review of sub national economic development and regeneration is specifically to enable central and local government and other partners to work together to help maximize prosperity in all parts of England and tackle social deprivation and inequality.

12. Human Rights implications

12.1 There are no implications arising directly from this report.

13. Social Inclusion implications

13.1 The review of sub national economic development and regeneration is specifically to enable central and local government and other partners to work together to help maximize prosperity in all parts of England and tackle social deprivation and inequality.

14. Local Member Support implications

14.1 There are no implications arising directly from this report.

15. Background Papers

15.1 The consultation document can be found at:

http://www.communities.gov.uk/citiesandregions/thesubnationalreview/

RECOMMENDATION

That :

1)   That the contents of this report on SNR and City Region issues be noted

2)   Officers be authorised to continue to work on these issues and submit further reports to Cabinet as appropriate.

J. WILKIE
Deputy Chief Executive/Director of Corporate Services

This report was written by Alan Evans in the Economic Policy of Corporate Services, who can be contacted on 0151 691 8426

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WIRRAL COUNCIL

CABINET – 9th April 2009

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES

West Kirby Regeneration - The Sail Project

1.   Executive Summary

1.1   This report provides further information in relation to the Sail Project in respect of issues raised by Cabinet at its last meeting on March 19th.

2.   Update on progress

2.1   At its meeting in December 2008 (minute 289 refers), Cabinet approved a three month extension to the lock out agreement with Carpenter Investments to the 10th April 2009. Members will recall that the scheme's details had been amended to reflect both the current economic situation and changes made as a result of the consultation.

2.2   The revised design proposals were presented to Cabinet on 19th March. At this meeting, Members expressed concern about the loss of car parking, the design of the hotel and the specification for the sailing school. Further details have now been provided by the developer by way of response to these issues (see sections 3, 4 and 5).

2.3   Carpenter Investments has also provided financial details about the scheme in the form of a development appraisal. This information is currently being reviewed by the Council's appointed independent consultants.

2.4   We await the final report from the appointed consultants in respect of the independent assessment of the development appraisal. This will be available to report to Cabinet on 23rd April. As the lock out agreement expires on 10th April 2009, it is recommended that a further extension of the lockout agreement to 23rd April is agreed.

3.   Proposed mitigation for the loss of car parking

3.1   As reported to Members on the 19th March, the revised scheme put forward by Carpenter Investments does not now include any sub-basement car parking on the Dee Lane site. The Dee Lane site currently provides 171 public parking spaces. Carpenter Investments has provided a revised site plan for the scheme (see appendix 1) which includes provision of 90 public parking spaces on the Dee Lane site.

3.2   To mitigate the net loss of public parking provision on the Dee Lane site, Carpenter Investments propose bringing the car park in front of the sailing school into wider public use. This car park is currently only available for lake licence holders and as a result is under-used. Periodically the car park is forced to close in bad weather but such inclement weather invariably reduces the number of visitors to West Kirby anyway. Carpenter Investments proposes retaining use for lake licence holders as part of the terms of that licence, with a pay and display provision for the general public. The car park would be actively managed to ensure that preference is given to lake licence holders at peak times for sailing. A revised site plan (see appendix 2)

indicates a further capacity of 110 parking spaces with up to 80 public parking spaces expected to be available once parking provision for any lake licence holders has been taken into account.

3.3   The Director of Regeneration is supportive of these parking proposals subject to provision for lake licence holders being maintained in line with current provision. Carpenter Investments would manage both car park sites and receive the revenue from parking tickets. However, further discussion with Carpenters on the details of such an arrangement will be required.

3.4   Members are reminded that in the event that Cabinet continue to support this proposal and the developer ultimately submits a planning application, the Director of Technical Services would require a Traffic Management Assessment to be carried out which would include the issue of parking provision.

4.   Sailing School Specification and Layout

4.1   In response to concerns raised about the specification for the sailing school, the Director of Regeneration has confirmed in principle his support for the proposed design and specification being put forward. The specific concerns in relation to the inclusion of disabled toilets and the location of diesel storage have now been addressed (see revised floor plan at appendix 3).

4.2   Officers are in continuing discussion with Carpenter Investments' architect to ensure the design fully meets the requirements of the Director of Regeneration. Appendix 4 outlines the requirements as indicated by the director of regeneration. Carpenter Investments has re-affirmed that all design and layout requirements are or will be reflected in the final sailing school design.

4.3   Subject to the scheme proceeding to a full planning application, further matters of detail in relation to the layout will be examined in line with the requirements of the planning process and building regulations approval.

5.   Hotel Design

5.1   Carpenter Investments has indicated that the submitted design remains the one that they wish to proceed with. They have reviewed the design following members' comments but feel unable to make any significant changes. The quality of the scheme was acknowledged by an independent panel through a 'Places Matter Design Review' panel session in February as reported previously to members on 19th March.

5.2   Carpenter Investments advise that whilst the general design concept will not change, a number of design modifications will be required as a result of the design evolving through the planning process, to ensure that improvement measures and technical requirements are taken into consideration.

6.   Development Appraisal

6.1   A Development Appraisal for the project has been provided by Carpenter Investments and this is currently being scrutinised by the Council's appointed independent, external assessor. It is proposed that the findings of the independent assessment and officer's conclusions will be the subject of a further report to Cabinet on 23rd April. This

report will contain commercially sensitive information and will be exempt by virtue of paragraph 3 of schedule 12a of the Local Government Act 1972.

7. Asset Management Implications

7.1 The current Sailing School is an important leisure facility on a lake which hosts events of international significance. It is in significant need of repair. The Dee Lane car park has not been declared surplus.

7.2 The proposed development opportunity would involve the Council offering up the site on a long lease arrangement to be agreed with the Developer, with the Council retaining the freehold interest. The Council managed elements of the development i.e. the Sailing School would be leased back to the Council on a pepper corn rent.

8. Financial implications

8.1 The main financial implication will be the outcome of the independent assessment of the development appraisal that will be reported to Cabinet on 23rd April.

8.2 The improved facilities are expected to bring about increased usage in terms of both the lake and the sailing school which will generate increased revenue to the Council from both these income streams.

8.3 In terms of on-going maintenance, the developer proposes to lease back the sailing school to the Council through a full repair and maintenance lease, with the Council responsible for maintaining the sailing school as it does currently. Carpenter Investments has indicated that the Council will be liable to pay a small, nominal service charge in relation to the communal areas around the sailing school.

8.4 Disposal of the Dee Lane car park would result in a loss of car parking revenue of approximately £28,000 per annum to the Council. Should the scheme proceed, this would require an adjustment to Technical Services budget.

8.5 Disposal of both sites will result in a loss of revenue to the Council in respect of a number of rented units and kiosks of £10,800 annually. Should the scheme proceed, this would require an adjustment to Cultural Services and Technical Services budgets.

9. Staffing implications

9.1 There are no additional staffing implications. Liaison in relation to this project is provided by the Special Initiatives Team and Investment Strategy Team within the Corporate Services Department.

10. Equal Opportunities Implications

10.1 The provision of new, improved public facilities will bring about equal opportunities benefits in terms of access.

10.2 The current, free blue badge-holder parking provision at Dee Lane will be affected by these proposals. However, under planning guidelines there will be a requirement to make provision for blue badge bays in any new or revised car parks. Whether there is a charge for such use would be up to the site operator.

11. Community Safety Implications

11.1 Implementation of the project will result in Community Safety improvements with the increases in foot fall and general activity at the junction between Dee Lane and South Parade during evening time.

11.2 If the project is supported and goes through to a full planning application, the Police Architectural Liaison Officers will be engaged to ensure the principles of 'secure by design' are incorporated into the design detail.

12. Local Agenda 21 implications.

12.1 Implementation of the project proposals will result in major environmental improvements and a high quality sustainable development. Any final development proposal will need to satisfy an environmental impact assessment (including Habitats Regulations Assessment and Flood Risk Assessment if appropriate) and take on board the views of all relevant consultees including Natural England.

12.2 The proposal is an important element of the regeneration of the Borough.

13. Planning Implications

13.1 Proposals identified within the report will require planning permission and will be reported upon as and when they come forward. The proposals are in conformity with Regional Spatial Strategy Policy RDF3 in their support for improving the image of coastal resorts to attract inward investment and tourism, and Policy LCR4 in terms of consistency with regeneration programmes and policies.

13.2 The site of the existing sailing school is within the Developed Coastal Zone in the Council's adopted Unitary Development Plan (UDP) and adjacent to the Dee Estuary Site of Special Scientific Interest, which is also a Special Protection Area of International Importance. Redevelopment of the Sailing School is in principle appropriate, subject to UDP Policy CO1. The site of the Dee Lane car park to the East of The Parade is within the West Kirby Key Town Centre. Development of the hotel at Dee Lane is therefore in principle appropriate as a town centre use.

13.3 In due course, Carpenter Investments will be required to pursue further relevant consultation through the planning process in line with standard planning guidance and procedures.

14. Anti-poverty implications

14.1 There are no anti-poverty implications.

15. Social inclusion implications

15.1 There are no social inclusion implications.

16. Local Member Support Implications

16.1 This report is of particular importance to Members in Hoylake and West Kirby and Thurstaston wards.

17.   Background Papers

17.1   Background papers in relation to this report are held by the Special Initiatives Team in the Corporate Services Department.
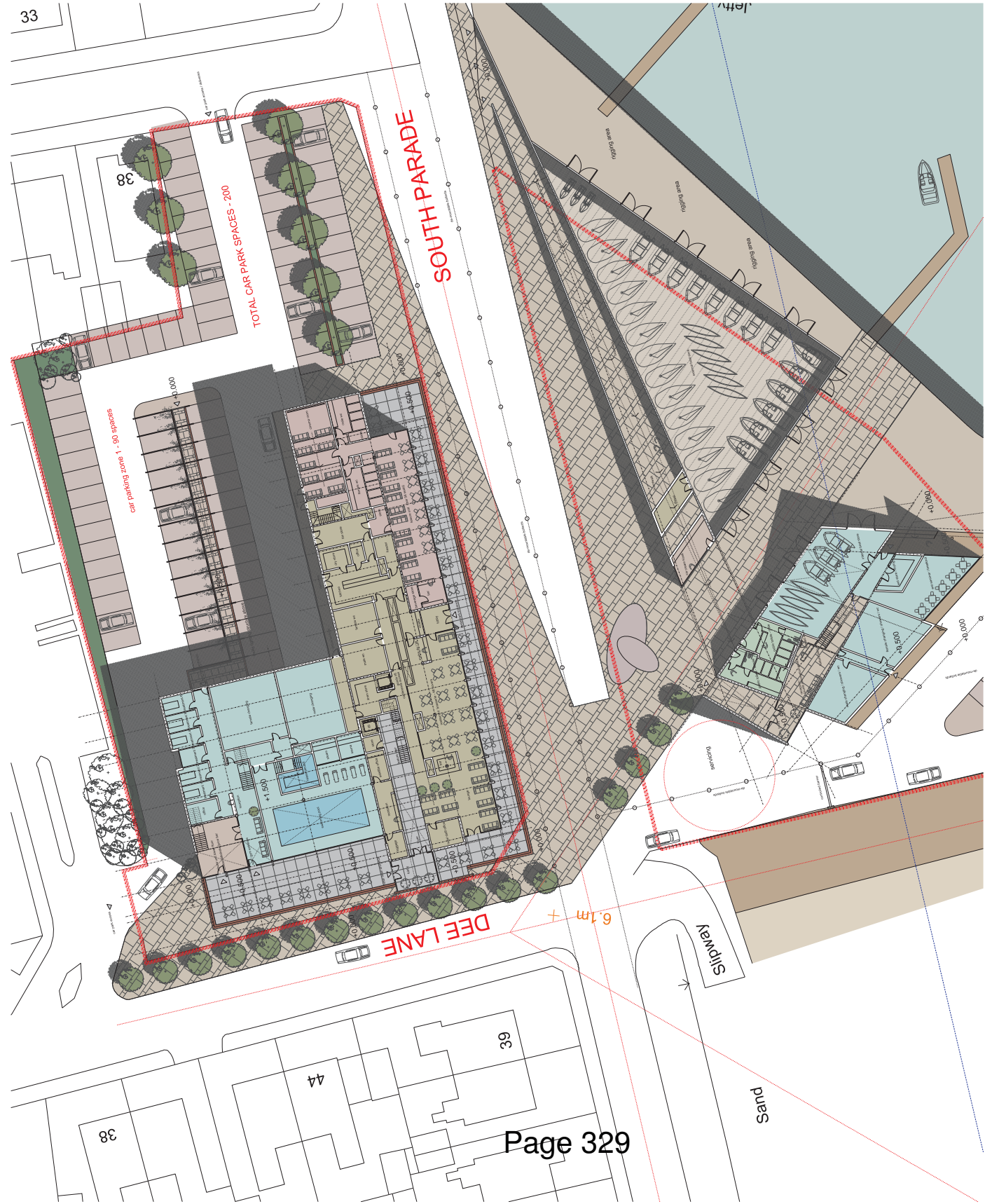
18.   Recommendations

18.1   That Cabinet notes the content of this report and considers this information along with the report that will be provided to Cabinet on the 23rd April outlining the outcome of the independent assessment of the development appraisal.

18.2   That the lock-out agreement be extended to the 23rd April 2009.

J. WILKIE
Deputy Chief Executive/Director of Corporate Services

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SOUTH PARADE

DEE LANE

TOTAL CAR PARK SPACES - 200

car parking zone 1 - 90 spaces

33

38

39

44

38

Sand

Slipway

6.1m

Jetty

rigging area

proposed site plan   1:500

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car parking zone 1 - 90 spaces

TOTAL CAR PARK SPACES - 200

DEE LANE

SOUTH PARADE

Sand

Slipway

servicing

Jetty

Jetty

Jetty

rigging area

car parking zone 2 - 110 spaces

managed car park with provision for lake license holders

38

44

39

38

33

15

12

9

41   43

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proposed site plan

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rigging area

rigging area

rigging area

rigging area

external boat store

boardwalk

disabled

ice cream kiosk

de-mountable bollards

public toilets – female

public toilets – male

reception/information/
central information store

feature reception

internal boat store

wet store / drying

wet seminar / breakout

female changing / showers / wc

+0.500

male changing / showers / wc

+0.500

+0.000

+0.500

+0.000

+0.000

+0.000

+0.000

servicing

de-mountable bollards

de-mountable bollards

controlled barrier

de-mountable bollards

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proposed ground floor plan 1:250

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APPENDIX A

Appendix 4

Sailing School Specification

Item	Status
2 x seminar rooms seating up to 15, with one available for wet teaching	Provided as requested
Staff restroom for up to 10 instructors including changing facilities	Provided as requested
Drying facilities for wet suits (3 x 2m)	Provided as requested
Boat storage facilities and compound as a minimum to replace existing, Bidders should be aware that the Metropolitan Borough of Wirral provides storage space for 3 community based sailing clubs	Will be provided, officers currently in discussion with Carpenter Investments' architect to finalise design and format as required
Office space and customer service area allowing supervision of the lake, landing areas and car park	Provided as requested
Changing facilities / showers for school / training groups of up to 60 (male and female)	Provided as requested
Separate changing facilities / showers for lake users of up to 20 (male and female)	Will be provided, officers currently in discussion with Carpenter Investments' architect to finalise design and format as required
Equipment storage of at least 4m x 4m	Will be provided, officers currently in discussion with Carpenter Investments' architect to finalise design and format as required
Marine diesel storage	Provided as requested
Public toilets, including disabled	Provided as requested
First Aid room	Provided as requested

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WIRRAL COUNCIL

CABINET - 9th APRIL 2009

REPORT OF THE DEPUTY CHIEF EXECUTIVE / DIRECTOR OF CORPORATE SERVICES

WIRRAL'S 2008/11 LOCAL AREA AGREEMENT – 2009/10 REFRESH

_____

1   Executive summary

1.1   The purpose of this report is to provide Cabinet with the final position of the refresh negotiations for Wirral's 2008/11 Local Area Agreement (LAA) and confirm the eligible performance reward grant available for successful achievement of the LAA improvement targets.

2   Background

2.1   In May 2008, Wirral submitted a 2008/11 Local Area Agreement which features designated targets drawn from a rationalised national indicator set, plus statutory indicators from the Department for Children, Families and Schools (DCFS) and local targets which reflect Wirral's local partnership priorities. Wirral's designated targets have been negotiated with Government Office North West (GONW) on behalf of Central Government.

2.2   Wirral's LSP Executive Board (formerly the LAA Programme Board) have managed the negotiation of Wirral's 2008/11 LAA with regular reports provided to Cabinet as Wirral Council is the accountable body. The Executive Board agreed the priority areas for improvement targets to be negotiated; these were agreed based on detailed and robust evidence bases, and consideration of the people and places within the borough which the improvement target should focus upon.

3   Annual Review and Refresh

3.1   Wirral's Local Area Agreement is subject to an annual review by Government Office, Central Government departments, Comprehensive Area Assessment leads and Regional Innovation and Efficiency Partnerships.

3.2   The purpose of the review is to identify and address any issues around delivery, including risks and good practice, and to help assess and benchmark progress over the three year span of LAAs. Government Office for the North West (GONW) have acknowledged that the 2008/09 annual reviews took place in the context of limited delivery data and needed to focus on local capacity and delivery arrangements of improvement targets, for example partnership working, performance management arrangements, joint commissioning and citizen engagement. Wirral's performance report for the annual review covered the following:

• Delivery arrangements for designated LAA targets

- Wherever possible, an assessment of the risks to the achievement of designated LAA targets, together with brief explanations of mitigating actions and residual risks
- Exception reporting on progress against designated targets or other national indicators
- Where appropriate, information on baseline data not available at the time of sign off.

3.3 The findings from Wirral's first annual review have been positive with feedback from GONW advising that overall, good progress had been made and some excellent examples of good practice identified. These include Wirral's Story of Place, performance on the community safety agenda, the leadership and strategy developed on under-18 conceptions, and the approach taken to use of Working Neighbourhoods Fund. GONW also praised Wirral for the commitment and resource invested in Wirral's LAA and commended the strong performance management framework that has been embedded with reporting significantly improved.

3.4 In terms of development areas, GONW were keen to better understand how Wirral is responding to the scale of the economic downturn and how the partnership were demonstrating its ambition and commitment to learning from best practice.

4 Wirral's 2008/11 refreshed Local Area Agreement

4.1 The 2008/09 review had a distinct 'refresh' element due to the number of targets which had not been finalised for the May 2008 submission. Bilateral discussions have now been concluded between Government Office North West (GONW) theme leads and Wirral's LAA block leads to agree the refresh of the targets within the 2008/11 LAA.

Appendix one of this report provides Cabinet with the refreshed version of Wirral's 2008/11 LAA.

4.2 The comprehensive spending review announced a third round of reward grant to ensure the new approach to LAAs is properly embedded. It is confirmed that Wirral will be eligible to claim, if all targets are met by 2010-2011, the amount of £2,281,175.95.

5 LAA indicators affected by the economic downturn

5.1 The following guidance has been provided from central government to clarify the refresh position for LAA improvement targets affected by the economic downturn:

LAA indicators are intended to reflect outcomes that local partners influence through service delivery but as these outcomes are not under the complete control of public services, external factors will play a part. An economic downturn and credit crisis are likely to make it more difficult to achieve certain targets, for example around increasing the housing supply and reducing worklessness. Equally there are targets which might become easier to achieve due to the same external factors, for example reducing traffic congestion, and CO2 emissions.

Where local economic circumstances change and where there is uncertainty about future economic conditions, Government's priority for local delivery is that local partnerships respond flexibly to support local communities and businesses. Local partners need to remain focussed on delivery of positive outcomes locally. There is a risk that protracted discussions about the levels of targets at this stage would detract from timely, effective action on the ground.

5.2   The final framework for comprehensive area assessment guidance also provides the following extract regarding the impact of the economic downturn:

It is important to note that a deteriorating outcome will not necessarily trigger a red flag. For example, if in our view a local partnership is taking effective action to mitigate the impact of the economic downturn (perhaps helping to keep the local increase in worklessness below the level being experienced in similar places elsewhere); a red flag would not be reported.

5.3   The LAA refresh has effectively 'locked down' targets for reward grant purposes. Central government have advised that those indicators which are most severely affected by the economic downturn will be removed from 'lock down' for the 2008/9 review and refresh process, and will now be included in the 2009/10 review and refresh process which will be completed by March 2010 where the targets will be 'locked down' for reward purposes.

5.4   For Wirral's LAA this includes the following indicators:

- NI 151 - Overall employment rate
- NI 153 - Working age people claiming out of work benefits in the worst performing neighbourhoods
- NI 154 - Net additional homes provided
- NI 155 - Number of affordable homes delivered (gross)
- NI 171 - New business registration rate

6   Financial implications

6.1   The financial implications are set out in 4.2 of this report. Failure to fully achieve the 2010/11 targets within Wirral's LAA will impact on the performance reward grant claim at the end of the LAA period.

7   Staffing implications

7.1   There are no staffing implications arising from this report.

8   Equal Opportunities implications

8.1   There are no equal opportunities implications arising directly from this report.

9   Community Safety implications

9.1 Community safety is a key theme which will be addressed through Wirral's 2008/11 LAA and associated improvement targets.

10 Local Agenda 21 implications

10.1 The environment is a key theme which will be addressed through Wirral's 2008/11 LAA and associated improvement targets.

11 Planning implications

11.1 There are no planning implications arising directly from this report.

12 Anti-poverty implications

12.1 Anti-poverty will be addressed through the Wirral's 2008/11 LAA and associated improvement targets.

13 Human Rights implications

13.1 There are no human rights implications arising from this report.

14 Social Inclusion implications

14.1 Social inclusion is a key theme which will be addressed through Wirral's 2008/11 LAA and associated improvement targets.

15 Local Member Support implications

15.1 There are no local member support implications arising directly from this report.

16 Background Papers

16.1 Cabinet report, 22nd May 2008: 2008/11 Local Area Agreement

17 Recommendations

17.1 Cabinet are recommended to note the report and Wirral's refreshed Local Area Agreement.

J. WILKIE
Deputy Chief Executive/Director of Corporate Services

This report was prepared by Lucy Beed, who can be contacted on 0151 691 8006.

WIRRAL'S PARTNERSHIP AGREEMENT 2008/9 to 2010/11

Submission to Communities and Local Government

Agreed 31 May 2008
(Refreshed 25th March 2009)

This document outlines the context and detail of Wirral's 2nd local area agreement, in line with the Local Government and Public Involvement in Health Act 2007.

Contents:

Foreword from Councillor Steve Foulkes
Chair of Wirral's local area agreement programme board

We have developed our local area agreement at the same time as developing and consulting on Wirral's sustainable community strategy. Wirral's local area agreement is intended to provide a clear sense of what Wirral is like as a place to live, work and visit. The document also captures our future ambition for the borough through a vision that is shared by Wirral's strategic partnership and forms the basis of our new local area agreement.

Wirral is fortunate to have good partnership working with a strong cross section of statutory and voluntary and community sector agencies. This partnership working has been significantly strengthened through the development and agreement of our vision for Wirral and priorities for improvement. We now have a common understanding of the big challenges in Wirral, and partners from all agencies have contributed significantly to the development of our local area agreement.

Wirral developed this local area agreement prior to the economic slowdown. The improvement targets within this document were already challenging and ambitious at the time of the original submission, however in recent months the impact of the economic downturn has started to emerge and we have entered into a recession making the achievement of many of the local area agreement improvement targets far more challenging. We will keep focussed on achieving these targets and we are introducing a wide range of measures to minimise the impact of the economic downturn in Wirral's communities. Wirral remains committed as a partnership to tackling these challenges.

As a partnership, the challenge now is to deliver these improvement targets and I look forward to the partnership making a real difference to Wirral and its communities.

Steve Foulkes

The Wirral Story:

Wirral is a borough of enormous opportunity but it also a place of sharp contrasts, with the overall picture masking stark inequalities for local people. The borough has some of the most affluent wards in the country and some that rate amongst the most deprived. Many of Wirral's citizens enjoy an excellent quality of life, with good quality housing, schools, employment opportunities and living environment. However, in Wirral's more deprived areas, which are mostly located on the east side of the borough, the lives of our citizens can be very different. These areas are characterised by pockets of high unemployment, low skills levels, poorer quality housing, unacceptable levels of anti-social behaviour and high levels of ill health.

Wirral's Local Strategic Partnership is committed to maximising Wirral's potential as a place where people want to live, work and invest. The partnership is also committed to tackling inequality. We have made progress since our first partnership strategy – *Getter Better Together* – was launched, but we want and need to do much more. The partnership is further committed to ensuring the approaches developed for solving Wirral's problems take into account the needs of all sectors of the broader community, promote fairness, accessibility and inclusion, and result in lasting improvements.

Our long term, partnership vision is:

A more prosperous and equal Wirral, enabling all communities and people to thrive and achieve their full potential

We know that in order to achieve this long-term vision, Wirral must play a more significant role in the city region economy, boost its overall economic vitality and tackle the significant inequalities that exist within health, housing, education, environment and crime. We must also plan ahead to ensure that the borough's infrastructure and services can meet future challenges such as an increasingly ageing population and maximise any opportunities they may bring.

We also need to build on our assets: a beautiful coastline, excellent housing in parts of the borough, an abundance of high quality green spaces, a well educated and skilled workforce, and a great track record in inward investment, overall educational attainment, leisure and cultural opportunities and low levels of crime and disorder.

Our vision for a more prosperous and more equal Wirral is underpinned by six delivery themes:

- Strong local economy
- Safer communities
- Health and wellbeing
- Living and working environment

- Life chances for children and young people
- Sustainable, appropriate housing

How we selected our priorities for improvement:

In order to achieve the vision outlined above, the LAA focuses on the main priorities for improvement facing the borough. These are the big challenges that need to be tackled.

The priorities for improvement were developed through a robust process, using a needs analysis to identify broad improvement areas. Each of the block / thematic partnerships developed a long list of potential improvement areas. These were reviewed through the LAA development group. The local area agreement programme board then received a business case for each area. The partnership performance team analysed these cases and rated them with a traffic light system against the four key principles for inclusion. These principles, agreed by the board are:

- Is it a problem for Wirral or a part of Wirral?
- Is it in need of improvement?
- Does it need partnership working to achieve it?
- Does the evidence base exist to prove the above?

These business cases were challenged in a series of 'dragon's den' sessions involving key partners, including representatives from Government Office for the North West, against these criteria. Once these sessions were complete, block leads were tasked with identifying the best indicators to measure progress against the improvement areas and negotiating the improvement targets. The board received regular updates on progress and presentations on additional target areas suggested by GONW.

Delivering our vision:

A **strong local economy** is fundamental to our vision for a more prosperous Wirral. We want Wirral to be a thriving, prosperous, metropolitan area contributing to growth at the heart of the Liverpool City Region. We want to expand the number and type of jobs, to increase opportunities for income growth and wealth creation for local people and reduce the numbers of people commuting outside of the borough for work. The economic downturn makes these aspirations far more challenging to achieve, however we remain committed to focussing growth and investment on the east of the borough, where social, economic and environmental problems such as long-term worklessness are most acute, and where the opportunities created will be most accessible to the greatest number of people. We also want to retain the spending of Wirral residents within the borough to ensure that increased prosperity has a positive impact on the borough's living and working environment – our high quality cultural offer will be integral to this, including the authority's tourism and coastal strategies. We are also committed to playing a full part in the emerging multi area agreement around the economy.

The improvement targets will help to deliver the local authority's enterprise and full employment plans. These plans focus on a number of areas and groups, such as lone parents, over 50s, people from minority ethnic communities and areas with rates of worklessness over 25%.

Improvement areas: worklessness, skills for employment, business start-ups

Connections to other targets: NEET, employment land and premises, CO2 emissions, congestion

Wirral has made significant progress in creating **safer communities**, with crime and the fear of crime continuing to fall across the borough. Wirral has the lowest rate of recorded crime in Merseyside and levels of burglary, violent crime, robberies and vehicle crime are amongst the lowest in the country. We want to keep improving because we know that crime is still a high priority for local people. We also want to make sure that people and businesses in the more deprived areas of Wirral do not continue to experience disproportionately high levels of crime and disorder. Tackling anti-social behaviour is a high priority for partners, and we will continue to work together to address related issues such as alcohol and improved services for the borough's young people. Another area of focus will be reducing the number of first time entrants into the youth justice system by continuing to reduce overall levels of crime.

Improvement areas: violent crime, assault, antisocial behaviour, drug-related offending, adult and child traffic accidents

Connections to other targets: first time entrants to the youth justice system, alcohol harm admissions, positive activities for young people

Wirral has a rich history of partnership working to deliver improvements in the borough's **health and well-being**. We want to continue to build on this foundation to tackle the serious issues of continuing health inequalities and an ageing population. In Wirral, those in our most affluent areas live on average over 10 years longer than those in the most deprived areas. We want to focus on activities which address those things which have an impact on life expectancy, including alcohol-related disorders, smoking and cardio vascular disease. We also want to offer improved support for people to make better lifestyle choices. We will work hard to address the challenges of developing services in line with Wirral's ageing population and the expectations of people who rightly want to remain independent for as long as possible and to have choice in how they access services. This will have significant implications for the way social care is delivered in the borough.

Improvement areas: life expectancy, independence / people helped to live at home, dementia, mental health, falls, alcohol harm admissions, smoking cessation, carers

Connections to other targets: child and adult traffic accidents, teenage conceptions, childhood obesity

Wirral's **living and working environment** is hugely important to increasing investment and prosperity, as well as having a real impact on local people's quality of life. Wirral has a culture and heritage to be proud of and it is important to our sense of identity that we retain and promote these aspects of life that impact on our living environment. We have made improvements to our environment but we are committed to doing more. Waste and recycling, street cleanliness, highway maintenance, the quality of our parks and open spaces and safety on our roads are all issues that rightly matter to local people and we recognise that all partners in Wirral can contribute to making improvements in these areas. We want a cleaner, greener Wirral for all, and we will therefore work to tackle the disparities in cleanliness standards affecting some of our more deprived areas. Another key area of focus will be on reducing the CO2 emissions per capita across the borough, and partnership working around the CRed system will be a valuable tool in achieving this target.

Improvement areas: employment land and premises, environmental cleanliness, recycling and waste minimisation, CO2 emissions,

Connections to other targets: worklessness, business start-ups, antisocial behaviour, violent crime, congestion

Life chances for children and young people in Wirral are overall very good. Most of our children and young people will fulfil the aspirations that they, we and their parents and carers have for them. They will be healthy, safe and well educated, have easy access to recreation, sport and leisure, be able to make a positive contribution to society and be well prepared for their working lives. However, while Wirral on the whole is a positive place for children and young people to grow up, some children and young people do not fulfil their potential. The high levels of poverty and deprivation in some parts of the borough undoubtedly have an impact upon children's lives and their development. Partners in Wirral want to reduce outcome gaps between children from poorer backgrounds and the population as a whole to that ensure that all of our young people have the best possible start in life.

Improvement areas: child social care referrals, NEET, DCSF statutory indicators, first time entrants to the youth justice system, childhood obesity, teenage conceptions / sexual health, looked after children

Connections to other areas: worklessness, life expectancy, antisocial behaviour

Delivering **sustainable, appropriate housing** is a challenge for all stakeholders in Wirral. We want the main priority for homes to be the creation of sustainable communities at the heart of the urban area, promoting housing market renewal and providing a greater mix in the size, type, tenure, quality and affordability of housing available, supported by a high quality environment and modern services including health and education. We also want everyone to live in a decent home. Decent housing is essential so that everyone experiences social cohesion, health, well-being and independence. Vulnerable households, which are defined as having family members on means tested or disability related benefit, are statistically more likely to live in a non-decent home compared to other households.

Improvement areas: Homelessness, decent homes for vulnerable people, net new homes built

Connections to other targets: congestion, CO2 emissions, all age, all cause mortality rates, worklessness, educational attainment

Supporting the vision:

The six themes above demonstrate how we will achieve our vision of a more prosperous and equal Wirral. To make these ambitions a reality, we need to ensure that all the supporting mechanisms are in place and effective. This includes: voluntary and community sector support, sustainability and equality appraisals, performance management and cross-cutting themes. The LAA programme board is supported by several groups working on these themes.

These include:

- Wirral Equalities Forum
  Environment & Sustainability Advisory Group
- LAA Development Group
- Research Group

The community and voluntary sector plays a key role the in development, management and delivery of the local area agreement. As well as being represented at all levels of the partnership, the sector's infrastructure is in a phase of development , including implementation of the compact agreement and the coalescence of the individual councils for voluntary service into a new organisation: Voluntary and Community Action for Wirral (VCAW). VCAW and the Network will provide the first point of engagement with the voluntary and community sector, ensuring the voices of local people and community groups can be included in the partnership.

Conclusion:

We will begin to tackle the key challenges facing Wirral will be through the delivery of our partnership agreement. This is a 3 year action plan which has been negotiated with central government to deliver improvements on Wirral's shared priorities. Wirral's LSP has identified, through a robust prioritisation process, the right improvement targets for 2008-11.

WIRRAL LAA 2008 – 2011 (Refresh): Improvement Targets

NI	National Indicators (Designated targets)	Baseline	LAA Improvement Target			Partners
			2008/09	2009/10	2010/11	
15	Serious violent crime rate	Recorded Assault with Less Serious Injury rate per 1,000 population in 2008/09 (based on mid-2007 population estimates) – to be finalised in 2009. Please note the 2010/11 figure will be calculated using mid-2009 population estimates".	Introduced in 2009/10	-3.5%	-3.5%[7]	Wirral Council Merseyside Police Youth Offending Service
20	Assault with injury crime rate	Recorded Assault with Less Serious Injury rate per 1,000 population in 2008/09 (based on mid-2007 population estimates) – to be finalised in 2009. Please note the 2010/11 figure will be calculated using mid-2009 population estimates".	Introduced in 2009/10	-2%	-2%[8]	Wirral Council Merseyside Police Youth Offending Service
38	Drug-related (Class A) offending rate [5]	Out-turn for Jan-Mar 2008 cohort. Final data available July 2009. Emerging baseline: 1.06	Introduced in 2009/10	Average 10.5% below baseline across 09/10 and 10/11 cohorts[6]		Wirral Council Merseyside Police Wirral PCT, DAAT Wirral Probation Service

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NI	National Indicators (Designated targets)	Baseline	LAA Improvement Target			Partners
			2008/09	2009/10	2010/11	
39	Alcohol-harm related hospital admission rates	2196 (2006/07)	2581	2762	2908	Wirral PCT DAAT Wirral Hospital Trust
47	People killed or seriously injured in road traffic accidents	174 (2005-07)	154 (11.3%)	138 (10.4%)	123 (11.1%)	Highways Agency Wirral Council Merseyside Police Merseyside Fire & Rescue
48	Children killed or seriously injured in road traffic accident	31 (2005-07)	26 (16.3%)	22 (15.6%)	20 (6.2%)	Highways Agency Wirral Council Merseyside Police Merseyside Fire & Rescue
55	Obesity among primary school age children in Reception Year	9.1% (2006/07)	9.23%	9.37%	9.5%	Wirral PCT Wirral Council
68	Referrals to children's social care going on to initial assessment	40.5% (2006/07)	71%	72%	75%	Wirral Council
111	First time entrants to the Youth Justice System aged 10-17	1600 (rate/100,000) (Baseline 527- 2007/08)	Introduced in 2009/10	1570	1500	Wirral Council Youth Justice Board Police
112	Under 18 conception rate	-7% (2006)	-28%	-39%	-50%	Wirral PCT Wirral Council Wirral Hospital Trust

NI	National Indicators (Designated targets)	Baseline	LAA Improvement Target			Partners
			2008/09	2009/10	2010/11	
117	16 to 18 olds who are not in education, employment and training (NEET)	9.5% 2007/08	7.40%[2] (current reward target)	7.10%	6.90%[1]	Connexions Wirral Council
120	All-age all cause mortality rate	815 (2006) Male	735	714	694	Wirral PCT Wirral Council
		529 (2006) Female	513	500	488	Wirral PCT Wirral Council
123	Stopping smoking	896 (Baseline based on average 2004-07)	896	896	896	Wirral PCT Wirral Council Wirral Hospital Trust
130	Social Care clients receiving Self Directed Support (Direct Payments and Individual Budgets)	4.9%	Introduced methodology change in 2009/10	15%	30%	Wirral Council
135	Carers receiving needs assessment or review and a specific carer's service, or advice and information	15.5% (May 2008)	18%	21.5%	25%	Wirral Council
151	Overall employment rate[3] **(WNF Reward indicator)**	69.8% (June 2007)	70.5% (0.7%)	71.2% (0.7%)	72.1% [1] (0.9%)	Wirral Council Job centre plus
153	Working age people claiming out of work benefits in the worst performing neighbourhoods [4] **(WNF Reward indicator)**	35.8% (May 07)	35.2% (-0.6%)	34.4% (-1.4%)	33.3% [1] (-2.5%)[4]	Wirral Council Job centre plus Learning and Skills Council

NI	National Indicators (Designated targets)	Baseline	LAA Improvement Target			Partners
			2008/09	2009/10	2010/11	
154	Net additional homes provided	330 (04/05-06/07)	500	500	500[1]	Wirral Council
155	Number of affordable homes delivered (gross)	99 (04/05-06/07)	149	167	187[1]	Wirral Council, Local RSLs, Developers, Housing Corporation, New Heartlands
156	Number of households living in temporary accommodation	8 (Dec 2004)	18	12	4	Rehousing Services, RSLs Supporting People
167	Congestion - average journey time per mile during the morning peak	4.12 min. sec/mile	4.3% (4.23 min. sec/mile)	4.7% (4.24 min. sec/mile)	5.1% (4.25 min. sec/mile)	Wirral Council, Merseyside Passenger Transport Authority / Executive, Merseytravel, Other Merseyside councils
171	New business registration rate	40.9 (2007)	Introduced in 2009/10	40.3	42[1]	Wirral Council NWDA Private sector
186	Per capita reduction in CO2 emissions in the Local Authority area	6 tonnes CO2 per capita (2005)	3.7%	7.5%	11.4%	Wirral Council Enworks ESTAC
192	Household waste recycled and composted	14.2% (2006/07)	34%	35.5%	37%	Wirral Council Merseyside Waste Disposal Authority

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NI	National Indicators (Designated targets)	Baseline	LAA Improvement Target			Partners
			2008/09	2009/10	2010/11	
195	Improved street and environmental cleanliness – Litter **(Primary)**	11% (2007/08)	8%	7.5%	7%	Wirral Council Merseyside Waste Disposal Authority
	Improved street and environmental cleanliness – Detritus **(Secondary)**	11% (2007/08)	10%	9%	8%	
	Improved street and environmental cleanliness – Graffiti	7% (2007/08)	Conditional to show no deterioration from baseline figure			
	Improved street and environmental cleanliness – Fly posting	1% (2007/08)	Conditional to show no deterioration from baseline figure			

[1] Targets will be reviewed at 2009/10 refresh

[2] Re the previously agreed reward element on NEET, NI 117, the counting methodology adopted at the time of the agreement will be used to measure reward performance only

[3] Please note that this data has a 95% confidence interval of +/- 3.1%

[4] Target is cumulative for the three year LAA

[5] The LAA target will be completely met if the average of Year 2 and Year 3 ratios is at least 10.5% below the final baseline ratio (available July 2009)

[6] These targets set out to achieve a reduction of 7% per annum in the baseline rate of class A drug related offending

[7] A 7% a reduction as cumulative total for 09/10 and 10/11

[8] A 4% a reduction as cumulative total for 09/10 and 10/11

Set Statutory Indicators for attainment and early years

NI	New National Indicators	Baseline	LAA Improvement Target			Partners
			2008/09	2009/10	2010/11	
72	Achievement of at least 78 points across the Early Years Foundation Stage with at least 6 in each of the scales in Personal Social and Emotional Development and Communication, Language and Literacy	46.1%	54.0%	56.0%	57.0%	Wirral Council
73	Achievement at level 4 or above in both English and Maths at Key Stage 2 (Threshold)	72.0%	Set on an academic year basis for 2009/10	77.0%	78%	Wirral Council
75	Achievement of 5 or more A*-C grades at GCSE or equivalent including English and Maths (Threshold)	48.4	52.0	55.2	57.0	Wirral Council
87	Secondary school persistent absence rate	7.1	Set on an academic year basis for 2009/10	6.4	5.5	Wirral Council

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NI	New National Indicators	Baseline	LAA Improvement Target			Partners
			2008/09	2009/10	2010/11	
92	Narrowing the gap between the lowest achieving 20% in the Early Years Foundation Stage Profile and the rest	34.3	31.5	30.2	28.9	Wirral Council
93	Progression by 2 levels in English between Key Stage 1 and Key Stage 2	78.9	Set on an academic year basis for 2009/10	86.0	87.0	Wirral Council
94	Progression by 2 levels in Maths between Key Stage 1 and Key Stage 2	72.3	Set on an academic year basis for 2009/10	79.0	82.0	Wirral Council
99	Children in care reaching level 4 in English at Key Stage 2	41.3%	Set on an academic year basis for 2009/10	44.0%	53.1%	Wirral Council
100	Children in care reaching level 4 in Maths at Key Stage 2	51.7%	Set on an academic year basis for 2009/10	44.0%	56.3%	Wirral Council

NI	New National Indicators	Baseline	LAA Improvement Target			Partners
			2008/09	2009/10	2010/11	
101	Children in care achieving 5 A*-C GCSEs (or equivalent) at Key Stage 4 (including English and Maths)	7.9%	Set on an academic year basis for 2009/10	7.4%	6.3%	Wirral Council

Local Indicators

Local indicators	Baseline	Improvement Target:			Partners
		2008/09	**2009/10**	**2010/11**	
Reducing the number of incidents of ASB	18414 (2007/08)	17917	17558	17207	Wirral Council Merseyside Police Youth Offending Service
Safely reducing the number of looked after children	606 (Feb 2006)	590	590	565	Wirral Council Wirral PCT Wirral Hospital Trust Cheshire & Wirral Partnership Trust
Young peoples participation in activities	20% (2007/08)	20%	21%	22%	Wirral Council
Clients aged 16-35 with two or more episodes of self harm in the last 12 months who subsequently become engaged in meaningful social activities	0 (2008)	2	2	2	Wirral Council Wirral Hospital Trust Cheshire & Wirral Partnership Trust Wirral PCT
People supported to live independently through social services (all adults)	2142 (2007/08)	2,185.8	2,230.05	2,274.3	Wirral Council Wirral Hospital Trust Wirral PCT
To reduce the number of people with dementia admitted to residential and nursing care 5% reduction on 2007/08 admittances	180 (2007/08)	171	162	154	Wirral Council Wirral PCT Wirral Hospital Trust Cheshire & Wirral Partnership Trust
The number of emergency unscheduled acute hospital bed days occupied by people aged 75 or more in NHS hospitals in Wirral who are admitted through fractured neck of femur as a result of a fall, as measured by PCT data	2185 (2007/08)	Introduced in 2009/10	3255	2975	Wirral PCT Wirral Council Wirral Hospital Trust

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Local indicators	Baseline	Improvement Target:			Partners
		2008/09	**2009/10**	**2010/11**	
The amount of floor space (ha) developed and brought to the market for employment use (Borough-wide)	16,598 (December 2008)	Introduced in 2009/10	16,100	16,300	Wirral Council NWDA Private sector
NVQ level 2 skills participation	3250 (2006/07)	3283	3299	3316	Wirral Council Learning & Skills Council
No. of vulnerable households assisted with at least one main energy efficiency measure under Warm Front	2665 (2006/07)	2765	2903	3048	Wirral Council, EAGA plc, Energy Saving Trust Advice Centre,
Improved street and environmental cleanliness – levels of litter and detritus in Wirral's most deprived areas	30% (2007/08)	28%	24%	20%	Wirral Council Merseyside Waste Disposal Authority
(NI 21) People who agree that the police and local councils are dealing with anti-social behaviour and crime that matter in their area	Agreed for inclusion by LAA Programme Board at its meeting – 20th January 2009 in principle subject to further discussion regarding target setting.				Wirral Council Merseyside Police

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WIRRAL COUNCIL

CABINET - 9TH APRIL 2009

REPORT OF THE DEPUTY CHIEF EXECUTIVE/DIRECTOR OF CORPORATE SERVICES

DATA QUALITY AUDIT REPORT

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1.   Executive summary

1.1   The purpose of this report is to provide Cabinet with a summary of the findings from the work undertaken by the Audit Commission during 2008 on the Authority's data quality for 2007/2008.

2.   Background

2.1   The auditors' work on data quality and performance information supports the Audit Commission's reliance on performance indicators in its service assessments for comprehensive performance assessment (CPA), enabling greater confidence in the supporting data on which performance assessments are based.

2.2   The Audit Commission used a three-stage approach for the data quality review:

Stage 1	**Management arrangements** A review using key lines of enquiry (KLOE) to determine whether proper corporate management arrangements for data quality are in place, and whether these are being applied in practice. The findings contribute to the auditor's conclusion on the Council's arrangements to secure value for money (the VFM conclusion).
Stage 2	**Analytical review** An analytical review of 2007/08 BVPI and non-BVPI data and selection of a sample for testing based on risk assessment.
Stage 3	**Data quality spot checks** In-depth review of a sample of 2007/08 PIs, most of which come from a list of specified BVPIs and non-BVPIs used in CPA, to determine whether arrangements to secure data quality are delivering accurate, timely and accessible information in practice. For 2007/08 PI spot checks, the Audit Commission specified that it is compulsory to review two housing benefits PIs at all single tier and district councils as a minimum.

2.3 Below is a summary of the Audit Commissions findings around the three stages above. More detailed findings are provided in the full Audit Commission report in Appendix 2.

Stage 1 - Management arrangements

"The Council's overall management arrangements for ensuring data quality are adequate.

Some action has been taken since last year to strengthen arrangements for data quality, including a formal policy which provides a sound foundation for promoting greater corporate ownership of data quality. This now needs time to become properly established within the organisation.

The Council could progress this by, for example, strengthening its approach to following up issues arising from internal reviews. There may also be scope for more effective use to be made of information technology in calculating indicators. More work also needs to be done to establish data quality arrangements to support partnership working."

Stage 2 - Analytical review

"The analytical review work at stage 2 identified that most of the PI values reviewed either fell within expected ranges or were substantiated by evidence. One PI, BVPI8, could not be substantiated by evidence and was therefore selected for a more detailed review at stage 3."

Stage 3 - Data quality spot checks

"With the exception of BVPI 8, the PIs identified for a stage 3 spot check were fairly stated.

In the review of BVPI 8 it was found that the Council had not followed the correct definition of the indicator. As a result the Audit Commission were unable to certify that the PI was fairly stated."

2.4 Recommendations from the findings, which have been agreed with the authority, can be found in Appendix 2.

3. Data Quality Action Plan

3.1 The Data Quality Action Plan has been developed to address the Audit Commission's recommendations. This action plan also includes recommendations made by the council's own internal audit function during 2007/08 and any outstanding recommendations made by the Audit Commission in 2006/07 where appropriate. A copy of the action plan can be found in Appendix 1.

3.2 There are several key issues / risks which have been identified in the Data Quality Action Plan and which will need to be controlled throughout the implementation of the action plan. These are:

- Failure to complete performance indicator reviews will lead to the inability to identify common data quality issues and address them accordingly;
- Communication of key messages needs to be cascaded through departments effectively for the data quality action plan to be successful;
- Failure to implement recommendations from either Internal Audit or Audit Commission will result in more issues being identified in the PI reviews;
- Failure to fully embed the data quality policy will result in a disparate application of this guidance across the council.

3.3 The data quality action plan will be implemented by the Council's performance management group with regular reports on progress provided to the Council's corporate improvement group and Audit and Risk Management Committee on a quarterly basis.

4. Data Quality Assessment 2008/09

4.1 The Use of Resources element of the Council's organisational assessment of CAA will be partly informed by an assessment of our data quality arrangements for 2008/09. The assessment will consider how well the council is managing its resources to deliver value for money, and how well the Council is managing its resources to deliver better and sustainable outcomes for local people. Data quality will feed into the Key Line of Enquiry (KLOE) 2.2 "Data Quality and Use of Information" under the "Governing the Business" theme.

4.2 The KLOE will focus upon whether the Council produces relevant and reliable data and information to support decision making and manage performance. It will specifically look at whether the council:
- Produces relevant and reliable data and works with partners to ensure the quality of partnership data;
- Understands the needs of its decision makers and provides them with information that is fit for purpose and is used to support decision making;
- Ensures data security and compliance with relevant statutory requirements; and
- Monitors performance against its priorities and targets, and addresses underperformance.

5. Financial implications

5.1 There are no immediate financial implications for Wirral resulting from this report.

6. Staffing implications

6.1 There are no staffing implications for Wirral resulting from this report.

7. Equal Opportunities implications

7.1 There are no equal opportunities implications for Wirral resulting from this report.

8. Community Safety implications

8.1 There are no community safety implications for Wirral resulting from this report.

9. Local Agenda 21

9.1 There are no environmental implications for Wirral resulting from this report.

10. Planning implications

10.1 There are no planning, land use etc. implications for Wirral resulting from this report.

11. Anti-poverty implications

11.1 There are no implications for people from deprived communities in Wirral resulting from this report.

12. Social inclusion implications

12.1 There are no implications that will potentially exclude individuals or groups from accessing services resulting from this report.

13. Local Member Support implications

13.1 There are no local member support implications arising from this report.

14. Background Papers

14.1 The following background papers were used in the preparation of this report:-
   - Data Quality Report - Audit 2007/2008 - Audit Commission (Jan 2009)

15. Recommendations

15.1 Cabinet note the Audit Commission's findings and the recommendations arising from the review.

15.2 Cabinet note the Audit Commission's requirements for assessing data quality for 2008/09 as part of the Use of Resources assessment.

15.2　　Cabinet approve the implementation of the data quality action plan to address these recommendations, and approve the quarterly reporting of this action plan to the Corporate Improvement Group with an annual report to the Audit and Risk Management Committee.

J. WILKIE
Deputy Chief Executive/Director of Corporate Services

This report was prepared by Bev McEneany, who can be contacted on 0151 691 8164.

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Data Quality Action Plan

Recommendation Number	Action	Lead	Date	Status
R1a, R2a,b	Refresh Terms of Reference for Performance Management Group and Corporate Improvement Group	Performance Management Group & Corporate Improvement Group	March 2009	In Progress
R1a,b,d, R2a,b,c R4	Refresh Data Quality Policy	Corporate Performance Team	March 2009	In Progress
R1b, R7, R10, R11	Complete performance indicator (PI) reviews for national indicator set and local indicators	Performance Management Group	NI Set May 09	In Progress
R1b	Analyse PI reviews; escalate issues to Internal Audit; develop 'Common Themes' action plan including the development of a PI for monitoring PI reviews	Performance Management Group / Corporate Performance Team	June 09	Awaiting completion of PI reviews
R1a,c, R2	Quarterly reporting on Data Quality Action plan and cascading messages through Departmental Management Teams	Performance Management Group / Corporate Performance Team	1st Report June 09	Planned

Recommendation Number	Action	Lead	Date	Status
R2	Create Partnership Data Quality Agreement and make available on LSP website	Performance Management Group / Corporate Performance Team	June 2009	In Progress
R3, R8	Evaluation of all Council systems used to calculate PIs and the implementation of any Internal Audit recommendations	Internal Audit / Corporate Performance Team	June 2009	In Discussion
R4	Chief Officers are requested to ensure that data quality features in KIE reviews for all responsible and calculating officers.	Corporate Performance Team / Human Resources	April 2009	In Progress
R5	Support the roll out of the Data Quality Workshop, and identification of communication channels and best practise to share from each department.	Performance Management Group / Corporate Performance Team	June 2009	Planned
R6	Analyse scrutiny & cabinet dates and consider the possibility of making reports available earlier via the virtual server.	Corporate Performance Team	March 2009	In Progress
R8, R9, R11	Review previous Internal Audit Reports to ensure any previous recommendations have / will be carried out	Performance Management Group / Corporate Performance Team	March 2009	In Progress

Data Quality Report
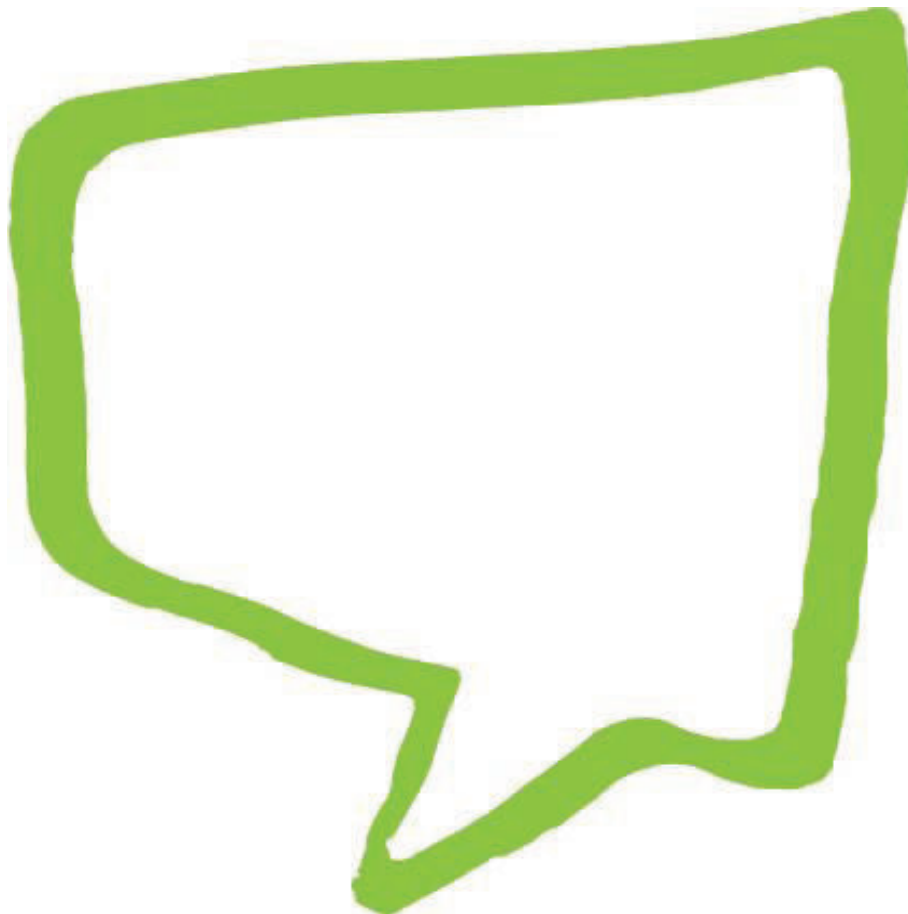
Contents

Status of our reports

The Statement of Responsibilities of Auditors and Audited Bodies issued by the Audit Commission explains the respective responsibilities of auditors and of the audited body. Reports prepared by appointed auditors are addressed to non-executive directors/members or officers. They are prepared for the sole use of the audited body. Auditors accept no responsibility to:

- any director/member or officer in their individual capacity; or
- any third party.

Introduction

1   The purpose of this report is to summarise the findings from our work on data quality for 2007/08.

2   Auditors' work on data quality and performance information supports the Audit Commission's reliance on performance indicators (PI) in its service assessments for comprehensive performance assessment (CPA).

3   Our work on data quality is complemented by the Audit Commission's paper, 'Improving information to support decision making: standards for better quality data'. This paper sets out standards, for adoption on a voluntary basis, to support improvement in data quality. The expected impact of the Audit Commission's work on data quality is that it will drive improvement in the quality of local government performance information, leading to greater confidence in the supporting data on which performance assessments are based.

Scope of our work

4   We have followed the Audit Commission's three-stage approach to the review of data quality as set out in Table 1.

Table 1   Data quality approach

Stage 1	Management arrangements
	A review using key lines of enquiry (KLOE) to determine whether proper corporate management arrangements for data quality are in place, and whether these are being applied in practice. The findings contribute to the auditor's conclusion under the Code of Audit Practice on the Council's arrangements to secure value for money (the VFM conclusion).
Stage 2	Analytical review
	An analytical review of 2007/08 BVPI and non-BVPI data and selection of a sample for testing based on risk assessment.
Stage 3	Data quality spot checks
	In-depth review of a sample of 2007/08 PIs most of which come from a list of specified BVPIs and non-BVPIs used in CPA, to determine whether arrangements to secure data quality are delivering accurate, timely and accessible information in practice. For 2007/08 PI spot checks, the Audit Commission specified that it is compulsory to review two housing benefits PIs at all single tier and district councils as a minimum.

5 In addition to the specified indicators we selected for review one non-specified performance indicator - BVPI 8.

Summary conclusions

Stage 1 – Management arrangements

6 The Council's overall management arrangements for ensuring data quality are adequate.

7 Some action has been taken since last year to strengthen arrangements for data quality. Most notably, the Council has implemented a formal policy which now provides a sound foundation for promoting greater corporate ownership of data quality. Like all new policies, this now needs time to become properly established within the organisation in order for the Council to fully realise the benefits. Nevertheless, the Council could progress this by, for example, strengthening its approach to following up issues arising from internal reviews through action planning and training. Our review has also indicated that there may be scope for more effective use to be made of information technology in calculating indicators. This, in turn, may help the Council to improve the timeliness of its performance reports to Cabinet and overview and scrutiny committees. More work also needs to be done to establish data quality arrangements to support partnership working.

Stage 2 – Analytical review

8 Our analytical review work at Stage 2 identified that most of the PI values reviewed either fell within expected ranges or were substantiated by evidence. One PI, BVPI 8, could not be substantiated by evidence and was therefore selected for a more detailed review at Stage 3.

9 We have listed the PIs selected for analytical review in table 2.

Stage 3 – Data quality spot checks

10 We reviewed and spot checked the following PIs.

- BVPI 78a - Time taken to process new claims.
- BVPI 78b - Time taken to process change of circumstances.
- BVPI 82a - Recycling performance.
- HIP HSSA - Private sector homes vacant.
- HIP HSSA - Repeat homelessness.
- BVPI 8 - Percentages of invoices paid on time.

11 With the exception of BVPI 8, we found that the PIs were fairly stated.

Introduction

12 In our review of BVPI 8, we found that the Council had not followed the correct definition of the indicator. As a result, some data which should have been included in the calculation was not, and vice versa. The Council has re-run the data but have not been able to identify and remove all of the data which should not be included in the calculation, or to identify data which should be included. We are therefore unable to certify that the PI was fairly stated.

13 Last year we found a number of issues in the collection and validation of source data for HIP HSSA private sector homes vacant which meant that the PI had to be recalculated and amended following our review. We included a spot-check of this PI in this year's audit to assess progress. We found that, although no amendment was required, there remains scope for improving the way in which the indicator is calculated. In particular, more effective use could be made of existing information systems which would significantly reduce the amount of time officers spend on manipulating the data to perform the calculation.

14 An action plan has been agreed with the Council to address the issues arising from this review. This is set out at Appendix 1 of this report.

Detailed findings

Management arrangements (Stage 1)

15 We review the management arrangements to determine whether corporate management arrangements for data quality are in place and whether there is evidence that they are being applied in practice.

16 The scope of the review is to focus on corporate arrangements across five themes.

17 Overall, we have assessed that the Council's corporate arrangements for data quality as adequate.

Governance and leadership

18 The Council is committed to improving the quality of its data, and this is supported by clear leadership at a very senior level in the organisation. Over the last year, the Council has rolled out a corporate data quality policy with the result that the roles and responsibilities of relevant staff at an operational level are also now more clearly defined.

19 There is scope for the Council to build on its arrangements for providing governance and leadership on data quality. This could be achieved by:

- Establishing a more corporate approach to action planning and setting specific targets for improvement:

  – Action plans are produced by individual service areas to address opportunities for improvement highlighted by internal audit reviews. The Council's Performance Management Group (PMG) could help support this process by developing action plans and overall targets which address the common themes and issues arising from service reviews, and regularly reviewing progress against these plans and targets.

- Strengthening communication between the various groups and individuals with responsibility for data quality:

  – Both the PMG and the Corporate Improvement Group (CIG) have a role in championing data quality at the Council. Clarifying what this role specifically means for the two groups and establishing more formal lines of reporting between them would improve the capacity of the two groups for providing leadership. These actions, in turn, would also help raise the profile of data quality issues at departmental management team level.

  – Members of the Audit and Risk Management Committee have a role in overseeing and providing scrutiny for data quality at the Council. Producing more frequent reports on key issues and the actions being taken to improve data quality for this Committee would help to discharge this role effectively.

Recommendation
R1 Strengthen arrangements for providing leadership and governance on data quality by:
• clarifying the respective roles and responsibilities of the CIG and PMG specifically for championing data quality;
• developing an action plan which addresses common themes from service based reviews of data quality and includes measurable targets for improvement, and keeping progress against the plans and targets under regular review within the forum of the PMG;
• producing regular reports for the CIG on progress against the action plan and targets, and ensuring that key messages are being communicated back to departmental management teams through both the CIG and PMG; and
• producing an annual report on progress against the action plan and targets for the Audit and Risk Management Committee.
Implementing this recommendation will help the Council to further develop its corporate approach to ensuring the quality of its data. We do not anticipate that implementing this recommendation will incur significant cost.

Policies

20 As noted above, the Council has rolled out a formal data quality policy in the last year. This provides a good framework for promoting greater corporate ownership and collective responsibility for data quality because the expected roles of all relevant staff are now clearly defined.

21 The value of the data quality policy in facilitating improvements could be further increased by clarifying:

- the respective roles and responsibilities of CIG and PMG specifically for championing data quality (as raised in the previous section);
- the respective roles and responsibilities of internal audit and of PMG in reviewing data quality at service level;
- requirements for validating third party data; and
- arrangements for data sharing to support partnership working.

22 Although the Council took particular steps to ensuring that all relevant staff received and understood the data quality policy, our review found that the policy is not yet being consistently implemented. New policies inevitably take some time to become properly established within any organisation but addressing the recommendation we have made in the previous section will help the Council to quicken this process.

Recommendation

R2 Refine the corporate data quality policy by:

- documenting the respective roles and responsibilities of CIG and PMG for championing data quality (see also recommendation 1);

- clarifying the respective roles and responsibilities of internal audit and of PMG in reviewing data quality at service level; and

- defining the requirements for validating third party data and arrangements for data sharing to support partnership working.

Implementing this recommendation will help the Council realise the full potential of the data quality policy in supporting and facilitating improvements. We do not anticipate that implementing this recommendation will incur significant cost.

Systems and processes

23 As part of its overall commitment to data quality, the Council is striving to produce performance information which is 'right first time', and the action which it has taken over the last year has established a good foundation for achieving this. The data quality policy now provides an explicit statement of the Council's expectations of all relevant staff, and a programme of peer reviews by the PMG has been introduced to run alongside the work of internal audit in assessing data processes at service level. These developments reinforce the message that data quality is 'everybody's business' and complement existing arrangements for ensuring business continuity and data security.

24 As previously stated, the Council now needs to ensure that these developments become properly established within the organisation, and the recommendations we have made in the previous sections will facilitate this.

25 Nevertheless, there is scope for the Council to make more effective use of information systems to calculate performance indicators. Our stage three work found a number of instances where the raw data needed was being provided by information systems, but this then required considerable manual manipulation to calculate the indicator. This not only increases the risk of error in the calculation but is also a time-consuming process which diverts officers from service delivery.

Recommendation

R3 Within each service area, evaluate how information systems are being used to calculate performance indicators and take appropriate action to address any opportunities for improvement identified by this review.

Implementing this recommendation will help the Council ensure that performance indicators are being calculated in the most efficient and effective way. We do not anticipate that implementing this recommendation will incur significant cost.

People and skills

26 The Council is committed to ensuring that relevant staff are clear on their roles and responsibilities for data quality, and the production of the new data quality policy supports this.

27 To calculate a performance indicator for a particular service, the processes and procedures which need to be followed will be very specific to that service. The Council's data quality policy therefore rightly places a requirement on individual departments to provide training for staff on these procedures.

28 Action now needs to be taken to better integrate data quality within arrangements for staff training and development. Although all relevant staff were required to confirm their understanding of the data quality policy when it was issued and to agree to implement it within their service area, their performance against data quality standards and targets is not consistently covered in appraisals. As such, some development needs may not be addressed.

29 Some work also needs to done at a more corporate level to complement and reinforce this. For example, periodic updates, briefings or training sessions could be provided for staff to address common issues arising from the data quality reviews undertaken by internal audit and PMG.

Recommendations
R4 Put arrangements in place to ensure that performance against data quality standards and targets is consistently covered in appraisals for staff with specific responsibilities for data quality, and that action is taken to address any development needs identified by these appraisals.
R5 Put arrangements in place to ensure that common issues and opportunities for improvement arising from data quality reviews undertaken by internal audit and PMG are communicated to all relevant staff.
Implementing these recommendations will help the Council ensure that all relevant staff are sufficiently skilled and appropriately supported to deliver the requirements of the corporate data quality policy. We do not anticipate that implementing this recommendation will incur significant cost.

Data use and reporting

30 The Council may not yet be making optimal use of performance information to manage services. As we would expect, performance reports to senior officers and members highlight areas of under-performance and include a commentary on the action being taken to improve performance. However, we note that the reports made to Cabinet and the various overview and scrutiny committees are frequently some three months after the quarter end. This makes it difficult for members to provide effective challenge.

Recommendation	
R6	Investigate the factors which impact on the timeliness of performance reports to Cabinet and the overview and scrutiny committees, and take action to address any issues identified by this review.
	Implementing this recommendation will help the Council to improve the capacity of its members for providing effective scrutiny and challenge to performance. We do not anticipate that implementing this recommendation will incur significant cost.

Analytical review (Stage 2)

31 An analytical review of the following BVPIs and non-BVPIs was carried out. The findings, subject to the validation of a sample of PIs in stage 3 spot checks, are shown below.

Table 2   Analytical review findings

2007/08 Performance indicator	Assessment	Comment
BVPI 100 Temporary road closure	Value outside Audit Commission parameters	Less work than anticipated was carried out therefore leading to less road closures.
BVPI 11B Percentage of top 5 per cent earners from black and minority ethnic communities	Value outside Audit Commission parameters	Change in value due to additional employment of staff.
BVPI 11c Top 5 per cent of earners that have a disability	Value outside Audit Commission parameters	Increase due to Council investing resources.
BVPI 12 Number of working days lost due to sickness absence	Value outside Audit Commission parameters	Real decrease in performance.
BVPI 126 Domestic burglaries per 1,000 households	Value outside Audit Commission parameters	Improvement due to a combination of initiatives. Information to monitor this target is produced by Merseyside Police.
BVPI 127a Violent crime per 1,000 population	Value outside Audit Commission parameters	Improvement due to a revised approach to tackling crime lead by the Joint Community Safety team.
BVPI 127b Robberies per 1,000 population	Value outside Audit Commission parameters	Improvement due to CCTV operations, marketing advice to potential victims and high visibility patrolling. Information to monitor this target is produced by Merseyside Police.
BVPI 128 Vehicle crimes per 1,000 population	Value outside Audit Commission parameters	Information to monitor this target is produced by Merseyside Police.
BVPI 14 Percentage of early retirements	Value outside Audit Commission parameters	Decease due to change in the retirement's rules and changes.

2007/08 Performance indicator	Assessment	Comment
BVPI 15 Percentage of ill health retirements	Value outside Audit Commission parameters	Decrease due to changes in the rules on ill health retirements.
BVPI 17a Percentage of black and ethnic minority employees	Value outside Audit Commission parameters	Increase due to Council investing resources in this area.
BVPI 199 a, b and c Cleanliness of public places	Value outside Audit Commission parameters	Increase due to Council investing resources in this area.
BVPI 218b Number of abandoned vehicles (non-specified)	Value outside Audit Commission parameters	Increase due to Council investing resources in this area.
BVPI 221b Participation in and outcomes from youth work	Value outside Audit Commission parameters	Increase due to Council investing resources in this area.
BVPI 223 Condition of principal roads	Value outside Audit Commission parameters	Results produced in accordance with DFT 'Further Guidance for Surveys for BV223 & 224a in 2007/08' using revised set of thresholds and weightings, resulting in significantly lower figure.
BVPI 224 a and b Condition of Principal and non principal roads	Value outside Audit Commission parameters	Results produced in accordance with DFT 'Further Guidance for Surveys for BV223 & 224a in 2007/08' using revised set of thresholds and weightings, resulting in significantly lower figure.
BVPI 45 Absence in secondary schools	Value outside Audit Commission parameters	Increase due to Council investing resources in this area.
BVPI 46 Absence in primary schools	Value outside Audit Commission parameters	Increase due to Council investing resources in this area.

2007/08 Performance indicator	Assessment	Comment
BVPI 76b Number of housing benefit investigations per 1,000 caseload	Value outside Audit Commission parameters	Decrease due to a vacancy in post
BVPI 76d Number of housing benefit prosecutions and sanctions per 1,000 caseload	Value outside Audit Commission parameters	Increase due to Council investing resources in this area.
BVPI 79b (iii) HB overpayments written off as a percentage of the total amount of HB overpayment debt outstanding at the start of the year, plus amount of HB overpayments identified during the year.	Value outside Audit Commission parameters	Reduction in write offs enabling attempts and ability to recover more overpayment debt.
BVPI 8 Invoices paid on time (non-specified)	Value outside Audit Commission parameters	Selected for stage 3 testing.
BVPI 82 a and b Household waste management	Value outside Audit Commission parameters	Selected for stage 3 testing.
BVPI 99 a, b and c Road accident casualties	Value outside Audit Commission parameters	Improvements due to targeted activities in this area.

32 All other PIs reviewed were found to be complete and within plausible and permissible values.

Data quality spot checks (Stage 3)

33 A number of PIs were reviewed using a series of detailed spot checks and audit tests. Our findings are shown below.

Table 3   Spot check findings

Performance indicator	Outturn PI value	Assessment	Comment
Housing Benefits BVPI 78a Number of days processing new claims	22.4	Fairly stated.	One of the 30 cases tested within the initial sample was not accurately calculated, requiring extending our sample by 40 cases. The overall results were that the PI was 4.86 per cent misstated. However, as this error level is within the 10 per cent materiality threshold the PI was assessed as fairly stated.
Housing Benefits BVPI 78b Number of days processing change of circumstances	9.4	Fairly stated.	Three of the 30 cases in our initial sample were not accurately calculated. We extended our testing by a further 40 cases. The overall results were that the PI was 4.29 per cent misstated. However, as this error level is within 10 per cent materiality threshold the PI was assessed as fairly stated.
Environment 82a Recycling performance	21.1 (percentage) 28653.73 (tonnage)	Fairly stated	Our testing concluded that controls are operating effectively and the correct definition is being used for the calculation of this PI.

Performance indicator	Outturn PI value	Assessment	Comment
Housing HIP HSSA Private sector homes vacant	1.71	Fairly stated	Out testing concluded that the PI is fairly stated. The empty properties team has addressed the opportunities for improvement identified following last year's review. However, the team is continuing to experience considerable difficulties in compiling the indicator which could be easily remedied by setting up queries (SQLs) to interrogate the Council Tax system (Academy). More effective use could also be made of officer time in validating the data on empty properties, again through improved working with staff within the Council Tax section. The empty properties team is already taking action to try and address this.
Housing HIP HSSA Repeat homelessness	5	Fairly stated	Our spot check testing found that the PI was fairly stated. However, we found that the corporate DQ policy has not yet been fully implemented. Guidance/procedures for calculating the indicator are not yet documented in all service areas. There is also scope to make more effective use of IT in the calculation of indicators. Data has required some manual manipulation which has demanded officer time and increased the risk of error. In addition there is scope to extend corporate training/briefing on common DQ issues.

Performance indicator	Outturn PI value	Assessment	Comment
Corporate Health BVPI 8 Percentage of Undisputed Invoices Paid on Time	72.83	Unfairly stated	The Council had not applied the correct definition in the calculation of BVPI 8. As a result some data which should have been included in the calculation was not, and vice versa. The Council has re-run the data but were unable to fully identify and remove incorrect data, and were unable to generate source data from their systems which has been incorrectly excluded. We were therefore unable to certify that the PI was fairly stated. Internal audit has carried out a specific review of BVPI 8 in 2007/08 which was reported to the Council in October 2007. It concluded that overall the control environment for the calculation of PI is less than satisfactory, and identified specifically that *'currently the calculation of the PI does not appear to be in accordance with the formula prescribed by the Audit Commission',* and recommended that the calculation of the PI should be revisited to reflect the guidance provided by the Audit Commission. It is evident that these recommendations have not been implemented.

34 From April 2008 Councils are to collect data in line with the new national indication set (NIS). In total there are 198 indicators in this set which will be reported in for every Local Strategic Partnership.

Detailed findings

35   Data for many of these indicators (just under 50 per cent) are already being collected, and many of the existing indicators are subsumed into revised indicators from the new NIS. It is therefore crucial that the Council fully revisits its management arrangements in order to ensure that they are correctly collecting and reporting data in line with the new requirements of the NIS.

36   Whilst we concluded that BVPIs 78a and 78b were within material limits, our testing identified a number of errors of recording within the system of the date that claims or change in circumstances were received. The Council should review its compliance testing arrangements to ensure that data collected and reported for these PIs is robust. These two indicators are being reported via NI 181 from 2008/09.

37   In the case of BVPI 8, this indicator is being ceased in its current format from 2008/09 within the new NI set. However invoice processing and payments is now seen as part of the process of providing some of the services listed within other indicators, for example NI 14. In compiling these indicators it is assumed that the Council has robust processes in place to collect, monitor and report on the source data. We would urge Corporate Services to revisit the recommendations made in the internal audit report to ensure that they are equipped to report on the new national indicators.

Recommendations	
R7	The Council should review its compliance testing arrangements to ensure that data collected and reported for Housing Benefits PIs is robust.
R8	The Council have improved in their reporting of HIP HSSA - Private sector homes vacant; however they are continuing to experience considerable difficulties in compiling the indicator which could be easily remedied by setting up queries (SQLs) to interrogate the Council Tax system (Academy). More effective use could also be made of officer time in validating the data on empty properties, again through improved working with staff within the Council Tax section.
R9	Our spot check testing found HIP HSSA repeat homelessness indicator was fairly stated. However, we found that the corporate DQ policy has not yet been fully implemented. Guidance/procedures for calculating the indicator are not yet documented in all service areas. There is further scope to make more effective use of IT in the calculation of indicators. Data has required some manual manipulation which has demanded officer time and increased the risk of error. In addition there is scope to extend corporate training/briefing on common DQ issues.
R10	The Council should carry out a review of its management arrangements in order to ensure that they are correctly collecting and reporting data in line with the new requirements of the NIS.
R11	We would urge Corporate Services to revisit the recommendations made in the internal audit report to ensure that they are equipped to report on the new national indicators.

Appendix 1 – Action Plan

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
7	R1 Strengthen arrangements for providing leadership and governance on data quality by: • clarifying the respective roles and responsibilities of the CIG and PMG specifically for championing data quality; • developing an action plan which addresses common themes from service based reviews of data quality and includes measurable targets for improvement, and keeping progress against the plans and targets under regular review within the forum of the PMG; • producing regular reports for the CIG on progress against the action plan and targets, and ensuring that key messages are being communicated back to departmental management teams through both the CIG and PMG; and • producing an annual report on progress against the action plan and targets for the Audit and Risk Management Committee.	3	Head of Policy / Corporate Performance Manager	Yes	To be developed by performance management group and corporate improvement group	By 31 March 2009

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
	Implementing this recommendation will help the Council to further develop its corporate approach to ensuring the quality of its data. We do not anticipate that implementing this recommendation will incur significant cost.					
8	R2 Refine the corporate data quality policy by: • documenting the respective roles and responsibilities of CIG and PMG for championing data quality (see also recommendation 1); • clarifying the respective roles and responsibilities of internal audit and of PMG in reviewing data quality at service level; and • defining the requirements for validating third party data and arrangements for data sharing to support partnership working. Implementing this recommendation will help the Council realise the full potential of the data quality policy in supporting and facilitating improvements. We do not anticipate that implementing this recommendation will incur significant cost.	3	Head of Policy / Corporate Performance Manager	Yes in part	The third bullet will require a significant amount of effort to establish all requirements for data sharing between partners. This may well bring a significant cost implication and individual partners have their own regulatory frameworks regarding data sharing and audit. It is not practical to assume that the authority's DQP will define all requirements for partners. We would look for the Commission to agree with the combined inspectorates how it wishes to tackle auditing data quality and provide further guidance on this to the local authority.	By 31 March 2009

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Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
8	R3 Within each service area, evaluate how information systems are being used to calculate performance indicators and take appropriate action to address any opportunities for improvement identified by this review. Implementing this recommendation will help the Council ensure that performance indicators are being calculated in the most efficient and effective way. We do not anticipate that implementing this recommendation will incur significant cost.	2	Head of Policy for overall process. Relevant heads of service for all indicators.	Yes	Any system changes must be cost effective and it is not clear that they will not incur significant cost.	By 31 March 2009
9	R4 Put arrangements in place to ensure that performance against data quality standards and targets is consistently covered in appraisals for staff with specific responsibilities for data quality, and that action is taken to address any development needs identified by these appraisals.			No as worded	The KIE framework is currently under review and this will provide an opportunity to incorporate a council policy to address this recommendation. Ultimate responsibility will be for the chief officer of the relevant department to ensure this is implemented. Auditing this to ensure it happens would be prohibitively expensive and would not generate sufficient benefit to justify the cost.	

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
9	R5 Put arrangements in place to ensure that common issues and opportunities for improvement arising from data quality reviews undertaken by internal audit and PMG are communicated to all relevant staff. Implementing these recommendations will help the Council ensure that all relevant staff are sufficiently skilled and appropriately supported to deliver the requirements of the corporate data quality policy. We do not anticipate that implementing this recommendation will incur significant cost.	2	Corporate Performance Manager	Yes	Performance management group will lead on circulating information within their departments.	By 31 March 2009
10	R6 Investigate the factors which impact on the timeliness of performance reports to Cabinet and the overview and scrutiny committees, and take action to address any issues identified by this review. Implementing this recommendation will help the Council to improve the capacity of its members for providing effective scrutiny and challenge to performance. We do not anticipate that implementing this recommendation will incur significant cost.	2	Head of Policy / Corporate Performance Manager	Yes	This has already been improved during 2008/9, particularly for chief officers and cabinet. The number of meetings contained within the Council timetable makes it difficult to provide timely reports to Overview & Scrutiny committees. However, in the light of the adoption of the new Corporate Plan, Cabinet is minded therefore to consider recommending to Council a system where five Overview and Scrutiny Committees mirror instead the five agreed Corporate Objectives in order to allow those committees to play a real part in delivering the Council's agreed agenda.	By 31 March 2009

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Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
					However, Cabinet realises that this is an issue that will need substantial consultation and debate with all those concerned and therefore agrees to review the position with the object of taking new proposals, with detailed terms of reference, to the appropriate Council to take effect from the next Council AGM.	
17	R7 The Council should review its compliance testing arrangements to ensure that data collected and reported for Housing Benefits PIs is robust.	2	Head of Revenues, Benefits and Customer Service / Housing benefit section	Yes	Performance indicators have been replaced by just 2 National Indicators for 2008/09 and specific tests are in place to identify errors in recording of data which may impact on those indicators.	By 31 March 2009
17	R8 The Council have improved in their reporting of HIP HSSA - Private sector homes vacant; however they are continuing to experience considerable difficulties in compiling the indicator which could be easily remedied by setting up queries (SQLs) to interrogate the Council Tax system (Academy). More effective use could also be made of officer time in validating the data on empty properties, again through improved working with staff within the Council Tax section.	2	Head of Housing / Head of Benefits, Revenues and Customer Services	Yes	Communication has been established between the relevant sections to address this recommendation.\n\nWork is also underway to reference other best practice authorities to address this recommendation	July 2009

Page no.	Recommendation	Priority 1 = Low 2 = Med 3 = High	Responsibility	Agreed	Comments	Date
17	R9 Our spot check testing found HIP HSSA repeat homelessness indicator was fairly stated. However, we found that the corporate DQ policy has not yet been fully implemented. Guidance/procedures for calculating the indicator are not yet documented in all service areas. There is further scope to make more effective use of IT in the calculation of indicators. Data has required some manual manipulation which has demanded officer time and increased the risk of error. In addition there is scope to extend corporate training/briefing on common DQ issues.	3	Corporate Performance Manager / Head of Housing	Yes	Data collection will now be fully aided the recent installation of a homelessness IT system. Wirral's data quality policy was circulated by the Chief Executive to all relevant staff. Further training will be provided regarding data quality and Wirral's data quality policy to ensure full implementation. Guidance and procedure notes for calculation will be documented in all areas and will be checked through spot checks coordinated by the corporate performance team.	Complete March 2009
17	R10 The Council should carry out a review of its management arrangements in order to ensure that they are correctly collecting and reporting data in line with the new requirements of the NIS.	2	Head of Policy	Yes	This is already underway, however many of the arrangements are either set by central government or have not yet been clarified by government departments.	By 31 March 09
17	R11 We would urge Corporate services to revisit the recommendations made in the internal audit report to ensure that they are equipped to report on the new national indicators.	2	Head of Policy	Yes	We have already reviewed the NIS and refer to R7 above.	By 31 March 09

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The Audit Commission

The Audit Commission is an independent watchdog, driving economy, efficiency and effectiveness in local public services to deliver better outcomes for everyone.

Our work across local government, health, housing, community safety and fire and rescue services means that we have a unique perspective. We promote value for money for taxpayers, auditing the £200 billion spent by 11,000 local public bodies.

As a force for improvement, we work in partnership to assess local public services and make practical recommendations for promoting a better quality of life for local people.

WIRRAL COUNCIL

CABINET

9 APRIL 2009

REPORT OF THE DIRECTOR OF FINANCE

EQUALITY AND DIVERSITY IN PROCUREMENT

1. **EXECUTIVE SUMMARY**

1.1 The Council acknowledges that embedding equality and diversity across the whole organisation includes ensuring those who provide services on its behalf also promote equality of opportunity.

1.2. The IDeA will be visiting the Council in May 2009 to conduct a peer challenge for the Council to achieve Level 3 of the Equality Standard for Local Government (ESLG).

1.3 This report seeks Cabinet approval of processes to be adopted for the letting and monitoring of contracts to comply with the Council's Equalities and Diversity objectives.

2. **BACKGROUND**

2.1 The Corporate Procurement Strategy 2008 -11 was approved by Cabinet on 4 September 2008. There are ten procurement objectives within the Strategy that are designed to ensure that procurement supports and contributes to the realisation of Council aims and key objectives.

2.2 Procurement objective (vi) states:

'Demonstrating improvement in the **equality of opportunity**
and the promotion of good relationships between people
within a diverse community in all procurement activity'.

2.3 In support of the above objective three key challenges have been identified within the Strategy:

      a.   Equality Standard for Local Government:-
               The Procurement Strategy will contribute towards achieving
               Levels 3/4/5 of the Equality Standard for Local Government.

      b   'A Framework for a Fairer Future':-
               The Equality Bill will require that all Council procurement activity
               takes account of new duties.

c. Monitoring of Equality in Procurement: - There will be a new monitoring policy for Equalities in Procurement.

2.4 In April 2008 a Task Group was setup to address the gaps in Equality and Diversity within the procurement activity of the Council, with a view to supporting the Council in achieving Level 3 of the ESLG.

2.5 The Group first met in May 2008 and identified areas of improvement required to achieve the standard. The Group has agreed that, with the exception of the monitoring of contracts, processes and procedures are available to achieve the standard, including the following:

Corporate Procurement Strategy
Evaluation Models / Guidance
Code of Practice for Equalities in Procurement
Code of Practice for Equalities in Procurement Checklist
Pre Qualification Questionnaire
Terms & Conditions of Contract

2.6 All of the above need to be embedded within departmental procedures. Once this has been done, and processes have been agreed and implemented, the Council will be in concert with level 3/4 ESLG, within procurement.

2.7 Documentation and processes have been developed and agreed by the departmental task group members and documents are outlined in Appendix 1.

3. **PROCUREMENT AND EQUALITY PROCESS**

3.1 A summary of the procurement and equality process for contractors includes:

- Equality Impact Assessments conducted on all relevant contracts.
- All contracts will be required to adhere to standard terms and conditions, which contain a specific clause on equality.
- Contractors will be advised, at the pre-tender stage, whether the contract is deemed to be relevant to equality and what contractors need to complete as a result.
- Each contract will be given a low, medium or high relevance to equality.
- If equality is deemed of low relevance, contractors will be required to complete Section A of the Equalities Questionnaire.
- If equality is deemed to be of high or medium relevance, contractors will be asked to complete Section A and B of the Equalities Questionnaire.
- All contracts with a value of £1 million or over will be considered of high relevance to equality and will be required to complete Section A and B of the Equalities Questionnaire.
- The successful contractor will be required to submit and complete particular tasks at each contract review session depending on the assessed relevance of the contract to equality.

3.2 Each contractor will be provided with a pack to assist with meeting the requirements for equality and diversity. This pack will consist of:

- A copy of "Integrating Equality into Procurement - Guidance for Contractors"
- A copy of "Valuing Diversity – What does it mean to you?" which details the position on diversity.
- A list of Frequently Asked Questions
- A list of useful websites

4. FINANCIAL IMPLICATIONS

4.1 There are none arising directly from this report.

5. STAFFING IMPLICATIONS

5.1 There are no direct staffing implications arising from this report.

6. EQUAL OPPORTUNITY IMPLICATIONS

6.1 There are none arising directly from this report.

7. HUMAN RIGHTS IMPLICATIONS

7.1 There are none arising directly from this report.

8. COMMUNITY SAFETY IMPLICATIONS

8.1 There are no specific implications arising directly from this report.

9. LOCAL MEMBER SUPPORT IMPLICATIONS

91 There are no specific implications for any Member of Ward.

10.0 LOCAL AGENDA 21 IMPLICATIONS

10.1 There are no specific implications arising directly from this report.

11. PLANNING IMPLICATIONS

11.1 There are no specific implications arising directly from this report.

12. BACKGROUND PAPERS

12.1 Corporate Procurement Strategy 2008 – 2011 – September 2008.

13. **RECOMMENDATION**

13.1 That Cabinet approve the adoption of the letting and monitoring processes for Equalities and Diversity, outlined within this report, in all Council procurement activity.

                                              IAN COLEMAN
                                              DIRECTOR OF FINANCE

FNCE/77/09

Below is a summary of the new documents for letting and monitoring of Equalities and Diversity in all Council procurement activity:

Integrating Equality and Diversity into Procurement

In accordance with The Corporate Equality Policy and Strategy

1. Guidance for Procurement Officers:

CONTENTS

1.	Overview
2.	Why include Equality & Diversity in Procurement?
3.	The role of Procurement in promoting Equality
4.	Legal Background
5.	Standing Orders
Appendix 1	Determining whether equality is a core contractual requirement?
Appendix 2	Equalities Questionnaire
Appendix 3	Guidance in answering Equalities Questionnaire
Appendix 4	Required documentation from contractors
Appendix 5	The Contract Review – Equality Check Sheet (Monitoring Process)
Appendix 6	Approved Supplier List
Appendix 7	Contact Details
	Glossary

2. Guidance for Contractors and Suppliers

CONTENTS

3. Templates for Contractors

CONTENTS

Template	
	Templates for Contractors
1.	Sample Equality and Diversity Policy
2.	Sample Equality Statement for Job Advertisements
3.	Sample Equality Action Plan
4.	Sample Equality Action Plan (for businesses with more resources)
5.	Sample Policy on Harassment
6.	Sample Harassment Complaints Procedure
7.	Sample Harassment Complaints Procedure (for businesses with more resources)

4. Frequently Asked Questions

1. Why do I or my company need to take equality into account?

Suppliers providing services to, or on behalf on Wirral Council must carry out their duties in accordance with legislation governing race, disability, gender, age, sexual orientation & religion. Failure to comply with the Integrating Equality into Procurement policy could make the Authority, and in some cases, individuals, liable to legal action and prevent suppliers from being allowed to tender for Wirral Council services and works.

2. What questions will I or my company be asked?

The questions detailed in the Equalities Questionnaire will be asked at the pre-qualification stage, when external providers are invited to provide relevant details with regard to their approach to equality and diversity issues.

3. Do I or my company have to answer all the questions?

At the pre-qualification stage the contract will have been deemed of high, medium or low relevance to equality. If the contract is deemed low you will only be required to complete Section A of the Equalities Questionnaire. If the contract is deemed of a medium or high relevance to equality you will be required to complete both Section A and Section B of the Equalities Questionnaire. It will be important to try and answer all the questions.

4. We do not have a written equality policy. Does this mean we cannot be included in the tendering process?

Wirral Council's approach is to strongly encourage potential suppliers to demonstrate a commitment to equalities. We recognise that a small firm may not have written equality policies, and other companies who may have formal policies may not refer to it in recruitment processes. This will not automatically exclude them from selection.

5.   **How will this affect the contract clauses?**

Wirral Council's contract clauses undergo a regular review to ensure they remain consistent with legislation. A standard clause on equality has been included in all contracts for many years. This approach will not change.

A copy of the standard clause covering equality can be found in the Comprehensive Equality Policy section of Wirral Council's website at www.wirral.gov.uk

6.   **How will this framework affect the contracts' whose value equals or exceeds the European Union contract thresholds?**

If the value of the contract exceeds EU thresholds, EU directives stipulate the questions that can be asked at pre-qualification stage. However, the Authority will make explicit in the OJEU (Official Journal of the European Union) notices for contracts that the successful contractor will be required to comply with additional questions pertaining to equality.

7.   **Why, if a contract is over £1 million, does it have to be considered of high relevance to equality?**

Spending £1 million on a particular contract is a significant amount of financial resources for Wirral Council to commit. Wirral Council is keen to ensure that any contract with significant financial implications for a service, function or project that affects the Borough does not discriminate against particular sections of the community, either through the nature of the project or through erroneous employment practices. Setting a financial limit is also consistent with other equality assessments and practices within the Council.

WIRRAL COUNCIL

CABINET

9 APRIL 2009

REPORT OF THE DIRECTOR OF FINANCE

INTERNATIONAL FINANCIAL REPORTING STANDARDS

1.   EXECUTIVE SUMMARY

1.1.   This report provides Cabinet with an overview of the implications of the changes required for the Council to comply with International Financial Reporting Standards by the 2010/11 financial year.

2.   INTRODUCTION

2.1.   Public Sector accounts, including local authorities, are presently compiled in accordance with the UK Generally Accepted Accounting Practice (GAAP), for which the CIPFA Code of Practice on Local Authority Accounting known as the Statement of Recommended Practice (SORP) provides more detailed information. The then Chancellor of the Exchequer announced in his 2007 Budget that public sector accounts are to adopt International Financial Reporting Standards (IFRS). Whilst in the private sector the changes were required at group / parent company level all public sector organisations are required to adopt the standards.

2.2.   International Financial Reporting Standards aim to bring a uniformity and transparency to global accounting standards by standardising accounts across all countries and all sectors. It is viewed as encompassing organisation-wide change rather than a challenge for the technical updating by finance professionals. Therefore whereas previously there could have been different interpretations or approaches in countries, sectors or even authorities IFRS are far more prescriptive.

2.3.   IFRS will apply to over 2,000 public sector bodies. Central Government and the National Health Service are changing to accounting on an IFRS basis from the 2009/10 financial year. Local Authorities follow with the requirement to change by 2010/11, but the need for prior year comparative data means the accounts for 2009/10, once completed, will require conversion under IFRS and so actions have to be taken during 2009.

2.4.   Brief guidance has been made available to local authorities but much of the detail is awaited and there may be changes made by the Government through the use of Statutory Instruments. This will become clearer throughout the coming months particularly after the completion of accounts by Central Government and the National Health Service. Recognising that the detail has yet to be finalised the implementation dates have been set and authorities have to prepare in order to comply with IFRS.

3. IMPLEMENTATION

3.1. The IFRS framework is based upon 8 IFRS and 31 International Accounting Standards that are supported by a series of Interpretation Documents. All bodies are expected to comply and HM Treasury started in 2006 to produce the Manual (IFReM) to provide the interpretation as adopted for the public sector. There will be less discretion and less dispensation than under previous accounting regulations.

3.2. For local authorities CIPFA is expecting to formally consult on the IFRS based Local Government Code on Local Authority Accounting for 2010/11 in June 2009. This will replace the SORP. Over recent years there have been steps taken to move towards IFRS although there remains a not inconsiderable workload to be addressed over the next couple of years which will affect the whole of the Council.

3.3. Learning from the experiences of the private sector and other parts of the public sector there are a number of key challenges in ensuring a smooth transition as the impact is not just on those working within finance disciplines but other disciplines, on systems and on processes:-
- Technical changes
- Project / change management
- Capacity and capability

4. TECHNICAL CHANGES

4.1. The presentation of the end of year Statement of Accounts could impact upon the preparation of the Annual Budget and also potentially upon the level of Council Tax. CIPFA is engaged in discussions with the Department for Communities and Local Government (DCLG) to ensure that the impact can be minimised, if not avoided, and that any actions are in place before setting 2010/11 budgets. Of particular concern is the area of employee benefits which, unless mitigating regulations are introduced, will impact upon the financial position.

4.2. Statement of Accounts

4.2.1. The expectation is that the Statement, which is presently in excess of 100 pages, will substantially increase and authorities will be expected to find more meaningful ways of communicating with local people. The re-introduction of the Wirral Council Annual Report in 2007/08 offers such a medium.

4.2.2. The reasons for the increase in size are around the detail required to be provided and then reported in the Disclosure Notes. These support the Statement and many will be re-titled and have to be restated in the new format with the changes from previous statements fully explained.

4.2.3. Greater disclosure is required on the arrangements for internal monitoring and reporting. The reporting arrangements are focussed around finance, capital and assets. It is viewed that IFRS provides for better and more informed management information as by following a standard accounting language this is produced on a more consistent basis across all areas, which should help to enable better informed decision-making.

4.2.4. As referred to previously the statements will be prepared in accordance with the IFRS based Local Government Code on Local Authority Accounting for 2010/11 due to be consulted upon around June 2009.

4.3. Financial Instruments

4.3.1. This area was recognised as being of high complexity and as such it was one of the areas brought forward for local authorities, ahead of the rest of the public sector. The changes were incorporated into the SORP and largely implemented as part of the 2007/08 Statement of Accounts.

4.3.2. The result was additional disclosures. The Audit Commission in the Annual Governance Report 2007/08 stated that 'Wirral has introduced these complex requirements well and we have no concerns with presentation and accounting for financial instruments'

4.3.3. This is likely to be an area that the IFRS will further expand to assess the degree of risk involved given events in the financial sector over the past year.

4.4. Private Finance Initiative Schemes

4.4.1. As PFI schemes are controlled by the Council which then benefits from the residual value at the end of the arrangements the related data is to be included within the Council accounts. This change will impact upon the Treasury Management Prudential Indicators.

4.4.2. IFRS requires retrospective application to the start of the contract which is complex and will be required for the Wirral Schools PFI scheme which has undergone several well documented changes since originally being agreed.

4.4.3. Guidance is being prepared by CIPFA and is expected to be in place so that the changes can be reflected in the 2009/10 Statement of Accounts.

4.5. Leases

4.5.1. The Council presently acts as both lessor and lessee and the categories of leases will change. Leases will be initially split between land and buildings and then reviewed to ascertain if they are operating or finance leases. The latter will be subject to the capital regulations and the assets have to be reflected on the Balance Sheet.

4.5.2. This requirement involves a detailed review of all leases and represents a major task for valuers within Asset Management and also for Legal Services to identify all relevant lease documentation in order that the classification can be undertaken.

4.5.3. The scope of the work will also extend to any contractual arrangements whereby a Council employed contractor fulfils the terms by using assets exclusively for that particular Council. One example often quoted is waste collection vehicles.

4.6. Employee Benefits

4.6.1. Under IFRS the main benefit referred to is outstanding holiday pay although others could be included such as flexitime if the amounts are material. The requirement is that the value of any untaken leave needs to be accrued and included on the Balance Sheet.

4.6.2. This will have an impact upon the financial position and is the subject of discussions between CIPFA and the DCLG. The need to re-state the prior year accounts means that this information is required to be available at 31 March 2009.

4.6.3. This is an issue for all Departments and well as Human Resources because of the implementation and interpretation of the present policies and procedures regarding untaken leave at the end of the year.

4.7. Assets

4.7.1. Under IFRS assets are required to be split into component elements to reflect the differing life spans and therefore the different lengths of time over which the value of the elements have to be depreciated.

4.7.2. However, the draft CIPFA proposals indicate that this does not have to be fully in place for the opening balances at 1 April 2009. Only significant components will have to be identified and the requirement will only apply as assets or components are acquired, replaced or revalued after 1 April 2010.

4.7.3. The Audit Commission in the Annual Governance Report 2007/08 identified areas for further work around highways related assets which is presently being undertaken.

4.7.4. This is an issue that impacts upon Asset Management as well as Technical Services with the detail that has to be identified in respect of the component elements needing considerable work which will include a review of the present asset management information systems.

5.   PROJECT MANAGEMENT

5.1.   The implementation of IFRS and conversion from compliance with the existing requirements is to be managed in accordance with the approach agreed by the Cabinet on 10 December 2008 for the Change Programme.

5.2.   In terms of Governance progress will be reported to the Cabinet and to the Audit and Risk Management Committee. Underpinning this will be the officer groups as established for the Change Programme with a Change Board supported by specified Project Managers.

5.3.   CIPFA continues to produce Project Plans for the implementation of IFRS to assist in a consistent approach across all organisations. A draft outline plan for Wirral has been prepared and this will be expanded upon over the coming months.

6.   CAPACITY AND CAPABILITY

6.1.   The areas of work identified in section 4 clearly require the direct involvement of those engaged within the Departments of Finance, Law, HR and Asset Management and Technical Services but will impact upon every department.

6.2.   Whilst consultancy support is available the Council is presently making use of local workshop / training events that are supported by advisors to identify issues and potential solutions.

7.   FINANCIAL IMPLICATIONS

7.1.   The costs of implementing IFRS in some private sector organisations has been reported as being in excess of £1 million.

7.2.   At this stage the only additional costs identified were those reported to Cabinet on 19 March 2009 by the Director of Law, Human Resources and Asset Management for working with the Land Registry.

7.3.   There are likely to be significant additional financial implications as work progresses to implement IFRS.

7.4.   The Audit Commission has indicated that the annual audit fee will be increasing to reflect the additional work involved in IFRS.

8.   STAFFING IMPLICATIONS

8.1.   At this stage the implementation is being managed within existing staffing resources. However the degree of work and capacity in Financial Services, Legal Services, Asset Management and Merseyside Pension Fund are being kept under review.

9. EQUAL OPPORTUNITY IMPLICATIONS

9.1. There are none arising directly from this report.

10. COMMUNITY SAFETY IMPLICATIONS

10.1. There are none arising directly from this report.

11. HUMAN RIGHTS IMPLICATIONS

11.1. There are none arising directly from this report.

12. LOCAL AGENDA 21 IMPLICATIONS

12.1. There are none arising directly from this report.

13. PLANNING IMPLICATIONS

13.1. There are none arising directly from this report.

14. MEMBER SUPPORT IMPLICATIONS

14.1. There are none arising directly from this report.

15. BACKGROUND PAPERS

15.1. International Financial Reporting Standards
International Accounting Standards
International Financial Reporting Manual – HM Treasury

16. RECOMMENDATION

16.1. That the implementation of IFRS be monitored as part of the Change Programme.

IAN COLEMAN
DIRECTOR OF FINANCE

FNCE/81/09

WIRRAL COUNCIL

CABINET

9 APRIL 2009

REPORT OF THE CHIEF EXECUTIVE

FINANCIAL AND PERFORMANCE MANAGEMENT 2009/10

1. EXECUTIVE SUMMARY

1.1. This report provides the timing and content of the financial and performance management reports to be submitted to the Cabinet during 2009/10 and the proposed process and timetable for the production of financial and service plans for 2010/11.

2. INTRODUCTION

2.1. The benefits of linking finance to performance have been recognised by the Audit Commission in 'Councils perform well when they have clear frameworks for managing performance that support Council priorities and link to planning and budget-setting'.

2.2. Under the new assessment and inspection arrangements, the joint inspectorate will be undertaking a Comprehensive Area Assessment (CAA) in all local strategic partnership areas from 1 April 2009. The annual Use of Resources judgement forms part of the organisational assessment element of the CAA. This continues to raise the standards required of the Council in terms of financial, performance, asset, people and risk management in delivering its objectives.

2.3. Wirral continues to develop and refine its corporate business planning. Cabinet on 3 April 2008 agreed a report on Financial and Performance Planning and Monitoring 2008/09. This further developed the regular reporting of the financial position and performance to Cabinet with summary reports presented to Finance & Best Value Overview & Scrutiny Committee.

2.4. The vision for Wirral is 'a more prosperous and equal Wirral, enabling all communities and people to thrive and achieve their full potential'. Following agreement of the vision together with a set of corporate strategic objectives and aims, the Corporate Plan 2008/11 was agreed by Council on 21 April 2008. This Plan is subject to an annual review and after consideration by Cabinet on 25 September 2008 the revisions were approved by Cabinet on 5 February 2009. The final delivery plan will be reported to Cabinet for approval on 23 April 2009.

2.5. The Corporate Plan includes the strategic objective of becoming an excellent Council. In order to help achieve this objective the monitoring and reporting of performance and planning are key elements to provide the means of

assessing how the more detailed actions are being delivered. Achievement of positive outcomes for Wirral will be a key focus for external review undertaken through CAA. The Corporate Plan, along with evidence of delivery against stated aims, will be a key piece of evidence for both the council's organisational assessment and the partnership area assessment.

2.6. During 2008/09 Cabinet received consolidated quarterly performance and financial reports. The areas of performance and financial monitoring were, enhanced with the reports providing an overview plus information on progress in delivering the Corporate Plan priorities within the resources available. A monthly Financial Monitoring Statement was sent to all Members of Cabinet and Finance & Best Value Overview & Scrutiny Committee and to Chairs of Scrutiny Committees. Reports were also taken to the relevant overview and scrutiny committee.

2.7. An Annual Report was produced for the first time in a number of years covering 2007/08 which provided both performance and financial information. This expanded upon the financial detail contained in the Summary of Accounts leaflet.

3. TIMETABLE FOR 2009/10

3.1. Processes for planning and monitoring performance underpin the cycle of continuous improvement. The planning element of the timetable provides the framework to identify priorities and targets for the future, whilst the monitoring element measures the progress in relation to the priorities and targets agreed for the current year. Equally the monitoring reports inform the ongoing planning process as it is by monitoring and reviewing performance, and the associated implications of that performance, that information is provided to develop future plans.

Cabinet	Planning Reports	Performance Reports
June	Projected budget 2010/11	Year-end reports 2008/09
Audit Committee June		Pre-Audit Statement of Accounts 2008/09
July	Medium Term Financial Strategy Capital Strategy Investment Strategy/Asset Plan IT Strategy/Development Plan Risk Management Strategy Customer Access Strategy HR Strategy/Workforce Plan	Medium Term Financial Plan Capital Strategy Investment Strategy/Asset Plan IT Strategy/Development Plan Risk Management Strategy Customer Access Strategy HR Strategy/Workforce Plan Equality & Diversity Monitoring for 2009/10 Qtr 1
September	Projected budget 2010/11 Corporate Plan 2010/11 - review of the priorities for improvement	Annual Report 2008/09 Summary Accounts 2008/09
Audit Committee September		Post-Audit Statement of Accounts 2008/09
October		Monitoring for 2009/10 Qtr 2
November	Projected budget 2010/11	

	Insurance Fund budget 2010/11	
December	Corporate Plan 2010/11 - refresh plus draft Departmental Service Plans Capital Programme 2010/13 Provisional Local Government Finance Settlement Equality & Diversity Strategy	Half year national indicator set report
January		Monitoring for 2009/10 Qtr 3
February	Final Local Government Finance Settlement Council & Departmental Plans Council Budget 2010/11 Schools Budget 2010/11	
March	Corporate Plan 2010/11 - targets Projected budget 2010/11 Treasury Management Policy	
June		Year-end reports 2009/10 Full year national indicator set report
Audit Committee June		Pre-Audit Statement of Accounts 2008/09

4. PLANNING REPORTS

4.1. The key components of the planning process are service planning and financial planning. The former identifies how the Council delivers continuously improving services that meet the needs and priorities of the citizens of Wirral. The objectives and targets set will inform financial planning. This enables the better alignment of resource requirements with service delivery and ensures that services are provided in the most cost effective and efficient manner.

4.2. Corporate Plan

4.2.1. The Vision for Wirral was agreed by Cabinet on 14 November 2007 and is articulated in the Corporate Plan. This Plan sets the overall strategic direction and identifies the aims and objectives of the Council together with the associated priorities, key actions and targets. Whilst covering three years, the Corporate Plan is refreshed annually with the last refresh being on 5 February 2009.

4.2.2. Performance in relation to the Corporate Plan is included under Section 6.2 and will also form part of the Annual Report referred to in Section 5.2. This will identify performance and achievements in the previous financial year together with an overview of future objectives and targets for the forthcoming years.

4.3. Departmental Plans

4.3.1. Departmental Service Plans identify how departments will deliver the corporate objectives and priorities as identified in the Corporate Plan. The Plan format was revised for 2009/10 and the main document includes:-

- Introduction and purpose
- Departmental outcomes framework
- Key drivers for the department
- Monitoring and evaluating performance
- Opportunities, challenges and risk
- Performance indicators including all departmental national indicators

4.3.2. Departmental plans are supported by more detailed sectional plans which identify specific actions supporting the delivery of Council objectives. Progress on departmental plans is reported in accordance with the monitoring timetable.

4.4. Individual Plans/Key Issues Exchange

4.4.1. The Key Issues Exchange (KIE) enables staff to identify exactly how they contribute to their respective section or team objectives. These are linked to the departmental objectives which, in turn, reflect how the department is delivering the overall corporate objectives of the Council, providing staff with a 'clear line of sight' so that they can see and understand how they contribute to the aims of the Council.

4.5. Medium Term Financial Strategy

4.5.1. The Medium Term Financial Strategy considers financial issues at a strategic and organisational, rather than at a departmental or operational, level covering a period of more than one year. It is used to identify the resource requirements to deliver the aims identified in the Corporate Plan and informs the annual budget setting process and includes the following:-
- Executive Summary and statement of principles.
- National issues including the Government Comprehensive Spending Review and Local Government Finance Settlement.
- Local issues including the priorities for Wirral and Council objectives.
- Capital and revenue plans set in context.
- Risk assessment.

4.5.2. The Strategy is reviewed on an annual basis whilst more detailed reports relating to the annual budget-setting process are regularly provided to Cabinet and Finance & Best Value Overview & Scrutiny Committee. The Government Comprehensive Spending Review (CSR) in 2007 and the Local Government Finance Settlement for 2008/11 included figures for the three year period with the 2009/10 figures confirmed by the Government in January 2009..

4.6. Capital Programme

4.6.1. The capital programme seeks to deliver the objectives of the Capital Strategy. It brings together the capital requirements emerging from service strategies and reviews, prioritises the capital needs of services and seeks to maximise opportunities for cross-cutting/joined-up investment with local partners.

4.6.2. The process follows that approved by Cabinet on 23 July 2008 (Capital Investment Programme – guidance document) which covered:-

- The identification and prioritisation of schemes for inclusion.
- The approval process and implementation of the approved projects.
- The monitoring and reporting of the approved programme.

4.6.3. Bids for capital expenditure are evaluated and prioritised under key criteria which link directly to, and take account of, the priorities identified in the Corporate Plan.

4.6.4. Each December the Cabinet receive a report on the capital programme which incorporates the requirements for on-going schemes as well as a prioritised list of new submissions and the financing options available. The financial implications of the agreed programme are then reflected in the annual budget.

4.7. **Annual Budget**

4.7.1. By 10 March each year the Council has to set Council Tax levels for the following financial year – the annual budget setting process. A composite report is presented to Cabinet and Council which consolidates the:-

- Draft departmental budgets including growth and savings.
- Level of Government grants in the Local Government Finance Settlement.
- Details of known, or projected, levies and precepts.
- Alterations to the role or structure of the Council in delivering services through either legislation or through central/local decisions.
- Agreed Capital Programme.
- Agreed Insurance Fund budget.
- Schools budget for consideration by Cabinet and Council.

4.7.2. The Projected Budgets for the subsequent years of the Medium Term Financial Strategy are regularly updated in reports presented to Cabinet and Finance & Best Value Overview & Scrutiny Committee. These highlight variations based upon later, and more specific, information and details regarding Government funding proposals.

4.7.3. The Government Comprehensive Spending Review (CSR) in 2007 and the Local Government Finance Settlement for 2008/11 included figures for the three year period 2008/11. In each financial year the Government issues a Provisional Settlement in December which then becomes a Final Settlement in January / February.

4.8. **Other Strategies**

4.8.1. The Council produces a number of Strategies and associated Plans which complement the delivery of the Vision for Wirral and support the delivery of the aims and objectives of the Corporate Plan. All are influential in determining the allocation of the finite resources the Council has in order to meet the aims as well as the aspirations of the people of Wirral. Besides those of a corporate policy or financial nature these include the following:-

- Investment Strategy and Asset Management Plan.
- Information Technology Strategy and IT Development Plan.
- Human Resources Strategy and Workforce Plan.
- Customer Access Strategy and Change Plan.
- Equality and Diversity Strategy.
- Treasury Management Policy.

4.8.2. In order to ensure consistency in approach, to maximise the opportunities and make best use of the available resources, and to present a co-ordinated approach to delivering the corporate objectives, the various strategies are now subject of an annual review and report presented to Cabinet in July. This will inform the Corporate Plan update in September and the annual budget-setting and departmental planning process. The contents of these reports should be:-
- Review of performance for the previous year.
- Review of the Strategy to incorporate any changes.
- Review of the future plans.

5. PERFORMANCE - ANNUAL REPORTS

5.1. The annual Statement of Accounts is a legal requirement and has to be published by 30 June. It is then subject to External Audit inspection the results of which have to be concluded before 30 September. Supporting the Statement are a number of year-end reports which cover:-
- Revenue spend and financing including reserves and provisions.
- Capital spend and financing.
- Treasury Management.
- Cash collection and performance.

5.2. The Council will publish an Annual Report which will include an overview of performance with plans for the forthcoming years together with information on the finances. In terms of finances the Summary of Accounts leaflet will again be made available.

6. PERFORMANCE AND FINANCIAL - MONITORING REPORTS

6.1. On 19 March 2009 Cabinet recognised the need to present information in a concise and timely fashion in a manner easily accessible to Members. Cabinet asked for a short and to the point report to be placed in the virtual members room within two weeks of the end of each quarter and a presentation given by the Deputy Chief Executive / Director of Corporate Services to the next available Cabinet.

6.2 Performance monitoring

6.2.1. The report and presentation to Cabinet will be prepared by the Deputy Chief Executive / Director of Corporate Services will outline the progress being made towards delivering the Corporate Plan objectives. It will be made clear to Cabinet which projects / activities and performance indicators require detailed consideration.

6.2.2. A report which sets out performance of the full national indicator set will be presented to Cabinet on a six monthly basis (half year and full year). These will be presented in December and June and will report progress made and comparison position with other local areas.

6.3. **Financial monitoring compares spend against the approved budget**

6.3.1. Effective financial management ensures that spend remains within available resources and that resources are used in the manner intended. The importance of budgetary control justifies this being within the summary focussing upon spend against the approved budget.

6.3.2. The financial summary will be prepared for Cabinet by the Director of Finance. The appendix to be placed within the virtual members room will include the summary plus the departmental reports of Chief Officers and as a minimum will include references to:-
- Growth items including progress on implementing policy options.
- Savings targets set and the progress made in meeting them.
- Comment on items identified as being met from bridging finance.
- Impact of any Cabinet decisions that have budgetary implications.
- Variations from the approved budget including over/underspends, any additional income received and any compensatory adjustments.
- Initial highlighting of those issues that will later be identified as having a financial implication in the Medium Term Financial Strategy.

6.3.3. Members of the Cabinet, Finance & Best Value Overview & Scrutiny Committee and Scrutiny Committee Chairs will also receive the 1 page monthly Financial Monitoring Statement prepared by the Director of Finance.

6.4 **Capital monitoring identifies progress against the capital programme**

6.4.1. The Capital Investment Programme is subject to an annual review and the 2009/12 Programme was agreed by Council on 15 December 2008.

6.4.2. The capital summary will be prepared for Cabinet by the Director of Finance. The appendix to be placed within the virtual members room will include the summary plus the departmental reports of Chief Officers and will report progress on schemes/projects approved as part of the programme with reference to:-
- The original approved programme.
- Approved variations to the programme.
- Details of current year actual and forecast expenditure for each project.
- Comments on any variations (actual and forecast).
- Identification of funding.
- The completion of any schemes/projects.

6.5 **Risk monitoring**

6.5.1. The Corporate Risk Register is subject to regular review and was agreed by Cabinet on 10 December 2008. It incorporates those risks identified as having the potential to impact upon the delivery of Council aims and will be regularly monitored.

6.5.2. The risk summary will be prepared for Cabinet by the Director of Finance. The appendix to be placed within the virtual members room will include the summary plus the departmental reports of Chief Officers and will include references to:-
- Progress on delivering the actions stated in the Register.
- Any variations to the risk ratings identified in the Register.
- Any 'new' risks worthy of consideration for inclusion in the Register.

7. FINANCIAL IMPLICATIONS

7.1. There are none arising directly from his report.

8. STAFFING IMPLICATIONS

8.1. There are none arising directly from this report.

9. EQUAL OPPORTUNITY IMPLICATIONS

9.1. There are none arising directly from this report.

10. COMMUNITY SAFETY IMPLICATIONS

10.1. There are none arising directly from this report.

11. HUMAN RIGHTS IMPLICATIONS

11.1. There are none arising directly from this report.

12. LOCAL AGENDA 21 IMPLICATIONS

12.1. There are none arising directly from this report.

13. PLANNING IMPLICATIONS

13.1. There are none arising directly from this report.

14. MEMBER SUPPORT IMPLICATIONS

14.1. There are none arising directly from this report.

15. BACKGROUND PAPERS

15.1. None were used in preparing this report.

16. RECOMMENDATIONS

16.1. That the dates for the planning and monitoring reports be agreed; and

16.2. That the process for financial and performance planning and monitoring be agreed.

STEPHEN MADDOX
CHIEF EXECUTIVE

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WIRRAL COUNCIL

CABINET: 9 APRIL 2009

REPORT OF THE DIRECTOR OF ADULT SOCIAL SERVICES

PROGRESS TOWARDS THE TRANSFORMATION OF ADULT SOCIAL SERVICES – FEES FOR RESIDENTIAL AND NURSING HOMES

Executive Summary

The purpose of this report is to bring forward additional information for consideration regarding revised fees payable to Residential & Nursing homes.

1.   BACKGROUND

1.1   In order to implement the budget strategy for 2009/10 Cabinet and Council approved that £1.9m should be saved from the fees paid to Residential and Nursing homes in line with the Department of Adult Social Services transformational programme. The rationale for this approach was that at its usual "base rate" fee, Wirral pays between 3.6% and 11.5% more than the regional average. The service and financial objectives are to obtain a fair fee rate that enables quality care, where providers can properly run homes which can operate with good levels of occupancy, to be provided from a sustainable budget. An amount of £400,000 has previously been identified at the Cabinet meeting on the 27th November 2008, by introducing a new contract for nursing care.

1.2   At its meeting on 19 March 2009 Cabinet considered the report Progress towards the Transformation of Adult Social Services – Financial Issues, which put forward, amongst other things, the following proposal regarding fees payable for residential and nursing homes' fees

- Current baseline fee levels as at 29 November 2008 being reduced by 5% and introduced as the Council's "usual fee" levels from 1 April 2009.

- The existing quality premium criteria and differential amounts paid being retained as an interim measure.

- The intention to consult further on the adoption of Commission for Social Care Inspection star ratings and the premium payments to be paid at each level subject to the availability of a declared rating for all homes.

1.3   In considering these proposals Cabinet was mindful of responses received during the consultation from home owners, in particular:
- the impact such changes would have on individual homes, who account for income and set business plans accordingly and could foresee difficulties with a reduced income.

- that homes could not envisage measures to take account of the reduction without it having an impact on standards of care.

Cabinet therefore recommended:

"With Regards to Residential and Nursing Homes
Having considered the representations made on behalf of the Residential and Nursing Home providers, this aspect of the report is deferred. The Director of Adult Social Services is instructed to report to the next meeting of cabinet on 9 April 2009 with further details addressing in more detail the matters raised during the consultation process."

1.4 This report brings forward further information and additional options for Cabinet to consider in agreeing the appropriate fair fee levels that enable quality care to be provided from a sustainable budget with effect from 1 April 2009.

2. MATTERS FOR CONSIDERATION

2.1 In the report to Cabinet on 19 March 2009 it was stated that a 5% reduction was proposed based on market fees being sustained by providers across the North West. The following table compared Northwest baseline rates and was informed by an annual survey of UK Local Authorities baseline fee rates for 2008/09 prepared by Laing and Buisson, which the Council used to set its current rates, and published by Community Care Market News in July 2008.

	Residential	Residential EMI	Nursing*	Nursing EMI*
NW Average excluding Wirral	£338.66.	£376.03	£365.43	£390.25
Current Wirral Rate	£360.64	£389.69	£406.10	£435.15
Variation on NW Average	£21.98 (+6.5%)	£13.66 (+3.6%)	£40.67 (+11.1%)	£44.90 (+11.5%)

*It should also be noted that an additional amount of £103.80 is paid to these providers for Free Nursing Care per placement per week.

2.2 Whilst the decision to implement the reduction in fees was deferred the Department of Adult Social Services is still required to make savings of £1.5m in the area of residential and nursing care in 2009/10. No evidence was provided by the home owners to refute the Council's view that
- the fees paid by the Council are high by comparison with other local authorities,
- there is over provision of homes in the area and
- as initiatives to keep people who use services at home increase there will be a need for fewer residential and nursing homes in Wirral.

2.3 In the absence of a significant reduction in fee levels options might have to be considered that restrict admissions to residential and nursing homes,

where this is permitted by law, or "block contracts" are established, thus restricting choice.

2.4 A number of the challenges by providers as a result of the consultation exercise have, however, been revisited and the following have been considered in bringing forward further proposals.

(i) In July 2008 Cabinet received a report Residential and Nursing Home Care Fees which set out details of the Laing and Buisson Model (using "Fair Price for Care" – Joseph Rowntree Foundation) . The report concluded that three years after the initial calculations market conditions had changed to the extent that a review of the Baseline Fee was warranted to ensure value for money is being achieved. Since that time the economic climate has changed radically; a revised calculation based on 5% return on investment rather than the 9% in the July report shows that on current rates residential homes are "breaking even" ie have sustainable income levels, at approximately 80% occupancy and nursing homes at approximately 70% occupancy.

(ii) A number of home owners suggested a "price freeze". It is recognised that this is an option that members might want to consider. It should be noted, however, that based on the results from the modelling exercise, homes may currently break even (with a reduced return on investment), on less than 80% occupancy. This would therefore suggest that a "price freeze" would continue to support homes with a significant number of empty beds. It must be considered whether, in a "market economy", this is a realistic position and may result in:

- over provision of "beds" across the residential and nursing homes sector

- significant vacancies and

- fewer residents to interact with each other in those homes with significant vacancy levels

2.5 The report to Cabinet 19 March 2009 included the following options for members to consider, each of which had various advantages, disadvantages and business risks:

Option 1 Implement new reduced rates for new business from April 2009 and existing contracts terminated, replacement contracts being offered with a revised inflation clause.

Option 2 Re-tender for all categories of residential and nursing care

Option 3 Where home owners had agreed to accept the new rates (ie reduced by 5%) these were to be implemented from 1 April 2009; where home owners had refused the new rates, contracts were to be terminated (with 3 months' notice) with new placements being made at homes that had accepted the new rates with effect from 1 April 2009. All placements in homes that did not have a valid contract will be reviewed and

alternative accommodation options explored on an individual basis. All contracts would need to be terminated during 2009/10 to build in the results of the Quality Premium review and health standards, an appropriate inflation clause and measures required to ensure the principles of "personalisation" are embedded.

2.6   In the light of further analysis and comments made by home owners the following two options are brought forward for consideration:

Option 4   Freeze current rates

This option recognises the representations made by some home owners, whereby they would agree to forego the inflation clause for 2009/10, effectively freezing prices at the March 2009 level and during the year 2009/10 work with the Council to agree a new contract reflecting a different quality premium and a new way of dealing with future inflationary pressure.

The implications in 2009/10 would be as follows:
- There would be budget savings of the equivalent amount that is included in the base budget for inflation of £943,000
- This would leave a shortfall of £557,000 on the budget saving of £1.5m.
- There would, however, be the avoidance of unbudgeted contract inflation cost pressure of £637,000
- Assuming agreement from 1st April from all providers there would be no Efficiency savings as fee levels would remain unreduced.

The advantages are:
- this proposal may be more acceptable to home owners ;
- it provides significant savings in 2009/10, although less than required in the budget strategy and avoids potential overspending for contract inflation in this area;
- the Council would still be able to address the quality issues through the 2009/10 review

Option 5   Pay no inflation increase and reduce current rates by 1.3%.

This option takes into account the representations made by the home owners, but in order to achieve the Council's stated aim of managing within a sustainable budget, prices at the March 2009 level are reduced by 1.3% and no inflation increase added. During the year 2009/10 work will proceed to agree a new contract reflecting a different quality premium and a new way of dealing with future inflationary pressure.

The implications in 2009/10 would be as follows:

- Assuming agreement from 1st April for all providers there would be Efficiency savings from reduced fee levels of £440,000.
- There would be budget savings of the equivalent amount that is included in the base budget for inflation (2%) of £943,000
- This would leave a shortfall of £117,000 against the budgeted saving and will form part of the departmental budget strategy considerations in 2009/10
- There would be the avoidance of unbudgeted contract inflation cost pressure of £637,000

The advantages are:

- it is less likely that there will be an adverse impact on the quality of care provided by home owners whilst they adjust to the new fee levels
- it provides a more secure likelihood of achieving significant savings in 2009/10
- the Council would still be able to address the quality issues through the 2009/10 review

2.7   In the light of the advantages and budget savings from Option 5, it is recommended that this option be taken forward and the following would, therefore, become Wirral's "usual" fee rates

Star Rating	Residential		Residential EMI		Nursing*		Nursing EMI*	
	Current	Propose	*Current*	Propose	*Current*	Propose	*Current*	Propose
Base	*(360.64)*	355.95	*(389.69)*	384.58	*(406.10)*	400.82	*(435.15)*	429.45
1	*(366.17)*	361.41	*(395.22)*	390.04	*(411.32)*	405.93	*(440.68)*	434.91
2	*(393.89)*	388.71	*(422.94)*	417.41	*(439.35)*	433.58	*(468.40)*	462.28
3	*(421.82)*	416.29	*(450.87)*	444.99	*(467.28)*	461.23	*(496.33)*	489.86

*It should also be noted that an additional amount of £103.80 (expected to be increased to approximately £106) is paid to these providers for Free Nursing Care per placement per week.

2.8   In implementing this option it should be noted that the existing contracts will automatically trigger an increase of 4.7% for inflation from 1 April 2009. It will be necessary to invite home owners to accept a variation to these contracts that eliminates this increase and further reduces the fees by 1.3%. It should be noted this significantly less than the 5% reduction as proposed in the report to Cabinet on 19 March 2009.

3   Financial and Staffing Implications

3.1   **Fees paid to independent care providers**

(a)   The Council has agreed an efficiency target for 2009/10 of which £1,900,000 has been specifically identified for Residential/Nursing Care.

(b)   An amount of £400,000 has previously been identified in this area and a residual amount of £1.5m remains.

(c)   Furthermore, if no action is taken the existing contracts contain inflation clauses which will increase costs by £1.58m. Since inflation provision of 2% is contained within the budget, £637,000 additional unbudgeted expenditure would be incurred

(d)   The financial implications for the recommended Option 5 in 2009/10 in this report are set out below;

Savings Element	Residential and Nursing Homes
Efficiency Savings	£440,000
Budgeted inflation savings	£943,000
Total Budget savings	£1,383,000

(e)   This would leave a shortfall of £117,000 against the budgeted saving and will form part of the departmental budget strategy considerations in 2009/10

(f)   It should be noted that this proposal will also ensure that the Council avoids paying the additional inflationary increase of £637,000 as noted in (b) above

4   Business Risk

A list of the risks relating to each area has been established under each of the options being considered.

5   Equal Opportunities Implications

An Equality Impact Assessment with regard to fee level was included in the report to Cabinet on 19 March 2009 at Appendix 5.

6   Community Safety Implications

None arising from this report

7   Local Agenda 21 Implications

None arising from this report

8   Planning Implications

New applications to develop residential or nursing home services by new entrants to the market may reduce as Wirral Fees appear to be less attractive.

9   Anti Poverty Implications

None arising from this report

10   Social Inclusion Implications

All contracted services in this report offer support to people living in Wirral.

11   Local Member Support Implications

Providers and people who use services affected by these proposals are located in all wards.

12   Background Papers
Community Care Annual survey of UK Local Authority baseline Fee Rate Published July 2008 – Laing and Buisson.
Residential and Nursing Home Fees - Cabinet 9 July 2008 (Exempt).
Progress toward the transformation of Adult Social Services - Cabinet 10 December 2008
Progress toward the transformation of Adult Social Services – Fee levels for residential, nursing homes and supported living - Cabinet 5 February 2009
Progress towards the Transformation of Adult Social Services – Financial Issues – Cabinet 19 March 2009

13   Recommendations

13.1   It is recommended that Cabinet agrees
   i)   to implement Option 5 as set out in paragraph 2.6.
   ii)   where home owners refuse the new rates, contracts will be terminated (with 3 months' notice) with new placements being made at homes that accept the new rates with effect from 1 April 2009.
   iii)   all placements in homes that do not accept the new rates will be reviewed and alternative accommodation options explored on an individual basis.
   iv)   all contracts will need to be terminated or varied by agreement during 2009/10 to build in the results of the Quality Premium review, incorporate a range of health standards, an appropriate inflation clause and measures required to ensure the principals of "personalisation" are embedded.

JOHN WEBB
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