



YOUR MONTHLY E-BULLETIN

Issue Number 56 September 2017

LATEST CONSORTIUM NEWS

CONSORTIUM ANNUAL TRAINING EVENT – 3RD OCTOBER 2017

There's now less than a week to book onto this year's Annual Training Event which will take place on Tuesday October 3rd at the St Helens Rugby Stadium in St Helens.

Have you and your colleagues booked your places yet?

Why wait?

The event is FREE to delegates from Consortium member organisations.

The full programme is published to the website courses page at www.nwlegalconsortium.com

We look forward to seeing you in St Helens

YOUR NEW FREE CONSORTIUM TRAINING PROGRAMME

The Consortium Annual Training Programme is now published to the website for the new training year.

A new programme starts very soon and has been developed by our partner firms based upon delegate requests from the feedback from previous training sessions or from the Annual Training Survey undertaken earlier in the year.

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

You can book yourselves colleagues or clients on to the courses available through the website. And finally a request....

Booked on to a training course but now find that you can't make it?

If this happens to you.....and it might and it does, please try to let us know as soon as you can.

There is a facility to manage your bookings on the website – if you can cancel your place please do so with as much notice as possible.

Or call or email Beryl or Brian to let us know not to expect you. It really does help us to manage the training better and shows respect for the trainers and other colleagues.

Many thanks.



A NEW CONSORTIUM OFFER FROM CELLMARK - THE UK'S MOST EXPERIENCED DNA TESTING COMPANY

Cellmark pioneered the commercial introduction of DNA analysis for relationship testing over 30 years ago. Today their services have an enviable reputation for quality and speed amongst Local Authorities, Family Law Solicitors, members of the public, and the medical profession. In addition to relationship testing, Cellmark offers a forensic quality hair drug testing service and wider forensic services which are accessed by around 85% of UK police forces and numerous Government Agencies. Their services are accredited and certified to a range of ISO global quality standards including, ISO9001, ISO14001, ISO17025, and ISO27001.

As a local employer in the North West Legal Services region, Cellmark employs over 100 staff in Lancashire at its Chorley forensic laboratories.

In order to assist Local Authorities with their busy caseloads, they offer the following;

- Rapid results - a next working day DNA Relationship Testing service as standard across our range of tests including paternity testing and sibling cases. If the samples reach us by 10am we normally make the test report available by the end of the next working day.
- Clear and simple pricing structures for forensic hair toxicology testing
- Hair testing results in 3 – 5 working days from receipt in our UK based laboratories
- Sampling appointments arranged on your behalf if required
- Competitive pricing which meets Legal Aid requirements
- Secure email and the confidence of knowing that all staff are Security Cleared

As a bespoke service to the North West Legal Consortium Cellmark can provide;

- Dedicated, regular collection services made available at your premises such as a contact centre
- Discounted pricing structure for breakpoint volumes (please contact us for details)
- Training in how to collect DNA samples yourselves to reduce collection fee charges

If you would like to discuss how your Authority can save budget and with a local partner, please get in touch with Elaine Higgins at Cellmark ehiggins@cellmark.co.uk or better still meet Elaine at the Annual Training Event in person.

Cheshire Constabulary had this to say:

“Janice, Sam and I would like to thank you and all your colleagues, scientists, support staff and couriers, for all the support you have provided during the past years. You have always been extremely helpful and provided an excellent service. Along the way we have developed good working relations and have felt that we have had a good customer/provider relationship with all at Cellmark. I would go so far to say that we have developed friendships and close working relationships that have definitely benefited both parties whilst working together for a common goal.”



REMINDERS

AN OPPORTUNITY TO HELP EACH OTHER?

As you may have read in earlier E-Bulletins your Management Board are looking to introduce a tool through the website to support member organisations in assisting each other when they either don't have the current capacity or specialist skills to undertake a piece of or a particular area of work.

Read about South Lakeland offer below:

Nicola Hartley, Solicitor with South Lakeland Council obtained her Higher Rights of Audience in Criminal Advocacy in July 2012 which entitles her to exercise rights of audience in all criminal proceedings in the higher courts.

South Lakeland District Council would like to offer her services as a Crown Court solicitor advocate to any Council that wishes to save money on counsel's fees.

Nicola is a very experienced advocate having dealt with a range of criminal prosecutions at both magistrates and crown court level, including health and safety, environmental, food hygiene, benefits fraud and a great many taxi licensing appeals at both magistrates and crown court as well as licensing act matters.

Interested? Please contact Anthea Lowe Solicitor to the Council on anthea.lowe@southlakeland.gov.uk on 01539 793305 if you wish to make further enquiries.

COURSE MATERIALS

If you or your colleagues have missed out on one or more of our Consortium training sessions 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

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 to add more authorised users for your organisation

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 or Beryl Heath at bh_nwlconsortium@btinternet.com and we'll do all we can to assist you.



NEW ROLES UP FOR GRABS?

We publish a range of vacancies on the website jobs page at <http://www.nwlegalconsortium.com/jobs/> 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.

B&M RETAIL PLC DONATES £20,000 TO OUR CHARITY

B&M Retail Plc have made a generous £20,000 donation to the charity following a successful grant application. Money donated will purchase two new, vital pieces of medical equipment, the Lucas Chest Compression System.

The LUCAS Chest Compression system standardises chest compressions by providing automated CPR on a patient suffering from cardiac arrest. Cardiac arrest remains a leading cause of death across the UK and can affect even the young and athletic. Devastatingly 95% of patients die before they reach the hospital. In these situations, the gift of time that our helicopters provide can make a huge impact and a lifesaving difference. In order to save the lives of cardiac arrest patients and avoid brain damage, a steady supply of oxygen to the heart and brain is vital so when advanced care is readily available results show the chance of survival increases by up to 30%.

Whilst the speed of our helicopters is vital in cardiac arrest situations, the small cabin of the aircraft can make the delivery of CPR challenging, even for our highly experienced crew. This sometimes means that a patient in cardiac arrest will travel by land to maintain regular CPR, losing vital time in the process. Having a LUCAS device on board will allow cardiac arrest patients to receive effective, sustained CPR throughout their treatment. This will free up our crew to enable them to carry out other treatments that may be vital in an emergency, whilst our helicopters take them to the right hospital for their treatment in the quickest possible time.

We would like to thank everyone at B&M Retail Plc for supporting us this year.





WALK THIS WAY!

Following the success of our inaugural Mission Walk in 2016, the event will be returning this year! Join us on Sunday 17th September to get a glimpse of how our paramedics, doctors and pilots help to make a life changing difference to patients across the region.

Enjoy our fun warm up, learn some simple but effective first aid tips and meet the crew whilst taking in the beautiful scenery of Wyresdale Park. Whether you challenge yourself to the 10k walk or take on the 8.5k family route, your fundraising will help to future-proof our vital work for the eight million residents of the North West.

Ready to accept your mission? Register now



YOUR QUESTIONS ANSWERED: BEHIND THE SCENES AT NWAAC.

How many missions do you do each day?

On average we attend over 2,000 missions a year; approximately 6 missions each day. Some days are busier than others as are different times of the year – the spring is particularly busy as many people get back to our active hobbies once the nice weather arrives. Boxing Day can also be busy with people enjoying their new toys.

How do you get called out to a mission? Is there a number we have to call?

Your local air ambulance is tasked by the North West Ambulance Service control desk. In any emergency, dial 999 and the call handler will take all the relevant details which determine if the North West Air Ambulance Charity is required (if the patient needs rapid response and/or is in a hard to reach location our crews will be called into action). We also transfer patients from local hospitals to the most appropriate hospital where they are in urgent need of rapid specialist treatment.

What is the process when the control centre receives 999 call?

A dispatcher sits in the 999 control room and reviews every call code coming in. They are trained to recognise trauma codes which include cardiac arrest and head injuries. It is these trauma incidents that the North West Air Ambulance Charity may potentially be called out to. The dispatcher will then dispatch one of our aircrafts accordingly if it is needed. All North West Air Ambulance Charity HEMS crew are required to work alongside dispatchers by working one to two shifts a month. This is part of their ongoing training as a HEMS paramedic.

What equipment do you carry that is different to a land ambulance?

Our three aircraft are equipped with everything that is found on board a land ambulance.



Does the North West Air Ambulance Charity fly at night?

We currently fly during daylight hours only. Visibility is dramatically reduced outside of daylight hours and the safety of our crew, patients and the public is naturally paramount.

How long does it take you to get to an incident?

North West Air Ambulance Charity has three aircraft located in Manchester and Blackpool to ensure rapid response to incidents across the North West. Most locations can be reached from between 5 – 20 minutes depending on location and the weather.

Who makes the decision as to which hospital you fly to?

This decision is made by all members of crew on board (pilots, doctor and paramedics). Doctors and paramedics will review the patient's injuries and assess if time or a specialist centre is more important, whereas pilots will examine weather conditions, distance and speed to ensure the swiftest journey.

What are the principle hospitals that your crew flies to?

We aim to fly patients to the most appropriate hospital to ensure the best possible treatment for their injuries. For example;

- Major trauma site – Royal Preston Hospital
- Neuro sites – Aintree University Hospital, Salford Royal Hospital, Royal Preston Hospital
- Cardiac centres – Blackpool Victoria Hospital, Broadgreen Hospital, Cumberland Infirmary, Manchester Royal, University Hospital of South Manchester
- Burns centres – University Hospital of South Manchester, Whiston Hospital
- Children's hospitals – Alder Hey Children's Hospital, Royal Manchester Children's Hospital

Which hospitals have helicopter pads?

Royal Preston Hospital, Royal Blackburn Hospital, University of South Manchester Hospital, and Alder Hey Children's Hospital all have 'primary pads' – this means the landing pads are linked to the hospital and are only a 'trolley push' away. Those hospitals without landing pads have 'secondary landing sites' – this means the patient would require a land ambulance to transfer them to the hospital from the landing pad. These locations are pre-reconciled by our pilots and are in areas that are well known to the crews such as large fields where a land ambulance would be waiting prior to our landing to take the patient to hospital. For example; Aintree University Hospital uses Aintree Racecourse, Broadgreen Hospital uses Thomas Lane Playing Fields.

Why don't all hospitals have helipads?

Due to the location of many hospitals, land is limited which makes having a helipad at every hospital a challenge. It can cost a lot of money to build and maintain a helipad, particularly if it has to be located on top of a building. Our charity raises money to ensure our helicopters can operate across the North West and we can not fund helipads at each hospital. However, we are working closely with our hospital partners to support them where possible to ensure we can get our patients from scene to emergency departments as quickly as possible.



CHARITY OF THE YEAR

Please support the North West Air Ambulance Charity

For the Charity's latest events go to:

<http://nwaanet/>



PLP MONTHLY LEGAL UPDATER POWERED BY THOMSON REUTERS

01/01/17

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 or uk.practicallaw.com. You can also follow us on Twitter [@trlegaluki](https://twitter.com/trlegaluki)

CASE LAW

EMPLOYMENT. *Human rights; Local government.*

Civil servants; Collective bargaining; Discrimination; Freedom of association; Parks; Police officers; Redundancy; Right to respect for private and family life; Trade unions.

Wandsworth LBC v Vining. [2017] EWCA Civ 1092. Court of Appeal (Civil Division) (CA (Civ Div)). Sir Terence Etherton MR; Beatson LJ; Underhill LJ. July 28, 2017

The dismissal of two local authority parks police officers by redundancy did not engage ECHR art.8 or art.14 when read in conjunction with art.8. Their claims for unfair dismissal were dismissed. However, their exclusion from the protections of the Trade Union and Labour Relations (Consolidation) Act 1992 s.188 to s.192 by s.280 of the Act construed in accordance with Redbridge LBC v Dhinsa [2014] EWCA Civ 178, [2014] I.C.R. 834, [2014] C.L.Y. 1135 was a breach of art.11 of the Convention. The court considered how s.280 could be construed in a non-infringing way.

Appeals allowed in part.

FAMILY LAW. *Mental health; Administration of justice.*

Admissions for treatment; Availability; Mental hospitals; Release from custody; Young persons.

LX (A Child), Re. [2017] EWHC 2084 (Fam). Family Division (Fam Div). Sir James Munby PFD. August 07, 2017

The President of the Family Division commented upon the lack of availability of mental health placements for children and young people in England and Wales. The fact that a bed had finally been found for a 17-year old girl the subject of care proceedings, whose need was overwhelming and desperately urgent, was not a matter for congratulation, but a further cause for concern. Securing the right clinical support for those who needed it could not be dependent on a senior judge publicly showcasing his outrage and frustration.

Judgment accordingly



HEALTH. *Social welfare; Local government.*

Care homes; Funding; Local authorities' powers and duties; Nursing care; Social care.

R. (on the application of Forge Care Homes Ltd) v Cardiff and Vale University Health Board. [2017] UKSC 56. Supreme Court (SC). Lady Hale DPSC; Lord Clarke JSC; Lord Wilson JSC; Lord Carnwath JSC; Lord Hodge JSC. August 02, 2017

Decisions taken by local health boards in Wales in respect of the provision of funding for registered nursing care in care homes had been based on a misinterpretation of the Health and Social Care Act 2001 s.49(2). The proper construction of "nursing care by a registered nurse" in s.49(2) was that there would be some circumstances in which care needed to be provided by a registered nurse, even though it was not care which only a registered nurse could provide.

Appeal allowed

HOUSING. *Local government.*

Comparators; Homelessness; Local authorities' powers and duties; Precedent; Priority needs; Vulnerable adults.

Hemley v Croydon LBC. 2017 WL 03129019. Court of Appeal (Civil Division) (CA (Civ Div)). Lewison LJ; McCombe LJ. July 25, 2017

The decision in Hotak v Southwark LBC [2015] UKSC 30, [2016] A.C. 811, [2015] C.L.Y. 1277 had substantially modified the previous test, derived from R. v Camden LBC Ex p. Pereira (1999) 31 H.L.R. 317, [1999] C.L.Y.

3062, for whether a person was vulnerable and therefore in priority need for housing within the Housing Act 1996 s.189(1)(c). Hotak established that a person might be vulnerable even if he could fend for himself, and the proper comparator was an ordinary person who had been made homeless not, per Pereira, an ordinary homeless person. Where a review officer had applied the Pereira test in considering an individual's vulnerability, the court could not be certain that he would have reached the same conclusion in any event had he applied the Hotak test, and quashing of his decision was upheld.

Appeal dismissed

LEGISLATION

LANDLORD AND TENANT. *Housing.*

Building regulations; Fitness for habitation; Residential accommodation.

Homes (Fitness for Human Habitation and Liability for Housing Standards) Bill 2017 (HC Bill 10).

A Bill to amend the Landlord and Tenant Act 1985 to require that residential rented accommodation is provided and maintained in a state of fitness for human habitation; to amend the Building Act 1984 to make provision about the liability for works on residential accommodation that do not comply with Building Regulations; and for connected purposes.

Website: <http://services.parliament.uk/bills/2017-19/homesfitnessforhumanhabitationandliabilityforhousingstandards/documents.html>

Hansard: HC Vol 627 col 875 (1st Reading)

Commons 1st Reading: 19/7/2017; 2nd Reading: 19/1/2018 provisional

Legislation referred: Landlord and Tenant Act 1985; Building Act 1984 1



FAMILY LAW.

Childcare; Commencement; Ministers' powers and duties.

The Childcare Act 2016 (Commencement No. 2) Regulations 2017. SI 2017/785 (C.63)

These Regulations are made under the Childcare Act 2016. These Regulations bring into force, on 1 September 2017, those provisions of the Act which are not already in force. The provisions relate to the Secretary of State's duty to secure 30 hours of free childcare for working parents.

Website: http://www.legislation.gov.uk/ukxi/2017/785/pdfs/ukxi_20170785_en.pdf

In Force: Bringing into operation various provisions of the 2016 Act on 1 September 2017.
Made under Childcare Act 2016 s.7(2)

GOVERNMENT AND REGULATORY

DEVELOPMENTS FAMILY LAW. *Police.*

Consent; Courts' powers and duties; Police interviews; Security Service; Wards of court.

Amendment to FPR Practice Direction 12D: interviewing wards of court. *Fam. Law 2017*, 47(Aug), 884-885.
By James Munby.

Presents the amended text of FPR PD 12D para.5, effective on 16 June 2017, clarifying that, following the judgment in *Re Ward of Court* (Fam Div), a child who is a ward of court may be interviewed by the police or other statutory agencies in relation to criminal investigations without first obtaining the court's permission.

Cases referred: *Ward of Court*, Re~ [2017] EWHC 1022 (Fam) (Fam Div)
Legislation referred: FPR PD 12D (Inherent Jurisdiction (Including Wardship) Proceedings)

CIVIL PROCEDURE. *Mental health.*

Case management; Court of Protection; Court rules; Practice Directions; Transparency.

Court of Protection Transparency Pilot: Case management S.49 pilots extension. Issued by Courts and Tribunals Judiciary. 27 July 2017

The Courts and Tribunals Judiciary announces that the Court of Protection transparency, case management and s.49 pilots will be extended until the date when the consolidated Rules will come into force to avoid a gap. The intention is that a full revised and consolidated package of the Court of Protection Rules and their supporting Practice Directions, providing for the piloted procedures to become part of normal court procedure, will be laid before the end of 2017.

Website: <https://www.judiciary.gov.uk/publications/transparency-pilot-case-management-s-49-pilots-extension/>
<https://www.judiciary.gov.uk/wp-content/uploads/2017/07/cop-transparency-pilot-case-management-s49-pilots-extension-20170727.pdf>



ENVIRONMENT. *Road traffic.*

Air quality; Greenhouse gas emissions; Motor vehicles.

UK plan for tackling roadside nitrogen dioxide concentrations: detailed plan. Issued by Department for Transport; Department for Environment, Food and Rural Affairs. 28 July 2017

A Department for Transport and Department for Environment, Food and Rural Affairs document sets out the UK's plan for reducing roadside nitrogen dioxide concentrations.

Website: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/633270/air-quality-plan-detail.pdf

<https://www.gov.uk/government/publications/air-quality-plan-for-nitrogen-dioxide-no2-in-uk-2017>

HOUSING. *Planning.*

Houses; Income; Local housing authorities; Planning permission.

The New Homes Bonus Scheme (England) - Briefing Paper. Issued by House of Commons Library. 05724 24 July 2017

A House of Commons Library Briefing Paper explains the workings of the New Homes Bonus, a Government scheme which is aimed at encouraging local authorities to grant planning permission for the building of new homes in return for additional revenue, and provides comment on its impact.

Website: <http://researchbriefings.files.parliament.uk/documents/SN05724/SN05724.pdf>

NEWS ARTICLES

EMPLOYMENT. *European Union; Social security.*

Discrimination; EU nationals; Employers' powers and duties; Jobseeking.

EU workers face discrimination. *Times*, 4 August 2017, 17. By Patrick Maguire.

According to a dossier compiled by EU citizens' rights campaign group The 3 million, EU jobseekers applying for work in the UK are being discriminated against amid uncertainty over their post-Brexit status. Displaying the extent of discrimination against EU citizens by dozens of employers, the dossier includes job adverts requiring applicants to be UK citizens or hold British passports, and rental properties advertised for British nationals only or subjecting EU citizens to different terms. Secretary of State for Exiting the European Union David Davis is being pressed to clarify the rights of EU workers.



HEALTH. *Social welfare.*

Adult social care; Elderly persons; NHS; NHS England; Waiting lists.

NHS England warns of crisis in NHS and elderly care system. *Times*, 11 August 2017, 2. By Chris Smyth.

NHS England has warned that hospital trusts report that one in 13 people in England are on a NHS waiting list for surgery, but that due to five hospital trusts, including the UK's biggest, failing to reveal their waiting list figures, the true figure is likely to be "just over 4 million patients", the highest figure for a decade. Bed blocking has also risen from 173,122 in 2016 to 178,441 in 2017 due to a "crumbling elderly care system".

PLANNING. *Landlord and tenant.*

National Planning Policy Framework; Residential development; Tenancies.

National planning policy framework to change to stabilise rental market. *Times*, 3 August 2017, 2. By Sam Coates.

The Department for Communities and Local Government is to change the national planning policy framework to give an expectation that build-to-rent projects offer a three-year family-friendly tenancy, rather than the one-year tenancy currently offered. The British Property Federation has confirmed that 20 of the biggest investors and developers in the build-to-rent sector have already signed up to the pledge.

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