



# YOUR MONTHLY E-BULLETIN

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## Issue 59; February 2018

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Coming up in the next few weeks -

### **DACBEACHCROFT, IN MANCHESTER ON 7 MARCH PRESENT HEALTH AND SOCIAL LATEST CONSORTIUM NEWS**

#### **Calling all Child Care and Adult Care Practitioners**

In response to recent feedback, the Management Board would very much like to hear from Child Care and Adult Care legal staff across the NWLC membership as to how best we can serve your needs generally into the future.

Would you like us to arrange training from Barristers Chambers on a regular basis? Or are your training needs met elsewhere?

Are there any gaps in otherwise available training that we could try to fill for you?

If you could contact Beryl Heath on [bh\\_nwlconsortium@btinternet.com](mailto:bh_nwlconsortium@btinternet.com) she will take your feedback and comments to the Management Board meeting in late February for further consideration.

Thank you

#### **Good News**

Your Consortium has been shortlisted in the Efficiency category by LGC as part of their 2018 Awards. We are keeping our fingers crossed for success when the winners are announced in March – for now, we are delighted to have been recognised in this way.

## **YOUR FREE CONSORTIUM TRAINING PROGRAMME**

The Consortium Annual Training Programme is available on the website for the training year.

As you know the programme 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.

#### **Care Integration**

On 8 March Geldards are hosting the **Practice Managers Group meeting** in Warrington

On 21 March in Liverpool, Hill Dickinson are presenting **Adult Social Care/DOLS/Care Proceedings**.

All the detail is on the website courses page.

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

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. More details of what will be covered in each session are available on the website Courses page.



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 – just click on 'Manage your Bookings'. 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.

### **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 or they want to offer to provide help to other member organisations.

It works both ways!

If this is of interest to you/your organisation please let us know.

### **Course Materials**

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

### **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



**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.

### New Roles up for grabs?

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

Current roles on offer include:

An in-house advocate (Childrens Safeguarding)- Fixed Term for 18 Months for Warrington

A part time Monitoring Officer for Copeland and



Employment Solicitor for Cumbria

Interested? Find out all the details on the website jobs page.

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)



### NWLC NOMINATED CHARITY OF THE YEAR

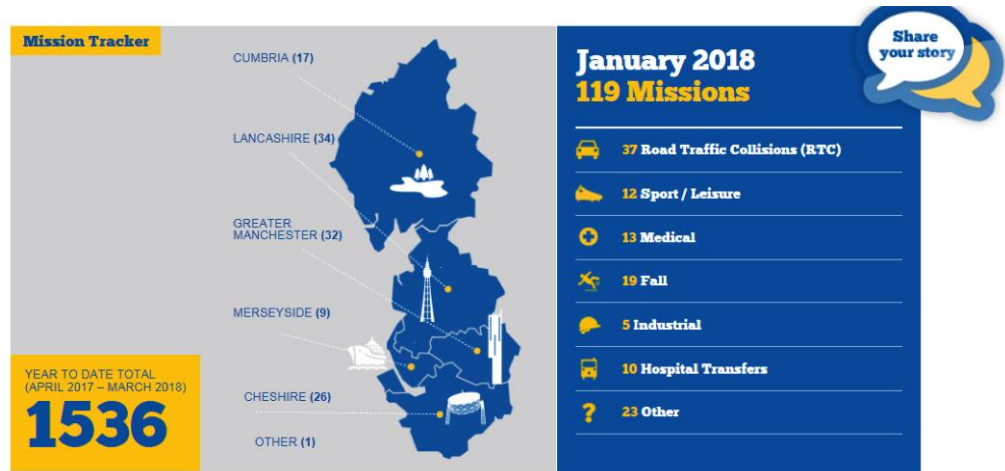
Please support the North West Air Ambulance Charity

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



## NORTH WEST AIR AMBULANCE CHARITY NWLC FEBRUARY 2018

Mission Tracker – in January your support helped us to complete the following missions



Say hello to RU! Our brand new Air Ambulance Response Unit (AARU)



Last week we welcomed an Air Ambulance Response Unit (AARU – or Ru for short!) to our fleet, which our medical crew hope will provide a lifeline to patients in the region.

Ru, decked out in blue and yellow to match the iconic livery of our three helicopters, will allow our paramedics and consultants to extend their hours of operation and significantly expand their service. Whilst flight time legislation currently restricts the hours and conditions within which air ambulances can safely be flown, our paramedics will be able to drive the AARU at any time, 7 days a week, delivering emergency treatment to people across the North West in all weathers.

The BMW X5 vehicle, which has been fully kitted out for medical use, came in at £65,000, and the unit was sourced from the BMW Government & Authorities Division.

Ru is expected to have a lifesaving impact on patients across the North West; a trial vehicle has already proved to be a crucial transport link for critically ill patients, used in 24 missions by the crew to date. We eventually hope to join two more vehicles to the fleet, to give our patients the best possible chance at survival.

Mark Evans, our Clinical Service Manager, was excited to welcome the new vehicle to the Barton base: “Our team are highly-skilled in major trauma incidents and dealing with life-threatening medical emergencies, and are dedicated to treating patients whenever they need them – our service is ready to go 365 days a year. With this new vehicle, our advanced medical team will be able to bring their expertise to as many patients as possible, in a significantly increased timeframe. The AARU will also be essential in situations where we are unable to land our helicopters safely or when the weather prevents us from flying.

“It’ll also mean we will be able to deliver enhanced pre-hospital care literally to the roadside, which is a core element to our service. Our team can administer drugs, such as advanced pain relief, and carry out lifesaving procedures, including advanced surgical interventions, which are normally only possible to carry out in hospitals, or via our helicopters. It’s unique to our service and we’ll be continuing our close work with the North West Ambulance Service to deliver lifesaving care hand in hand with their paramedics.”

“We’re all very excited to test out the blue lights and siren as well!”

Heather Arrowsmith, our CEO, thanked our supporters for making the new addition possible: “This addition to our fleet wouldn’t have been possible without the incredible support we receive every day from people across the region. We’re incredibly grateful, and our thanks also go to those at BMW and the Halls Electricals team for designing an AARU that is specialised to our crews’ and patients’ needs. Our service is a charity, and we rely on our supporters – be that businesses, fundraisers or donors – to stay in the skies, and now on the road! Their support means we can continue to expand our service, as a vital component of the North West’s emergency care network.”

### **Take on a challenge for 2018!**

#### **Ballot now open for NWAA Great North Run Charity Ballot Places**

Unlucky in the Great North Run Ballot, then don’t worry there is still chance to run and we have a limited number of charity places up for grabs. Our ballot opens for entry via this page <http://nwaa.net/event/2018-great-north-run/> on Friday 9th February. All we ask in return for one of our places is that you pledge to raise a minimum sponsorship of £350. Once the ballot closes, successful applicants will be notified and their places confirmed.

If you are one of the lucky ones and have secured your own place, you can complete a registration form at [www.nwaa.net/our-story](http://www.nwaa.net/our-story) and we would love to welcome you to Team NWAA and support you with your fundraising. There’s no minimum fundraising target if you have secured your own place, just have fun and raise as much as you can!



### How we'll support you

As a member of Team NWAA, we promise to give you lots of support and encouragement along the way including:

- A fantastic fundraising pack filled with hints, tips and ideas
- A free NWAA t-shirt to wear with pride on the day
- Team NWAA temporary tattoos and message squares
- Access to on the day cheer packs including cheer sticks, supporter signs and more
- Support from our events team on all aspects of your fundraising

### Places still available in our exhilarating skydive challenge this April.

21st April - Take to the Skies Challenge, Black Knights Parachute Centre

We promise to get the adrenaline pumping with a freefall tandem skydive!

**Take to the Skies with North West Air Ambulance Charity for an exhilarating tandem skydive on and help to keep our helicopters flying and saving lives.**



This is a great opportunity to experience an adrenaline rush like no other whilst being supported by qualified instructors from the Black Knights Parachute Centre. Please read the important medical requirements, and terms and conditions about weight restrictions, on the [Black Knights Parachute Centre](#) before booking your place.

**Charity place:** With just a £50 deposit to secure a place, and a pledge to raise £350 in sponsorship, you can enter our Spring Take to the Skies event. Booking is open at [www.nwaa.net/event/skydive](http://www.nwaa.net/event/skydive) and closes on 31<sup>st</sup> March. There is also the option to self-fund your jump, you would pay £205 and then set your own sponsorship target to raise as much as possible.

**Own place:** If you can't make this date you can book and self-fund your own place to skydive, at a venue and date convenient to you, and raise as much sponsorship as you can. We will support you with a sponsorship pack and fundraising advice to help you smash your targets.



# NWLC MONTHLY LEGAL UPDATER

## POWERED BY THOMSON REUTERS

01/02/18

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 REPORTS

### **FAMILY LAW. *Human rights.***

Children's welfare; Discrimination; Freedom to manifest one's religious belief; Judaism; Parental contact; Religion or belief; Transgender identity.

M (Children), Re. [2017] EWCA Civ 2164. Court of Appeal (Civil Division) (CA (Civ Div)). Sir James Munby PFD; Arden LJ; Singh LJ. December 20, 2017

A judge had erred in refusing direct contact between children and their father where the father, who lived as a transgender person, had been shunned by their ultra-orthodox Jewish community and the children faced ostracism if there was direct contact. Courts had a duty to promote contact and would not be prevented from intervening where the adults involved were intransigent; the approach was no different merely because religious belief was in play.

Appeal allowed

### **MENTAL HEALTH. *Human rights.***

Care plans; Court of Protection visitors; Deprivation of liberty applications; Persons lacking capacity; Representatives; Right to liberty and security.

KT (Incapacitated Persons) (Deprivation of Liberty: Appointment of Representatives), Re. [2018] EWCOP 1. Court of Protection (CP). Charles J. January 15, 2018

In non-contentious applications for welfare orders to authorise a deprivation of liberty in which no family member or friend was available to act as the relevant person's Rule 3A representative, it would be preferable to appoint a general visitor to prepare a report under the Mental Capacity Act 2005 s.49. The appointment of a visitor would provide a procedure which was fair and complied with ECHR art.5.

Applications granted





**PLANNING. *Administrative law.***

Bias; Fairness; National Planning Policy Framework; Neighbourhood development plans; Reasons.

R. (on the application of Legard) v Kensington and Chelsea RBC. [2018] EWHC 32 (Admin). Queen's Bench Division (Administrative Court) (QBD (Admin)). Dove J. January 12, 2018

A local authority's decision to permit a neighbourhood plan promoted by a neighbourhood forum to proceed to a referendum was not tainted by apparent bias arising from the access granted to one of the forum's members to local authority officers. As democratically elected representatives, a local authority's officers were expected to receive and consider representations and lobbying by members of the public, and local authorities were also obliged by the Town and Country Planning Act 1990 Sch.4B to give appropriate advice or assistance to a neighbourhood forum in connection with, or to facilitate, the making of proposals for neighbourhood plans.

Application refused

**LEGISLATION**

**LANDLORD AND TENANT. *Criminal law.***

Domestic violence and abuse; Secure tenancies.

Secure Tenancies (Victims of Domestic Abuse) Bill 2017 (HL Bill 76).

A bill to make provision about the granting of old-style secure tenancies in cases of domestic abuse. It was read a first time and ordered to be printed.

Website: <https://services.parliament.uk/bills/2017-19/securetenanciesvictimsofdomesticabuse/documents.html> [Accessed 2 January 2018]

Hansard: HL Vol 787 col 2010 (1st Reading)

Lords 1st Reading: 19/12/2017; 2nd Reading: 9/1/2018 provisional

**EDUCATION. *Local government.***

Local government finance; Maintained schools; Nursery education.

The School and Early Years Finance (England) Regulations 2018. SI 2018/10

These Regulations provide for how local authorities are to set their education budgets (the non-schools education budget, the schools budget, the central expenditure and the individual schools budget) and set out how local authorities are to allocate funding from the individual schools budget (ISB) to maintained schools and private, voluntary and independent providers of free early years provision (relevant early years providers) through a locally determined formula.

In Force: 5 February 2018

Made under School Standards and Framework Act 1998 s.45A, s.45AA, s.47, s.47ZA, s.47A(4B)(5), s.48(1)(2), s.49(2)(2A), s.138(7), Sch.14 para.2B; Education Act 2002 s.24(3)

Legislation amended: Schools Forums (England) Regulations 2012 (SI 2012/2261)

Legislation repealed: School and Early Years Finance (England) Regulations 2015 (SI 2015/2033)



**HEALTH. *Criminal law; Local government.***

Body piercing; Children; Commencement; Enforcement; Interpretation; Local authorities' powers and duties; Offences; Wales.

The Public Health (Wales) Act 2017 (Commencement No.2) Order 2018. SI 2018/1 (W.1)

This Order made by the Welsh Ministers brings into force specified provisions of the Public Health (Wales) Act 2017. Article 2 brings provisions of the Act relating to the intimate piercing of children into force on 1 February 2018.

Website: [https://www.legislation.gov.uk/wsi/2018/1/pdfs/wsi\\_20180001\\_en.pdf](https://www.legislation.gov.uk/wsi/2018/1/pdfs/wsi_20180001_en.pdf) [Accessed 5 January 2018]

In Force: Bringing into operation various provisions of the 2017 Act on 1 February 2018  
Made under Public Health (Wales) Act 2017 s.126(2)

## GOVERNMENT AND REGULATORY DEVELOPMENTS

**HOUSING.**

Homes and Communities Agency; Housing; Non-departmental public bodies.

New housing agency to boost housebuilding. By Ministry of Housing, Communities and Local Government. 11 January 2018

A new national housing agency - Homes England - has been launched by the Housing Secretary, Sajid Javid, as one of the key steps towards delivering the homes the country needs. As the successor to the Homes and Communities Agency, Homes England will drive forward change, as set out in the white paper "Fixing our Broken Housing Market".

Website: <https://www.gov.uk/government/news/new-housing-agency-to-boost-housebuilding> [Accessed 11 January 2018]

**HOUSING. *Planning.***

Housing supply; Planning permission; Residential development.

Independent review to tackle barriers to building. By Ministry of Housing, Communities and Local Government. 14 January 2018

A panel of experts is to review the gap between the number of planning permissions being granted and those built in areas of high demand to try and understand why hundreds of thousands of homes have not been built, despite having planning permission. The review will seek to identify the main causes of the gap and will make recommendations on practical steps to increase the speed of build out. Sir Oliver Letwin will chair the review panel.

Website: <https://www.gov.uk/government/news/independent-review-to-tackle-barriers-to-building> [Accessed 16 January 2018]



**HEALTH. *Social welfare.***

Health; Social care; Wales.

A Revolution from Within: Transforming Health and Care in Wales - Final Report. Issued by Welsh Government. 16 January 2019

The final report of the Parliamentary Review of Health and Social Care in Wales makes high level recommendations to the Welsh Government setting out key actions that need to be taken to: improve population health and wellbeing through a focus on prevention; improve the experience and quality of care for individuals and families; enrich the wellbeing, capability and engagement of the health and social care workforce; and increase the value achieved from funding of health and care through improvement, innovation, use of best practice, and eliminating waste.

Website: <https://beta.gov.wales/review-health-and-social-care-wales-final-report> [Accessed 19 January 2018]; <https://beta.gov.wales/sites/default/files/publications/2018-01/Review-health-social-care-report-final.pdf> [Accessed 19 January 2018]

**NEWS ARTICLES**

**COMPANY LAW. *Insolvency; Public procurement.***

Administration; Compulsory winding-up; Corporate recovery; Public contracts; Warnings.

Carillion on brink of administration. *Times*, 15 January 2018, 1,4. By Emily Gosden; Lucy Fisher. Also Reported in Guardian, 15 January 2018, 1,8-9; Daily Telegraph, 15 January 2018, 1,Business 1

Ministers are facing question over why Carillion was awarded public contracts even after it issued a number of profit warnings. The fate of the company, on the brink of administration, is in the hands of the Government after lenders indicated they would not assist in a rescue plan without government help. It was announced later on 15 January 2018 that the company had entered compulsory liquidation after lenders refused to offer more financial support.

Website: <http://www.independent.co.uk/news/uk/home-news/carillion-latest-compulsory-liquidation-contractor-prisons-hs2-united-kingdom-a8159326.html> [Accessed 15 January 2018]

Organisations Referred: Carillion

**ENVIRONMENT. *Criminal procedure; Local government.***

Fixed penalty notices; Household waste; Local authorities' powers and duties; Unlicensed disposal of waste; Waste disposal.

Fines to be imposed for fly-tipping. *Times*, 15 January 2018, 1,2. By Ben Webster. Also Reported in Guardian, 15 January 2018, 21; Daily Telegraph, 15 January 2018, 1

Under plans to be announced in a consultation on 15 January 2018, households could be fined up to £400 for paying an unauthorised person to take away rubbish. The fly-tipping measures will give local authorities the power to levy the fixed penalty fine and will also ask them to stop charging people to dispose of DIY waste at council tips.

Website: <https://www.gov.uk/government/news/new-steps-to-tackle-illegal-waste-and-fly-tipping-announced> [Accessed 16 January 2018]