



# YOUR MONTHLY E-BULLETIN

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**Issue 46; August 2016**

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## LATEST CONSORTIUM NEWS

**Your 2016 Annual Training Event** will take place at the Langtree Stadium in St Helens on Tuesday 20<sup>th</sup> September. Working this year 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)

The ATE Programme has now been published to the website

## FREE CONSORTIUM TRAINING: COMING SOON

The new Consortium Annual Training Programme is now available and loaded to the website – courses page.

You can now book yourselves colleagues or clients on to the courses available through the website.

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 it's through the website please, courses page at [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com)

## Website Authorised Users – Are all your colleagues signed up to use the Consortium website?

There is no limit on the number of users that each member organisation can register.

Some organisations have registered all their legal staff, others have been selective.

If on reflection and so that all staff can appreciate the benefits of using the Consortium website you want to add new users we will need the approval of the Head of Service but from there we will sort it out for you!

Please either complete the form on the home page of the website or contact Beryl Heath on [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com) to add more authorised users for your organisation

## 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 [www.nwlegalconsortium.com](http://www.nwlegalconsortium.com)



## New NWLC Practice Managers Group

Following the Practice Management training session on 30th June the newly formed Practice Managers Group met to reflect on the morning's learning and to plan future agendas.

So coming up we're planning a further session in October based around Business Continuity Planning and again in January/February around Performance Measurement. In addition we have plans for a Risk Management workshop and we'll be keeping an eye at each session on updates from the SRA – with changes pending this will serve us well. If you or a colleague wish to join the Group that's absolutely fine – we'd welcome further input from Practice Management /Business Development colleagues as well as legal practitioners.

All the presentations from the session on the 30<sup>th</sup> June are available in the Documents area of the website. At the event, we heard from Damon Swindell about the Lexcel 6 standard – Damon is an independent Lexcel assessor amongst other things! His website at [www.lawrisk.co.uk](http://www.lawrisk.co.uk) explains what he offers.

## REMINDERS

**Website Log In** 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](mailto:briangibson2@msn.com) or Beryl Heath at [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com) and we'll do all we can to assist you.

**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](mailto:bh_nwlconsortium@btinternet.com) or [briangibson2@msn.com](mailto:briangibson2@msn.com) with the detail of the staff changes and we'll take it from there!

**Free Consortium health checks** 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 health check as to what each authority uses the Consortium for etc and how best we can assist.

## New Roles up for grabs?

We publish a range of vacancies on the website jobs page at [www.nwlegalconsortium.com/jobs](http://www.nwlegalconsortium.com/jobs)

There are currently roles available at Sefton, Rochdale Oldham and Preston.

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](mailto:bh_nwlconsortium@btinternet.com)



**YOU CAN NOW FOLLOW US ON TWITTER**

@NWLCconsortium



## NWLC NOMINATED CHARITY OF THE YEAR

Please support the North West Air Ambulance Charity

For the Charity's latest events go to: [nwaa.net](http://nwaa.net)



# Mission Walk

**Join us on our mission to  
keep your local air ambulance  
flying and saving lives by  
taking on this exciting 10k walk**

**Sunday 25th September 2016  
Wyresdale Park, Lancashire  
10k walk and gentle family route**

**Ready to accept this mission?**

For more information or to register  
visit [www.nwaa.net/missionwalk](http://www.nwaa.net/missionwalk)  
call 0800 587 4570  
or email [fundraising@nwaa.net](mailto:fundraising@nwaa.net)





# NWLC MONTHLY LEGAL UPDATER

POWERED BY THOMSON REUTERS

01/08/16

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://westlaw.co.uk) or [uk.practicallaw.com](http://uk.practicallaw.com)



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## CASE LAW

### FAMILY LAW.

Appeals; EU law; Foreign judgments; Jurisdiction; Parental responsibility; Recognition of judgments; Supreme Court.

D (A Child), Re. [2016] UKSC 34. Supreme Court (SC). Lord Neuberger PSC; Lady Hale DPSC; Lord Clarke JSC; Lord Wilson JSC; Lord Hughes JSC. June 22, 2016

An appeal against a decision of the High Court declining to recognise and enforce an order of another Member State concerning the parental responsibility for a child could be made to the Court of Appeal, but there was no further right of appeal to the Supreme Court.

Appeal struck out

### HOUSING. *Landlord and tenant; Local government.*

Intentional homelessness; Licences; Local authority housing; Local housing authorities' powers and duties; Mistake; Security of tenure.

Huda v Redbridge LBC. [2016] EWCA Civ 709. Court of Appeal (Civil Division) (CA (Civ Div)). Arden LJ; Black LJ; King LJ. July 12, 2016

In determining whether accommodation provided under the Housing Act 1996 s.190 could be regarded as "settled", all relevant facts had to be considered. No distinction could be drawn between those factors evident from the occupation agreement and factors that arose from outside the agreement.

Appeal dismissed



### **LOCAL GOVERNMENT. *Public procurement.***

Boycotts; Delay; Israel; Judaism; Local authorities' powers and duties; Locus standi; Public procurement; Public sector equality duty.

R. (on the application of Jewish Rights Watch (t/a Jewish Human Rights Watch)) v Leicester City Council. [2016] EWHC 1512 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Simon LJ; Flaux J. June 28, 2016

Resolutions passed by local councils which were critical of Israel did not breach the Equality Act 2010 s.149. The public sector equality duty applied primarily to those framing policy, namely the local authority executives, rather than to the councils debating broad issues.

Applications refused

## **LEGISLATION**

### **SOCIAL WELFARE.**

Children's welfare; Looked-after children; Regulation; Social workers.

Children and Social Work Bill 2016 (HL Bill 1).

A Bill to make provision about looked after children; to make other provision in relation to the welfare of children; and to make provision about the regulation of social workers.

Website: <http://services.parliament.uk/bills/2016-17/childrenandsocialwork.html>  
[Accessed 20 May 2016]

Lords 1st Reading: 19/5/2016; 2nd Reading: 14/6/2016; Committee Stage: 13/7/2016

### **HOUSING. *Planning.***

Client money protection schemes; Commencement; Compliance; Compulsory purchase; Conditions; Construction projects; Electrical safety; Housing; Landlords' duties; Lettings agencies; Local authorities' powers and duties; Planning control; Private landlords; Property management; Regulations; Regulator of Social Housing; Residential property; Right to buy; Sale of property; Savings provisions; Self-build; Social housing; Transitional provisions; Vesting declarations.

The Housing and Planning Act 2016 (Commencement No.2, Transitional Provisions and Savings) Regulations 2016. SI 2016/733

These Regulations bring into force various provisions of the Housing and Planning Act 2016 on 13 July 2016, 1 October 2016 and 31 October 2016.

Website: [http://www.legislation.gov.uk/ukxi/2016/733/pdfs/ukxi\\_20160733\\_en.pdf](http://www.legislation.gov.uk/ukxi/2016/733/pdfs/ukxi_20160733_en.pdf)  
[Accessed 12 July 2016]

In Force: Bringing into operation various provisions of the Housing and Planning Act 2016 on 13 July 2016.

Made under Housing and Planning Act 2016 s.212, s.216(3); Deregulation Act 2015 s.104  
Legislation amended: Self-build and Custom Housebuilding Act 2015; Housing and Planning Act 2016



## GOVERNMENT AND REGULATORY DEVELOPMENTS

### **HEALTH. *Information technology; Social welfare.***

Compliance; Consent; Data protection; Data security; Health records; NHS; Personal data; Social care; Standards.

Review of Data Security, Consent and Opt-Outs. Issued by National Data Guardian for Health and Care. 6 July 2016

A review by the National Data Guardian for Health and Care sets out recommendations to strengthen security of health and care information and ensure people can make informed choices about how their data is used. It proposes new data security standards for the NHS and social care, a method for testing compliance against the standards, and a new opt-out. The Department of Health has provisionally accepted the recommendations and confirmed that there will be a public consultation (HCWS62).

Website:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/535024/data-security-review.PDF](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/535024/data-security-review.PDF) [Accessed 6 July 2016];

[www.gov.uk/government/publications/review-of-data-security-consent-and-opt-outs](http://www.gov.uk/government/publications/review-of-data-security-consent-and-opt-outs) [Accessed 6 July 2016];

[www.gov.uk/government/news/new-safeguards-and-public-conversation-about-health-and-care-data-proposed](http://www.gov.uk/government/news/new-safeguards-and-public-conversation-about-health-and-care-data-proposed) [Accessed 6 July 2016];

[www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-07-06/HCWS62](http://www.parliament.uk/business/publications/written-questions-answers-statements/written-statement/Commons/2016-07-06/HCWS62) [Accessed 7 July 2016]

### **PUBLIC PROCUREMENT.**

Contracting authorities; Public contracts.

Procurement Policy Note -Legal requirement to publish on Contracts Finder. By Cabinet Office; Crown Commercial Service. 07/16 18 July 2016

Guidance from the Cabinet Office and Crown Commercial Service reminds contracting authorities of their responsibility under the Public Contracts Regulations 2015 to ensure that procurement opportunities and contract awards above certain low thresholds are published on Contracts Finder instead of, or in addition to, other portals or sites.

Website:

[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/539104/Procurement\\_Policy\\_Note\\_Legal\\_requirement\\_to\\_publish\\_on\\_Contracts\\_Finder\\_1.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/539104/Procurement_Policy_Note_Legal_requirement_to_publish_on_Contracts_Finder_1.pdf) [Accessed 20 July 2016]

Legislation referred: Public Contracts Regulations 2015 (SI 2015/102)



## NEWS ARTICLES

### **ADMINISTRATION OF JUSTICE. *Criminal law; Family law.***

**Child abuse; Family Court; Investigations; Judicial decision-making; Murder; Reviews.**

Serious case review into death of Ellie Butler denied help by family courts. *Times*, 23 June 2016, 19,28. By Rosemary Bennett; Danielle Sheridan. Also Reported in Guardian, 23 June 2016, 15,34

Christine Davies, head of the local safeguarding children's board in Sutton, south London, is writing to Sir James Munby, President of the Family Division and Family Justice Council, to clarify the responsibility of the courts with respect to serious case reviews, following the refusal of the judiciary to provide any evidence for a serious case review into the killing of Ellie Butler in 2013 by her father Ben, where a decision made by Justice Hogg was central to its investigation.

### **EDUCATION. *Local government.***

**Fines; Local authorities' powers and duties; Parents; School attendance.**

County Council drops legal action against parents taking children out of school. *Times*, 14 July 2016, 18.

West Sussex county council has halted legal action against parents who took children out of school to go on holiday, and has dropped 18 cases following the High Court decision in *Isle of Wight Council v Platt*, which backed a parent on the Isle of Wight who refused to pay a £120 fine.

Cases referred: *Isle of Wight Council v Platt*~ [2016] EWHC 1283 (Admin) (DC)