YOUR MONTHLY E-BULLETIN

**Issue 45; June 2016**

Latest Consortium News

Its been a busy few months for your Consortium!

We’ve got a **new Consortium website**!

The **new website** has the look and feel of the previous version but has a new ‘back office’ which has brought in new features for users – have you had a look? Read more about our new website providers below.

Instructions relating to the use of the new website are available in the secure area of the website too.

If you are an authorised user and you do not think you have received your new website log in details then do get in touch with either Brian Gibson on briangibson2@msn.com or Beryl Heath at bh\_nwlconsortium@btinternet.com and we’ll do all we can to assist you.

**Your 2016 Annual Training Event** will take place at the Langtree Stadium in St Helens on Tuesday 20th September. Working with Geldards we are planning another stimulating day – look out for updates on the website and in future bulletins but please note your diaries and book your place today- via the courses page of the website of course- [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com)

**Annual Training Programme**

Our congratulations go to Jemma Jones from Knowsley Council, the lucky winner of the £25 Marks and Spencers voucher for participating in the NWLC Annual Training Survey.

Thanks to all who offered their views and feedback. Our partner firms are now busy filling the next Annual Training programme- we’ll be publishing the new programme to the website over the coming weeks.

REMINDERS

**Don’t forget to let us know when you have new colleagues joining your organisation
(and leaving too of course)**

All you need to do is drop a quick e-mail to bh\_nwlconsortium@btinternet.com or briangibson2@msn.com with the detail of the staff changes and we’ll take it from there!

**Free Consortium healthchecks** are available to member authorities to spread the word about the benefits of membership of the Consortium, explain how the website can be used and basically do a bit of a healthcheck as to what each authority uses the Consortium for etc
and how best we can assist.

An introduction to our new web providers **Destin Solutions**

As you know we have recently appointed a new company to provide our website, its hosting and the workflow technology which sits behind it. In a bid to ensure we have access to the very latest technology for automating the process of commissioning legal services, booking training courses and more, we partnered with [Destin Solutions](http://www.destin.co.uk).

Over the last ten years, Destin Solutions have helped Councils generate more revenue and improve performance through development of bespoke technology to help make sense of data and processes to provide more actionable insights and accountability of Council resources. A key part of what they provide is the delivery of workflow applications which simplify and accelerate repetitive, time-consuming processes. Following our very own web and workflow implementation, we will benefit from having a more resilient process in place for delivering incremental changes, capable of helping us adapt quicker as the Consortium develops.

Clients who have worked with Destin Solutions include; Dumfries & Galloway Council, Preston and Lancaster Shared Service, Bury Council, Tameside Council, Wigan Council, South Lakeland Council and many others, you can view some of these case studies in [greater detail here](http://www.destin.co.uk/case-studies/).

Jayne Hammond, Chair of the NWLC Management Board said ‘The Board are very grateful for the hard work undertaken by Destin Solutions who have developed and mobilised the website in such a short timescale and within budget and we are very much looking forward to working with them in the future.’

You can meet Destin Solutions at our Annual Training Event in September.

Centre For Assessment

**Centre for Assessment (CfA) are leading specialists in certification and accreditation services, delivering audits and assessments both nationally and internationally to thousands of clients.** They are a UKAS accredited body and trusted delivery partner for the Cabinet Office and the Law Society. With over 15 years' experience in the certification and assessment industry, they work in partnership with a team of skilled auditors and assessors, each with in-depth knowledge and working practice in their specialist field.”

**Kairen Seaton, Operations and Lexcel Manager for the Centre for Assessment** has provided the attached CFA article which based upon the enhanced provision for Information Management in Lexcel 6 remiinds us of the importance of data security in legal practice.

THE IMPORTANCE OF DATA SECURITY IN LEGAL PRACTICES

On the 6th April the Law Society Gazette published an article entitled ‘Cyber-criminals alarm insurers as law firms lose £85m.’ This demonstrates the extent of the current level of risk presented to the providers of legal services. In the article Elina Lusted a claims manager for QBE, said ‘underwriters are now likely to ask searching questions about what exactly firms are doing to thwart the criminals.’

Obtaining and maintaining a quality standard such as Lexcel or ISO 27001 can go a long way
to demonstrating this, writes Stuart Lee, a Lexcel Assessor at Centre For Assessment Ltd.

Since Lexcel 6’s introduction in 2015 with its enhanced provision for Information Management
I have assessed a number of Organisations against their compliance with this provision. Ownership and awareness of the issues affecting Organisations are key. A common misconception is that IT Security is the sole preserve of IT Departments or IT Experts, it is everyone’s responsibility. Organisations are as strong as their weakest link and 80% of
security breaches are the result of human error.

Having the suite of Policies and Procedures demanded by the Quality Standards offers protection in relation to cyber security and compliance with the Data Protection Act. All staff
must be aware of their responsibilities within this framework. A regular training program is vital, particularly in a fast moving environment. The Solicitors Regulation Authority and Information Commissioners Office regularly produce updates about the latest risks with examples of breaches. Keeping the issue live and relevant is important as complacency and ignorance
cannot be a defence. It is proven that Senior Management are the worst information management offenders with 58% of them accidently sending sensitive information to the
wrong person and 51% of them taking files with them after leaving a job. They are also most likely to have remote access to systems and use their own devices to
access them.

Quality Standards not only ensure Organisations have compliant policies and procedures which define and protect Information Assets they also allow them to demonstrate to their clients and supply chain that they take the issue seriously and will protect their data. They also allow a framework to ensure that IT experts undertake best practice and can be held to account by de-mystifying Information Technology.

As a non IT expert, when I assess an Organisation against Lexcel I am looking for awareness, ownership, and understanding of the key issues. If an external IT supplier maintains the network do they hold an Industry recognised Information Management Standard such as ISO 27001?
Do they have Service Level agreements for ensuring that the latest patches are installed on
the system and virus checkers and firewalls? Is the network regularly monitored for attack and mischievous software? What devices are maintained, what devices are connected to the network (including mobile phones, photo-copiers, fax machines etc)? Does the Organisation have a list of all software and hardware and are they aware where their sensitive data is held and who can access it?

A significant way of reducing risk is not only reviewing the Information Assets (Legal Providers can hold more personal privileged client data than any other Organisation) but also who can access them, what privileges do staff need, and ensuring data is relevant and up to date. I can think of several examples where passwords are shared, the unencrypted back-up tape is held in a car, files are held in office toilets accessed by the Public, PC’s remain logged on when the receptionist leaves their desk. The CPS were fined £200,000 in 2015 when laptops holding evidence were stolen.

For more information on ISO 27001 and Lexcel please visit [www.centreforassessment.co.uk](http://www.centreforassessment.co.uk)
or use the contact details below.

**T.** 0161 237 4080
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**Watch out for further articles from the CFA in future editions.**

FREE Consortium Training: Coming soon

On 30 June, Weightmans are presenting a seminar on Practice Management at their Manchester office. This is to be coupled with the second meeting of our new Consortium Practice Management Group. See the website for full details.

Don’t forget that all this training is **free**, carries CPD points and is open to legal staff at member organisations as well as to client department staff.

All the details and for bookings its through the website please, courses page at [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com)

Course Materials

If you or your colleagues have missed out on one or more of our Consortium training sessions (including presentations at the Annual Training Event) you might find it helpful to see the slides/presentation from the session.

These are all available in the documents area of the website at <http://www.nwlegalconsortium.com>

New Roles up for grabs?

There is currently a range of vacancies advertised on the website jobs page at [www.nwlegalconsortium.com/jobs/](http://www.nwlegalconsortium.com/jobs/)

Cheshire East have 3 posts on offer- 2 Senior Lawyer posts and an Assistant Property Lawyer, Pendle are looking for a Head of legal Services and Tameside want a Legal Support Services Co-ordinator.

Interested? Find out more on the website.

Does your authority want to advertise your vacancies on the website for free?

If so contact Beryl Heath on bh\_nwlconsortium@btinternet.com

NWLC NOMINATED CHARITY OF THE YEAR

Please support the North West Air Ambulance Charity

For the Charity’s latest events go to: <http://nwaa.net/>

**NWLC MONTHLY LEGAL UPDATER**

**POWERED BY THOMSON REUTERS**

01/05/16

This is a selection of legal updates for NWLC powered by Westlaw UK and Practical Law.

To read more on these topics, go to [westlaw.co.uk](http://legalresearch.westlaw.co.uk) or [uk.practicallaw.com](http://uk.practicallaw.com)

**@NWLConsortium**

Case REPORTS

FAMILY LAW. *Conflict of Laws; European Union*.
Adoption; Allocation of jurisdiction; Best interests; Care proceedings; Children;
EU law; Foreign nationals; Hungary; Local authorities' powers and duties; Placement orders; Transfer of proceedings.

J (Children) (Brussels II Revised: Article 15), Re. [2016] *UKSC 15*. Supreme Court (SC).
Lord Neuberger PSC; Lady Hale, J.S.C.; Lord Carnwath, J.S.C.; Lord Wilson J.S.C.;
Lord Kerr, J.S.C.. April 13, 2016

The court considered the proper approach to determining an application to transfer care proceedings to a foreign court under Regulation 2201/2003 art.15. The issues of whether a
court was "better placed" to hear proceedings and whether transfer was in the "best interests"
of the child were separate questions which had to be addressed separately. If a foreign court
was better placed to hear a case, it did not follow that it would be in the best interests of a child
to transfer it. It was necessary to consider the impact of transfer on the choices available to the court deciding upon the eventual outcome.

Appeal allowed.

LANDLORD AND TENANT. *Administrative law; Housing*.
Assured tenancies; Exchange; Housing associations; Judicial review; Leases; Social housing.

R. (on the application of Macleod) v Governors of the Peabody Trust. *[2016] EWHC 737 (Admin)*. Queen's Bench Division (Administrative Court) (QBD (Admin)). William Davis, J.. April 08, 2016

A charitable housing association's refusal to allow a mutual exchange of a tenant's assured tenancy was not amenable to judicial review; the association had not been exercising a public function in refusing the transfer as it had purchased the relevant housing stock with private funds, the stock offered intermediate rent levels and was thus not pure social housing, and intermediate rents were not subject to the same level of statutory regulation as social housing in general.

Application refused

PLANNING. *Construction law; Housing.*
Affordable housing; Appeals; Completion; Mixed use development;
Planning obligations; Planning permission; Section 106 agreements.

The Medway Council v Secretary of State for Communities and Local Government.
*[2016] EWHC 644 (Admin)*. Queen's Bench Division (Administrative Court) (QBD (Admin)). Gilbart J. March 23, 2016

The court considered, for the first time, the meaning and effect of the Town and Country Planning Act 1990 s.106BA and s.106BC. It acknowledged that parts of the legislation were difficult to understand, defined "development" in s.106BA(13), and emphasised that the only remedy for challenging decisions on appeals under s.106BC was by way of judicial review rather than by the specialised route for statutory appeals in s.288.

Application refused

Legislation

PLANNING. *Arts and culture*.
Ancient monuments; Historic designed landscapes; Listed buildings;
Local planning authorities; Registers; Wales.

Historic Environment (Wales) Act 2016.

An Act to make provision for amending certain aspects of the law relating to ancient monuments and listed buildings; to establish a register of historic parks and gardens;
to require local planning authorities to establish historic environment records relating to
their areas; to establish an Advisory Panel for the Welsh Historic Environment; and for connected purposes.

Website: [www.legislation.gov.uk/anaw/2016/4/contents/enacted](http://www.legislation.gov.uk/anaw/2016/4/contents/enacted)
[Accessed 23 March 2016]

Royal Assent: 21 March 2016

FAMILY LAW. *Social Welfare*.
Appointments; Children's welfare; Commencement; Independent reviewing officers; Local authorities' powers and duties; Looked-after children; Savings provisions; Statutory definition; Visitors; Wales.

The Children and Young Persons Act 2008 (Commencement No.8 and Saving Provision) (Wales) Order 2016. SI 2016/452

This is the eighth Commencement Order made by the Welsh Ministers under the Children and Young Persons Act 2008 which brings specified provisions of the Act into force in relation to Wales. It re-enacts the duties on local authorities to provide accommodation for children who are in their care and to maintain all looked after children in other respects apart from the provision of accommodation.

Website: [www.legislation.gov.uk/wsi/2016/452/pdfs/wsi\_20160452\_mi.pdf](http://www.legislation.gov.uk/wsi/2016/452/pdfs/wsi_20160452_mi.pdf)
[Accessed 7 April 2016]

In Force: Bringing into operation various provisions of the Children and Young Persons Act 2008 on 6 April 2016. Made under Children and Young Persons Act 2008 s.44

HOUSING. *Social Security*.
Exemptions; Rent; Social housing.

The Social Housing Rents (Exceptions and Miscellaneous Provisions) Regulations 2016. SI 2016/390

These Regulations set out exceptions to and circumstances in which exemptions
may be given from the rent regime otherwise applicable, make alternative provision
for certain excepted categories, and define certain terms used in the Welfare Reform
and Work Act 2016.

Website: [www.legislation.gov.uk/uksi/2016/390/pdfs/uksi\_20160390\_en.pdf](http://www.legislation.gov.uk/uksi/2016/390/pdfs/uksi_20160390_en.pdf)
Accessed 22 March 2016]

In Force: 1 April 2016

Made under Welfare Reform and Work Act 2016 s.24(5)(6)(7)(8), s.25(5) , s.27(1)(2)(3)(4)(5)(6)(7)(8)(9)(10)(11)(12) , s.33(6)(7), Sch.2 para.1(7)(8), Sch.2 para.4(2)(3)(5)(6), Sch.2 para.5(5)(6)(7)(8), Sch.2 para.6(5)

Legislation amended: Welfare Reform and Work Act 2016 modified.

Government and regulatory developments

SOCIAL WELFARE.
Care; Community care; Needs assessments; Social services; Wales.

From today, care and support in Wales will change. By Care Council for Wales.
6 April 2016

From 6 April 2016 the Social Services and Well-being (Wales) Act 2014 comes into force. The Act changes the way people's needs are assessed and the way social services are delivered, and people will have more of a say in the care and support they receive. It also promotes a range of help available within the community to reduce the need for formal, planned support.

Website: [www.ccwales.org.uk/news/2016/04/06/from-today-care-and-support-in-wales-will-change/](http://www.ccwales.org.uk/news/2016/04/06/from-today-care-and-support-in-wales-will-change/) [Accessed 6 April 2016]

Legislation referred: Social Services and Well-being (Wales) Act 2014

LOCAL GOVERNMENT.
Corruption; Fraud; Local government.

Single The local government counter fraud and corruption strategy 2016-2019.
Issued by Department for Communities and Local Government. 23 March 2016

A Department for Communities and Local Government strategy for fighting fraud
and corruption locally sets out the approach local authorities should take and the
main areas of focus over the next three years in order to transform counter fraud
and corruption performance.

Website: [www.gov.uk/government/uploads/system/uploads/attachment\_data/file/503657/Fighting\_fraud\_and\_corruption\_locally\_strategy.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/503657/Fighting_fraud_and_corruption_locally_strategy.pdf)
[Accessed 23 March 2016];

[www.gov.uk/government/news/marcus-jones-dont-let-fraudsters-cheat-us-out-of-vital-services](https://www.gov.uk/government/news/marcus-jones-dont-let-fraudsters-cheat-us-out-of-vital-services) [Accessed 23 March 2016]

PUBLIC PROCUREMENT.
Contracting authorities; Payment; Performance; Public contracts.

Procurement Policy Note - Publication of payment performance statistics. By Cabinet Office; Crown Commercial Service. 03/16 29 March 2016

Guidance by the Cabinet Office and Crown Commercial Service explains how public sector contracting authorities are to start publishing annual payment performance data under the Public Contracts Regulations 2015 reg.113(7) after March 2016.

Website: [www.gov.uk/government/uploads/system/uploads/attachment\_data/file/511382/PPN\_0316\_-\_Publication\_of\_payment\_performance\_statistics.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/511382/PPN_0316_-_Publication_of_payment_performance_statistics.pdfhttps%3A//www.gov.uk/government/uploads/system/uploads/attachment_data/file/511382/PPN_0316_-_Publication_of_payment_performance_statistics.pdf)
[Accessed 30 March 2016]

Legislation referred: Public Contracts Regulations 2015 (SI 2015/102) reg.113(7)

News articles:

FAMILY LAW. *Human rights*
Human rights; Names.

Mother denied chance to name daughter Cyanide. *Daily Telegraph, 14 April 2016* *(Online edition)*.

In a landmark case, Appeal Court judges have ruled against a woman who contended that she had a human right to name her daughter Cyanide, arguing that the name had positive connotations, since it was the poison that killed Adolf Hitler and Joseph Goebbels. The woman, who has a history of mental illness and alcohol and drug abuse, also chose the name Preacher for the girl's twin brother. Judges ruled that the names could have a detrimental effect on the children, who are thought to be "conceived as a result of rape" and have been taken from her care.

SOCIAL SECURITY. *Government administration; VAT.*
Budget; Disability benefits; Public expenditure; Social security; VAT rates.

Welfare cuts announced in Budget abandoned. *Times, 22 March 2016, 1,6-7*. By Francis Elliott; Sam Coates. Also Reported in Independent, 22 March 2016 (Online edition); Guardian, 22 March 2016, 1,6-7

Prime Minister David Cameron has banned the Chancellor of the Exchequer from making further cuts to welfare spending in the current Parliament, completing a Budget 2016 reversal in the face of a Conservative Party revolt. The Government pledged that the £4.4 billion planned savings from the abandoned cut to disability benefits will not come from the welfare budget. Mr Cameron also retreated on certain VAT rates.