



Council

Town Hall
Wallasey

10 October 2014

Dear Councillor

You are hereby summoned to attend a meeting of the Council to be held at **6.15 pm on Monday, 20 October 2014** in the Council Chamber, within the Town Hall, Wallasey, to take into consideration and determine upon the following subjects :

Contact Officer: Andrew Mossop
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AGENDA

1. DECLARATIONS OF INTEREST

Members of the Council are asked to consider whether they have any disclosable pecuniary interests and/or any other relevant interest, in connection with any matter to be debated or determined at this meeting and, if so, to declare it and state the nature of such interest.

2. CIVIC MAYOR'S ANNOUNCEMENTS

To receive the Civic Mayor's announcements and any apologies for absence.

3. PETITIONS

To receive petitions submitted in accordance with Standing Order 21.

4. PUBLIC QUESTIONS

To deal with questions from members of the public, in accordance with Appendix 1 to Standing Orders.

5. MINUTES (Pages 1 - 22)

To approve the accuracy of the minutes of the meeting of the Council held on 14 July, 2014.

6. LEADER'S, EXECUTIVE MEMBERS' AND CHAIRS' REPORTS (Pages 23 - 56)

To receive the written reports of the Leader, Cabinet Members and Chairs of the Policy and Performance Committees and receive questions and answers on any of those reports in accordance with Standing Orders 10(2)(a) and 11.

7. MATTERS REQUIRING APPROVAL BY THE COUNCIL (Pages 57 - 134)

To consider any recommendations of the Leader, Cabinet, Cabinet Member and Committees which require the approval of the Council. The relevant minutes are attached; copies of the related reports can be provided for Council members on request.

A. Cabinet – 11 September, 2014 (Page 57)

Minute 51 – Gypsy and Traveller Accommodation Assessment

The Council is requested to: (i) approve the findings of the Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment being used to inform the content of the Council's emerging Core Strategy Local Plan and subsequent site-specific Local Plan; and (ii) that the Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment be approved as a material consideration for use by Planning Committee in the determination of planning applications.

B. Audit and Risk Management Committee – 17 September, 2014 (Pages 59 – 134)

Minute 30 – Update of HR Policies

The Council is requested to approve the Dignity at Work procedure and the Council's Grievance Policy. (The report and accompanying documents are attached)

C. Matters referred to the Council by Cabinet at its meeting on 9 October, 2014 (minutes relating to these matters will be circulated with the supplement):

- Wirral Climate Change Strategy 2014-19
- Street Lighting Strategy and Action Plan 2014
- Anti-Social Behaviour, Crime and Policing Act 2014 Update and Proposed Amendments to the Scheme of Delegation to Officers
- Revision of Constitution Arrangements for Wirral Partnership Homes Trading as Magenta Living to Enable a Proposed Group Structure

8. **MATTERS FOR NOTING (Pages 135 - 142)**

The following matters, determined by the Cabinet, are drawn to the Council's attention in accordance with the Constitution (copies of any related reports can be provided for Council members on request).

A. **Cabinet – 7 July, 2014**

Minute 27 – Financial Monitoring 2014/15

B. **Cabinet – 11 September, 2014**

- Minute 46 – Financial Monitoring 2014/15 (Months 3/4)
- Minute 49 – Notice of Motion – The Brown Bin Tax And The Digital Divide

9. **MEMBERS' QUESTIONS**

To consider Members' general questions to the Mayor, Cabinet Member or Committee Chair in accordance with Standing Orders 10 (2)(b) and 11.

10. **MATTERS REFERRED FROM POLICY AND PERFORMANCE COMMITTEES (Pages 143 - 170)**

To consider and determine any references from the Policy and Performance Committees.

- A. The Council is advised that the Notice of Motion, 'Underground Coal Gasification', referred from Council at its meeting on 14 July, 2014 (minute 17 refers) was considered by the Regeneration and Environment Policy and Performance Committee at its meeting on 22 September, 2014 (minute 15 is attached). **(Pages 143 – 144)**

In accordance with Standing Order 7 (5) the Council is asked to consider the following recommendation of the Regeneration and Environment Policy and Performance Committee:

"Resolved – That the Notice of Motion be supported and the Council be advised accordingly."

- B. The Council is advised that the Notice of Motion, 'Private Rented Sector Reform', referred from Council at its meeting on 14 July, 2014 (minute 17 refers) was considered by the Regeneration and Environment Policy and Performance Committee at its meeting on 22 September, 2014 (minute 16 is attached). **(Page 145)**

In accordance with Standing Order 7 (5) the Council is asked to consider the following recommendation of the Regeneration and Environment Policy and Performance Committee:

"Resolved (9:5) – That the Notice of Motion be supported and the Council be advised accordingly."

C. Minority Reports

The Council is requested to consider the following Minority Reports (the relevant Coordinating Committee minutes are also attached, the minutes of the Coordinating Committee which considered The Lyndale School matter will be included with the supplement):

- (i). Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure (One from the Liberal Democrat Group and one from the Conservative Group) **(Pages 147 – 157)**
- (ii). Public Health Outcomes Fund (Healthy Homes and Forest Schools) **(Pages 159 – 168)**
- (iii). The Lyndale School **(Pages 169 – 170)**

11. NOTICES OF MOTION (Pages 171 - 174)

Notices of motion submitted in accordance with Standing Order 7(1), are attached. They are listed in the order received, and the full text of each motion is attached. The Mayor, having considered each motion, in accordance with Standing Order 7(4) has decided that they will be dealt with as follows:

- (i). **Homes that Meet our Future Needs**
To be debated
- (ii). **Townmeadow Station**
To be debated
- (iii). **44 Councillors**
[The Civic Mayor to refer to the Policy and Performance Coordinating Committee]
- (iv). **Support for HS2**
To be debated
- (v). **Labour's Financial Mismanagement**
To be debated
- (vi). **Devolution to City Regions and Local Government**
To be debated

12. VACANCIES

To receive nominations, in accordance with Standing Order 25(6), in respect of any proposed changes in the membership of committees, and to approve nominations for appointments to outside organisations.

- Replace Councillor Anita Leech with Councillor Matt Daniel on Clatterbridge Cancer Centre NHS Foundation Trust

13. ANY OTHER BUSINESS

To consider any other items of business that the Civic Mayor accepts as being urgent.

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Head of Legal and Member Services

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COUNCIL

Monday, 14 July 2014

Present: The Civic Mayor (Councillor Steve Foulkes) in the Chair
Deputy Civic Mayor (Councillor Les Rowlands)

Councillors	RL Abbey	R Gregson	D Realey
	T Anderson	P Hackett	L Reecejones
	B Berry	J Hale	L Rennie
	C Blakeley	P Hayes	J Salter
	E Boulton	A Hodson	H Smith
	A Brighthouse	K Hodson	Tony Smith
	P Brightmore	M Hornby	Tracey Smith
	C Carubia	T Johnson	W Smith
	P Cleary	AER Jones	C Spriggs
	J Crabtree	C Jones	J Stapleton
	M Daniel	S Kelly	M Sullivan
	G Davies	A Leech	A Sykes
	P Davies	AR McLachlan	J Walsh
	WJ Davies	M McLaughlin	G Watt
	P Doughty	D Mitchell	S Whittingham
	D Elderton	B Mooney	J Williamson
	G Ellis	C Muspratt	I Williams
	L Fraser	S Niblock	KJ Williams
	P Gilchrist	T Norbury	P Williams
	JE Green	M Patrick	S Williams

Apologies Councillors W Clements C Povall
C Meaden D Roberts

14 DECLARATIONS OF INTEREST

Members of the Council were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest, in connection with any matter to be debated or determined at this meeting and, if so, to declare it and state the nature of such interest.

By virtue of their being Directors of Overton Nursery, Councillors Tony Smith, Stuart Whittingham and Tom Anderson declared their personal interest in agenda item 6 – ‘Leader’s, Executive Members and Chairs’ Reports’ (see minute 22 post) in respect of the Cabinet Member for Children and Family Services’ report insofar as it referred to Early Years and Children’s Centres.

Councillor Bill Davies declared his personal interest in agenda item 11 (ii) – ‘Notices of Motion – The Lyndale School’ (see minute 18 post) by virtue of him having a family member attending Foxfield School.

Councillors Lesley Rennie and Steve Williams declared a personal interest in agenda item 11 (ii) – ‘Notices of Motion – The Lyndale School’ (see minute 18 post) by virtue of them being governors at Elleray Park and Foxfield Schools, respectively.

Councillor Stuart Whittingham declared a personal interest in agenda item 8, ‘Matters for Noting’ and the Cabinet minute 30 (7/7/14), ‘Provision of Children and Adult Transport Services’ (see minute 29 post) by virtue of him being acquainted with someone who provides transport.

Councillor Tony Norbury declared a personal interest by virtue of his employment in agenda item 6 – ‘Leader’s, Executive Members and Chairs’ Reports’ (see minute 22 post) in respect of the Cabinet Member for Highways and Transport’s report.

Councillor Geoffrey Watt declared a personal interest in agenda item 11 (iv) – ‘Notices of Motion – Private Rented Sector Reform’ (see minute 17 post) by virtue of him being a private landlord.

15 **CIVIC MAYOR'S ANNOUNCEMENTS**

Order The Mayor referred to the forthcoming Open Golf tournament, which would generate a great deal of good publicity for the borough and that the borough would be welcoming visitors from all over the world.

He referred to the fact that that day he had welcomed groups of Spanish and French students to the Town Hall.

The Mayor also introduced Councillor Norman Hewer from Wanneroo in Western Australia, a city north of Perth with a population of 160,000. Norman was born in Bebington and an exchange of gifts was made between himself and the Mayor.

The Mayor noted that apologies were received from Councillors Wendy Clements, Chris Meaden, Cherry Povall and Denise Roberts.

16 **ORDER OF BUSINESS**

The Mayor informed the Council that he would take the Notice of Motion on the Lyndale School as the next item of business, in view of the presence of members of the public specifically for this item.

17 NOTICES OF MOTION

Notices of motion submitted in accordance with Standing Order 7(1) were reported to the Council. The Mayor, having considered each motion, in accordance with Standing Order 7(4) had decided that they would be dealt with as follows:

(i). Becoming a 'Dementia Friendly' Council
To be referred to the Families and Wellbeing Policy and Performance Committee

(ii). The Lyndale School
To be debated

(iii). Underground Coal Gasification
To be referred to the Regeneration and Environment Policy and Performance Committee

(iv). Private Rented Sector Reform
To be referred to the Regeneration and Environment Policy and Performance Committee

(v). A Fair Deal for Wirral
To be debated

(vi). Investing in Wirral's Infrastructure
To be debated

(vii). The Brown Bin Tax and the Digital Divide
To be referred to the Cabinet

18 MOTION - THE LYNDALE SCHOOL

Proposed by Councillor Paul Hayes
Seconded by Councillor Jeff Green

Council, having regard to the support given to the campaign to keep the Lyndale School open by the public of Wirral, resolves that:

1. It is the firm belief of Council that the Lyndale School should remain open, and in order to bring to an end the anguish and uncertainty suffered by pupils and their parents and carers, calls upon Cabinet to confirm that the school will remain open when Cabinet next meets.
2. Council recognises the unique and caring environment provided by the Lyndale School to children with profound and multiple learning difficulties. Council acknowledges the value of this provision and

affirms its belief that such provision should remain at the Lyndale School.

3. Council instructs officers to work with the Wirral School's Forum in order to investigate how the funding of Wirral's Special Schools can more closely reflect the will of Wirral's residents, as expressed by the huge support given to the Lyndale School: that the quality and scale of provision for children requiring the services of special schools in Wirral should continually strive to improve and be in no way diminished.

An amendment which had been circulated in advance of the meeting was submitted in accordance with Standing Order 12(1) and (9), as follows:

Proposed by Councillor Phil Davies
Seconded by Councillor Tony Smith

*“Delete paragraph 1.
Retain first sentence of paragraph 2.
Delete remainder of paragraphs 2 and 3.*

Insert the following:

Council believes that it would be premature to take a view on the future of Lyndale School without taking into account the outcome of the comprehensive consultation process which took place recently. Any statements in favour of a particular outcome run the risk of predetermination.

Council therefore notes the views contained in this motion and agrees to refer it to the special meeting of Cabinet on the 4th September. Cabinet will consider all options relating to Lyndale School together with the outcome of the consultation exercise at that special meeting.”

Prior to the debate, Councillor Kelly queried whether the amendment had the effect of negating the motion in contravention of Standing Order 9 (1).

The Head of Legal and Member Services responded that the amendment referred the motion to the special meeting of Cabinet which was consistent with the underlying proposition of the substantive motion. The amendment was suggesting an alternative rationale but the underlying proposition remained unchanged and was therefore lawful.

Following a debate and Councillor Paul Hayes having replied, Councillor Phil Davies and five Labour Members asked that a 'card vote' be recorded in respect of the Labour amendment. The Council then divided as follows:

For the amendment (35) Councillors RL Abbey, P Brightmore, J Crabtree, M Daniel, G Davies, P Davies, WJ Davies, P Doughty, RJ Gregson, P Hackett, T Johnson, AER Jones, C Jones, A Leech, ARC McLachlan, M McLaughlin, B Mooney, C Muspratt, S Niblock, T Norbury, M Patrick, D Realey, L Reecejones, J Salter, H Smith, PA Smith, W Smith, C Spriggs, J Stapleton, M Sullivan, J Walsh, S Whittingham, I Williams, KJ Williams and J Williamson.

Against the amendment (26) Councillors T Anderson, B Berry, C Blakeley, E Boulton, A Brighouse, C Carubia, P Cleary, DM Elderton, G Ellis, L Fraser, PN Gilchrist, J Green, J Hale, P Hayes, AC Hodson, K Hodson, M Hornby, SE Kelly, D Mitchell, Mrs L Rennie, SL Rowlands, T Smith, A Sykes, GCJ Watt, Mrs P Williams and S Williams.

One abstention – Councillor S Foulkes.

The Labour amendment was therefore put and carried (35:26) (One abstention).

The substantive motion, as amended, was then put to a 'card vote', Councillor Green and five Conservative Members having requested such, and the Council divided as follows:

For the motion (35) Councillors RL Abbey, P Brightmore, J Crabtree, M Daniel, G Davies, P Davies, WJ Davies, P Doughty, RJ Gregson, P Hackett, T Johnson, AER Jones, C Jones, A Leech, ARC McLachlan, M McLaughlin, B Mooney, C Muspratt, S Niblock, T Norbury, M Patrick, D Realey, L Reecejones, J Salter, H Smith, PA Smith, W Smith, C Spriggs, J Stapleton, M Sullivan, J Walsh, S Whittingham, I Williams, KJ Williams and J Williamson.

Against the motion (26) Councillors T Anderson, B Berry, C Blakeley, E Boulton, A Brighouse, C Carubia, P Cleary, DM Elderton, G Ellis, L Fraser, PN Gilchrist, J Green, J Hale, P Hayes, AC Hodson, K Hodson, M Hornby, SE Kelly, D Mitchell, Mrs L Rennie, SL Rowlands, T Smith, A Sykes, GCJ Watt, Mrs P Williams and S Williams.

One abstention – Councillor S Foulkes.

Resolved (36:26) (One abstention) -

Council recognises the unique and caring environment provided by the Lyndale School to children with profound and multiple learning difficulties. Council believes that it would be premature to take a view on the future of Lyndale School without taking into account the outcome of the comprehensive consultation process which took place recently. Any statements in favour of a particular outcome run the risk of predetermination.

Council therefore notes the views contained in this motion and agrees to refer it to the special meeting of Cabinet on the 4th September. Cabinet will consider all options relating to Lyndale School together with the outcome of the consultation exercise at that special meeting.

The Mayor then adjourned the meeting at 7.15pm.

The meeting resumed at 7.25pm.

19 **PETITIONS**

A. In accordance with Standing Order 21, the Mayor received petitions submitted by –

Councillor Steve Williams on behalf of 145 signatories objecting to Planning Application APP/14/00706 – Demolition of the Millhouse Public House.

Councillor Stuart Kelly on behalf of 160 signatories requesting the replacement of uneven and broken paving in Waverton Avenue, Oxton

Councillor Janette Williamson on behalf of 786 signatories requesting the Council to reconsider parking charges in Seaview Road Car Park, Wallasey.

Councillor Jean Stapleton on behalf of 36 signatories objecting to the construction of flats in Halcyon Road, Birkenhead.

Councillor Phil Davies on behalf of 1417 signatories objecting to any fracking taking place on Wirral or around the coast of Wirral.

Councillor Adrian Jones on behalf of 58 signatories requesting the restoration of the grass park land at the end of The Grove, Seacombe to be freely available for the public to use by removing the locks on the gates.

Councillor Adrian Jones on behalf of 67 signatories, residents of The Grove / Stourton Street, requesting that the gates be kept permanently locked on The Grove entrance to the football field and swings.

Resolved – That the petitions be noted and referred to the appropriate Chief Officer in accordance with Standing Order 34.

B. In accordance with the Petition Scheme (when petitions with a threshold of 3000 signatures triggered a Council debate) the Council received a petition of some 4029 signatures, with a further 650 signatures approximately, presented at the meeting, submitted by Councillor Andrew Hodson, requesting that car parking charges in Heswall be reduced.

The petition organiser, Mr A Hussain, addressed the Council on behalf of the petitioners.

Following a debate, it was moved by Councillor Phil Davies, duly seconded and –

Resolved – That the petition be referred to the Task and Finish Group, which was currently completing its scrutiny review into car parking charges, in advance of any decision being taken upon the scrutiny review’s recommendations.

20 PUBLIC QUESTIONS

Mr J Brace, having given the appropriate notice in accordance with Standing Order 11, submitted a question on the use of regulations in respect of the use of an eviction notice

Councillor Adrian Jones (Cabinet Member – Support Services) responded that he would supply Mr Brace with a written response.

21 MINUTES

The minutes of the Annual Council meeting held on 2 and 9 June, 2014 had been circulated to Members and, it was –

Resolved – That the minutes be approved and adopted as a correct record, subject to those amendments in respect of appendices A and C to the minutes, referred to in the summons and on the supplementary papers.

22 LEADER'S, EXECUTIVE MEMBERS' AND CHAIRS REPORTS

The Leader of the Council presented his summary report upon matters relevant to his portfolio. He responded to questions from Councillors Green, Blakeley and Stapleton and made a number of comments including –

- It was a privilege to be confirmed as Chair of the Combined Authority and he was pleased that all the Leaders of the Merseyside authorities were working in harmony.
- He welcomed the additional City Region funding which would be used for a whole range of projects including improving access to the region with a freight and logistics hub on the SuperPort.
- A City Region Investment Fund would be created.
- He could not agree that the economy was booming, improvements were being seen in the south of England and London, there was still record youth unemployment in the region.

- He agreed that more stations were needed in the region and not just at Town Lane, Moreton. The Chief Executive of Merseytravel had informed a recent meeting of the Combined Authority that a transport plan to improve public transport across the region included proposals a number of new stations.

Questions were then invited for Councillor Ann McLachlan on her Governance, Commissioning and Improvement Portfolio Report and responses to a question from Councillor Chris Blakeley included the following comments:

- The Freedom of Information Scrutiny Review was a commendable piece of work which had made some important recommendations including having dedicated officer champions in each department.
- All FoI requests should be dealt with in a timely manner and it was not acceptable for any Members to have to probe to get information.

Questions were then invited for Councillor George Davies on the Neighbourhoods, Housing and Engagement Portfolio Report and his responses to questions from Councillors Tom Anderson, Stuart Kelly and Matt Daniel included the following comments:

- There was a need to improve poor housing through the Healthy Homes project as the cost of not improving properties would be borne by the health service in treating vulnerable residents.
- Healthy Homes should be a main priority and he would be endeavouring to get more funding for this project.
- In respect of selective licensing for private landlords, officers had been involved in developing a business case following Department for Communities and Local Government guidance. An evidence base was now nearing completion with the Public Health intelligence team helping with data analysis. Recommendations for key areas were being finalised and these would be put to Cabinet before going out to full consultation.

Questions were invited for Councillor Pat Hackett on his Economy Portfolio Report and responses to questions from Councillors Rob Gregson and Andrew Hodson included the following comments:

- He expanded upon the work of the Mersey Dee Alliance and the work of the North Wales Economic Ambition Board in facilitating cross border growth.
- Two of its main priorities were the upgrade of the Bidston – Wrexham Borderlands link and the re-opening of the Halton Curve, a direct rail link between North Wales and Liverpool.
- It was proposed that the Chair of the MDA be in post for two years if not longer. Wirral was taking an influential role and he would shortly be meeting with the Secretary of State for Wales.

- He would be supporting the Retail Action Plans and looking at funding opportunities to develop these. All aspects of parking charges would be looked at.

Questions were invited for Councillor Adrian Jones on the Support Services Portfolio Report and his responses to questions from Councillors Steve Williams, Leah Fraser, Paul Doughty and Chris Carubia included the following comments:

- The Council would be upgrading to Windows 7 at the same time and work on this was progressing well.
- The previous Conservative administration had made 1,100 people redundant on worse terms (which was disputed by Councillor Green). The current administration was trying to allow the Council to function as best it could under restriction of funds that the Government had taken away.
- As a consequence of excellent leadership the Merseyside Pension Fund was acknowledged as one of the best in the UK.
- Government enforced redundancies in Wirral and similar funding reductions to other Merseyside Authorities would have an effect on cash flow to the Pension fund and the future stability of the fund.
- The Council also had to meet the costs itself of those retiring at 55 years of age.
- It had been felt that Office 2010 software was the best and most efficient system for the Council to upgrade to.

At the conclusion of Councillor Jones' comments, Councillor Fraser approached the Mayor to request that her question be answered, 'How many people will the Labour administration be making compulsorily redundant?'

Cllr Jones responded that the Council was not making people redundant, the Government was.

Questions were invited for Councillor Chris Jones on the Adult Social Care and Public Health Report and her response to a question from Councillor Lesley Rennie included the following comments:

- The Department of Adult Social Services was at risk of having a £3m overspend because of Government cuts, a budget update was provided to the Policy and Performance Committee and to Cabinet, though she would be happy to bring an update next time.
- Good progress was being made on the transformation of day services.

Moving on to the Leisure, Sport and Culture Portfolio Report, questions were invited to Councillor Phil Davies, in the absence of Councillor Chris Meaden. His responses to questions from Councillors Chris Blakeley, Stuart Kelly and Alan Brighthouse included the following comments:

- There were no plans to close any libraries, one stop shops or leisure centres, although he did not believe that any Council could guarantee not to close any Council building
- In spite of the withdrawal of public health funding, the Forest Schools project would continue and schools would be asked to help fund these. There was now a Forest Schools shop in Birkenhead Park and a range of activities were to be delivered over the summer.
- With regard to the Williamson Art Gallery, the Strategic Shadow Board continued to meet and an alternative business plan would be discussed with the Council.

Questions were invited for Councillor Bernie Mooney on the Environment and Sustainability Portfolio Report and her responses to questions from Councillors Chris Blakeley, John Hale, Paul Hayes, Stuart Kelly and Pat Cleary included the following comments:

- Garden waste could be placed in green bins in sensible amounts.
- She had understood that there had been a minimal amount of missed bin collections but would look into the situation raised by Councillor Hale with regard to missed collections in Hoylake and provide a written response.
- The takeaway project had been a success, although she could not answer for what was happening with planning regulations she would look in to any proposals for collaborative working and provide a written response.
- As of today 36,400 residents had signed up to the garden waste subscription service, the digital divide would be discussed with the Cabinet.
- She would provide a written response as to how many of the 28 fixed penalty notices for alleyway dumping had been paid.

Questions were then invited for Councillor Tony Smith on the Children and Family Services Portfolio Report and his response to a question from Councillor Leah Fraser included the following comments:

- The Consultation period timeline for The Lyndale School he had referred to in the debate.
- Although three locality events had been held to understand what early help means for Wirral, work would be undertaken across the four constituency areas.

Questions were then invited for Councillor Stuart Whittingham on the Highways and Transport Portfolio Report and his responses to questions from Councillors Lesley Rennie, Andrew Hodson, Dave Mitchell, Phil Gilchrist and Mike Sullivan included the following comments:

- The Council was within the top quartile of Councils in England for the condition of its roads.

- With regard to the claims against the Council for pavement trips, he would provide a written response.
- A written response would also be provided in respect of whether or not money collected in car parking charges was being spent in contravention of the Road Traffic Regulation Act 1984.
- He had every confidence that the scheme for replacement dock bridges would be well planned out and cause as least disruption as possible.

During this item of business it was agreed that Standing Order 9 be suspended and that for the remaining debates only the movers and seconders of the motions be invited to speak before the motions were put to the vote.

Resolved –

(1) That each of the Cabinet Portfolio Summary reports be noted.

(2) That the Scrutiny Annual Report of the Strategic Director of Transformation and Resources be noted.

23 MATTERS REQUIRING APPROVAL BY THE COUNCIL

In accordance with Standing Order 5(2), five matters were submitted for approval by the Council (see minutes 24 to 28 post).

24 DRAFT STATEMENT OF LICENSING POLICY

The first matter requiring approval was the Draft Statement of Licensing Policy as the Council's Statement of Licensing Policy under the Licensing Act 2003.

On a motion by Councillor Phil Davies, seconded by Councillor Ann McLachlan, it was –

Resolved - That the Draft Statement of Licensing Policy be approved as the Council's Statement of Licensing Policy under the Licensing Act 2003.

25 AUDIT AND RISK MANAGEMENT COMMITTEE - TERMS OF REFERENCE

The second matter requiring approval was in relation to the Audit and Risk Management Committee's Terms of Reference insofar as they related to the frequency of meetings and compliance with CIPFA best practice guidance.

On a motion by Councillor Jim Crabtree, seconded by Councillor Phil Davies, it was –

Resolved – That the terms of reference for the Audit and Risk Management Committee be revised to incorporate the following wording

–

“The Audit and Risk Management Committee should meet five times in each municipal year unless otherwise determined by Council in the calendar of meetings and at such times as determined by the Chair of the Audit and Risk Management Committee.”

26 LIVERPOOL CITY REGION COMBINED AUTHORITY SCRUTINY PANEL

The third matter requiring approval was in relation to the Liverpool City Region Combined Authority Scrutiny Panel, and the request for the Council to appoint two Members, one of whom should be appointed as the ‘Authority Scrutiny Link’.

On a motion by Councillor Phil Davies, seconded by Councillor Ann McLachlan, it was –

Resolved – That Councillors Mike Sullivan and Anita Leech be appointed to the Liverpool City Region Combined Authority Scrutiny Panel, with Councillor Mike Sullivan appointed as the ‘Authority Scrutiny Link’.

Councillor Jeff Green informed the Council that City Region opposition leaders had met and had nominated Councillor John Hale as one of the two opposition appointees to the Scrutiny Panel.

27 STATUTORY SCRUTINY OFFICER

The fourth matter requiring approval was for the appointment of a Statutory Scrutiny officer in place of the Director of Public Health / Head of Policy and Performance.

On a motion by Councillor Phil Davies, seconded by Councillor Ann McLachlan, it was –

Resolved – That the Strategic Director of Transformation and Resources, or his nominee, be appointed as the Council’s Statutory Scrutiny Officer.

28 DESIGNATION OF A NEIGHBOURHOOD FORUM AND NEIGHBOURHOOD AREA FOR LEASOWE

The fifth matter requiring approval was in relation to the designation of a Neighbourhood Forum and Neighbourhood Area for Leasowe.

On a motion by Councillor Phil Davies, seconded by Councillor Ann McLachlan, it was –

Resolved - That Unity in our Community be formally designated as the statutory neighbourhood planning forum for the neighbourhood area of Leasowe shown on the plan in the report; and that the designation and associated documents are published in accordance with Regulations 7 and 10 of the Neighbourhood Planning (General) Regulations 2012.

29 **MATTERS FOR NOTING**

Responding to a comment from Councillor Jeff Green, the Leader of the Council referred to the waiver of call-in on the Children and Adult Transport Services minute because of the need to ensure there was no break in the contract. He acknowledged that contracts such as this should come before the Cabinet in plenty of time.

On a motion by Councillor Phil Davies and seconded by Councillor Ann McLachlan, it was –

Resolved – That the following matters be noted -

Minute 162 (Cabinet – 13 March 2014) – Financial Monitoring 2013/2014 (Month 10)

Minute 30 (Cabinet – 7 July 2014) – Provision of Children and Adult Transport Services (Reason – Waiving of call-in)

30 **MEMBERS' QUESTIONS**

Councillor Phil Gilchrist, having given the appropriate notice in accordance with Standing Order 10 (2) (b), submitted a question addressed to Councillor Tony Smith (Cabinet Member for Children and Family Services), in respect of the public consultation meetings on the proposed closure of Lyndale School.

Councillor Smith responded accordingly.

Councillor Stuart Kelly, having given the appropriate notice in accordance with Standing Order 10 (2) (b), submitted a question addressed to Councillor Tony Smith (Cabinet Member for Children and Family Services), in respect of the introduction of universal free school meals for infants.

Councillor Smith responded accordingly.

31 **MATTERS REFERRED FROM POLICY AND PERFORMANCE COMMITTEES**

A. At the meeting of the Council held on 10 March 2014 (minute 98 refers) the Mayor had referred a Notice of Motion, 'Mersey Tunnel Tolls', to the Regeneration and Environment Policy and Performance Committee. The motion was duly considered at the meeting of the Committee on 9 April, 2014 (minute 45 refers).

In accordance with Standing Order 7 (5) the Council was invited to consider the recommendation of the Regeneration and Environment Policy and Performance Committee which advised that -

- (1) That this Committee regrets the attempt to politicise the issue by the wording within the Notice of Motion, rather than stimulate serious debate. It also regrets that it fails to recognise the burden of high, unregulated bus and train fares on Wirral residents, wherever they travel.
- (2) Committee notes that Wirral has benefitted greatly from the freezing of the Merseytravel levy and a direct grant of £3.3m to help offset cuts in Highways Budgets.
- (3) Committee notes that putting the burden of tunnel tolls directly on the Council Tax would penalise all Wirral residents including non-car owners and would be unachievable. However, we recognise the issue and impact of tunnel tolls, particularly in Wirral and agree –
 - (i). That we should support a campaign to move the funding of the tunnel crossing back to the National Highways Network, particularly in the light of the A14 ruling.
 - (ii). That the Fast-Tag scheme should be encouraged and promoted through all Wirral Council media and outlets.
 - (iii). That we should encourage local, flexible schemes that could assist Wirral residents in reducing costs.
 - (iv). That, whatever the outcome, safety and efficiency of the tunnel operation should not be put at risk.
 - (v). That Wirral will support the Merseytravel campaign to reduce excessive bus and train fares.

B. At the meeting of the Council held on 10 March 2014 (minute 98 refers) the Mayor had referred a Notice of Motion, 'NO to Nuisance Calls', to the Regeneration and Environment Policy and Performance Committee. The

motion was duly considered at the meeting of the Committee on 9 April, 2014 (minute 46 refers).

In accordance with Standing Order 7 (5) the Council was invited to consider the recommendation of the Regeneration and Environment Policy and Performance Committee, which advised -

- (1) That the 'No to Nuisance Calls' campaign be supported, and appropriate steps be taken to promote the campaign via the Trading Standards service and through publicity in libraries and other public buildings.
- (2) That the report of the Trading Standards Strategic Manager be noted.
- (3) That the proposal of the Strategic Director for Regeneration and Environment to promote cross Departmental working be supported.
- (4) That the Committee to be appointed for 2014/2015 be asked to consider how best to address the problem.
- (5) That the Cabinet be requested to write to local MPs, encouraging them to support the Private Members' Communications (Unsolicited Telephone Calls and Texts) Bill."

The Cabinet, had subsequently resolved, at its meeting on 19 June, 2014 (minute 17 refers), "That a letter be sent to local MPs, encouraging them to support the Private Members' Communications (Unsolicited Telephone Calls and Texts) Bill."

- C. At the meeting of the Council held on 10 March 2014 (minute 98 refers) the Mayor had referred a Notice of Motion, 'Labour's Effective Stewardship', to the Policy and Performance Coordinating Committee. The motion was duly considered at the meeting of the Committee on 1 April, 2014 (minute 48 refers).

In accordance with Standing Order 7 (5) the Council was invited to consider the recommendation of the Policy and Performance Coordinating Committee which advised that the Motion be noted.

[The motion read as follows:

Council congratulates the Labour Administration on its prudent financial management of the Council which has enabled Council Tax to be frozen for the next 2 years.

At the same time, Labour has delivered a new house-building programme, help for the unemployed through the Reachout Programme and financial

assistance for community groups under the 'Love Wirral' initiative together with many other progressive policies.

This has been achieved despite the Government's draconian cuts to Wirral's budget.]

On motions by Councillor Mike Sullivan in respect of A and B and a motion by Councillor Ann McLachlan, all seconded by Councillor Phil Davies, it was -

Resolved –

- (1) That the recommendation of the Regeneration and Environment Policy and Performance Committee in relation to the Notice of Motion, 'Mersey Tunnel Tolls', be approved.**
- (2) That the recommendation of the Regeneration and Environment Policy and Performance Committee in relation to the Notice of Motion, 'NO to Nuisance Calls', be approved.**
- (3) That the recommendation of the Policy and Performance Coordinating Committee in relation to the Notice of Motion, 'Labour's Effective Stewardship', be approved.**

32 **MOTION - A FAIR DEAL FOR WIRRAL**

Proposed by Councillor Phil Davies

Seconded by Councillor Ann McLachlan

Council notes that:

- (i). Sir Merrick Cockell, the outgoing chairman of the Local Government Association, has said increasing demands from a growing elderly population and cuts in council grants will lead to a funding gap of £5.8bn between March 2014 and March 2016 and a catastrophe in elderly care. The LGA predicts that by 2020 local authorities will have to spend 40% of their resources on elderly care. Council budgets have been cut by about 33% since 2010 as part of the austerity programme, including a £2.8bn reduction in social care funding.
- (ii). In Wirral, between 2014 and 2017 the gap between forecast expenditure and income is £45m which equates to a further 20% reduction in expenditure;
- (iii). Cuts of £70m are required between 2014/15 and 2017/18 to balance the books.
- (iv). By 2016 the government will have cut Wirral's grant by 57% (£127m);

- (v). The Council's budget is currently running a small under-spend, having been over-spent by £17m under the previous Administration;
- (vi). Whilst every effort has been made to minimise the impact of savings on front-line services, some of the budget reductions over the past two years have had negative impacts;
- (vii). Given the scale of the further savings required over the next three years it will become even more difficult to maintain good quality front-line services;
- (viii). The 'Future Council' programme will help to identify the core services which the Council should provide in the future. It will also help us to put in place new models to enable us to deliver more for less;

In light of the above, Council agrees to the following:

- (1) To reaffirm the principles on which we have based budgetary decisions, i.e. those with the broadest shoulders should bear the greatest burden; to minimise the impact on front-line services. Budget options should also enable us to meet our corporate priorities as far as possible, i.e. attracting jobs and investment; protecting the vulnerable; tackling inequalities;
- (2) To retain the relatively generous voluntary severance scheme for our staff as long as possible and to do everything possible to ensure that reductions in posts are achieved by voluntary means;
- (3) To help residents deal with the cost of living crisis, if the conditions surrounding the Council Tax Freeze Grant are maintained in 2015/16, then the Administration confirms its intention to freeze the Council Tax for a further year;
- (4) To continue to use every opportunity to lobby the government to reverse the damaging cuts to local government and, in particular, the unfair way in which Councils in the North of England have been forced to bear the brunt of the cuts. We will work with others to highlight this injustice and to campaign for a fair deal for Wirral from whichever party forms the government following next year's general election.

An amendment which had been circulated in advance of the meeting was submitted in accordance with Standing Order 12(1) and (9), as follows:

Proposed by Councillor Phil Gilchrist
Seconded by Councillor Dave Mitchell

Add after clause (4):

“(5) Requests the Chief Executive to develop a coherent and constructive case built on the foundations laid by the Local Government Association ‘Future funding outlook 2014’ which takes account of the move to greater devolution of powers and finances suggested in the Adonis Review and by the LGA and sets out the local constraints on raising the business rates and additional income from new properties in Wirral.

This case should be developed and built on a dialogue and co-operation with all groups on the Council so that it can be supported and signed off with all party backing.”

The Mayor then requested the movers of the motion and amendment to speak to their proposals followed by the seconders.

The amendment was put and carried (41:18) (Two abstentions)

Prior to the vote on the substantive motion as amended, Councillor Phil Davies and five Labour Members rose to request a ‘card vote’.

Councillor Blakeley sought clarification as to whether a ‘card vote’ could be taken after imposition of the ‘guillotine’ (Standing Order 9).

The Head of Legal and Members Services confirmed that a ‘card vote’ could still be taken after Standing Order 9 had come into effect, in accordance with Standing Order 18 (7).

A ‘card vote’ was then taken on the substantive motion as amended and the Council divided as follows:

For the motion (41) Councillors RL Abbey, A Brighthouse, P Brightmore, C Carubia, J Crabtree, M Daniel, G Davies, P Davies, WJ Davies, P Doughty, PN Gilchrist, RJ Gregson, P Hackett, T Johnson, AER Jones, C Jones, S Kelly, A Leech, ARC McLachlan, M McLaughlin, D Mitchell, B Mooney, C Muspratt, S Niblock, T Norbury, M Patrick, D Realey, L Reecejones, J Salter, H Smith, PA Smith, W Smith, C Spriggs, J Stapleton, M Sullivan, J Walsh, S Whittingham, I Williams, KJ Williams, Mrs P Williams and J Williamson.

Against the amendment (18) Councillors T Anderson, B Berry, C Blakeley, E Boulton, DM Elderton, G Ellis, L Fraser, J Green, J Hale, P Hayes, AC Hodson, K Hodson, M Hornby, Mrs L Rennie, SL Rowlands, T Smith, GCJ Watt, and S Williams.

Two abstentions – Councillors P Cleary and S Foulkes.

Resolved (41:18) (Two abstentions) –

Council notes that:

- (i). Sir Merrick Cockell, the outgoing chairman of the Local Government Association, has said increasing demands from a growing elderly population and cuts in council grants will lead to a funding gap of £5.8bn between March 2014 and March 2016 and a catastrophe in elderly care. The LGA predicts that by 2020 local authorities will have to spend 40% of their resources on elderly care. Council budgets have been cut by about 33% since 2010 as part of the austerity programme, including a £2.8bn reduction in social care funding.**
- (ii). In Wirral, between 2014 and 2017 the gap between forecast expenditure and income is £45m which equates to a further 20% reduction in expenditure;**
- (iii). Cuts of £70m are required between 2014/15 and 2017/18 to balance the books.**
- (iv). By 2016 the government will have cut Wirral's grant by 57% (£127m);**
- (v). The Council's budget is currently running a small under-spend, having been over-spent by £17m under the previous Administration;**
- (vi). Whilst every effort has been made to minimise the impact of savings on front-line services, some of the budget reductions over the past two years have had negative impacts;**
- (vii). Given the scale of the further savings required over the next three years it will become even more difficult to maintain good quality front-line services;**
- (viii). The 'Future Council' programme will help to identify the core services which the Council should provide in the future. It will also help us to put in place new models to enable us to deliver more for less;**

In light of the above, Council agrees to the following:

- (1) To reaffirm the principles on which we have based budgetary decisions, i.e. those with the broadest shoulders should bear the greatest burden; to minimise the impact on front-line services. Budget options should also enable us to meet our corporate**

priorities as far as possible, i.e. attracting jobs and investment; protecting the vulnerable; tackling inequalities;

- (2) To retain the relatively generous voluntary severance scheme for our staff as long as possible and to do everything possible to ensure that reductions in posts are achieved by voluntary means;**
- (3) To help residents deal with the cost of living crisis, if the conditions surrounding the Council Tax Freeze Grant are maintained in 2015/16, then the Administration confirms its intention to freeze the Council Tax for a further year;**
- (4) To continue to use every opportunity to lobby the government to reverse the damaging cuts to local government and, in particular, the unfair way in which Councils in the North of England have been forced to bear the brunt of the cuts. We will work with others to highlight this injustice and to campaign for a fair deal for Wirral from whichever party forms the government following next year's general election.**
- (5) Requests the Chief Executive to develop a coherent and constructive case built on the foundations laid by the Local Government Association 'Future funding outlook 2014' which takes account of the move to greater devolution of powers and finances suggested in the Adonis Review and by the LGA and sets out the local constraints on raising the business rates and additional income from new properties in Wirral.**

This case should be developed and built on a dialogue and co-operation with all groups on the Council so that it can be supported and signed off with all party backing.

33 MOTION - INVESTING IN WIRRAL'S INFRASTRUCTURE

Proposed by Councillor Phil Gilchrist

Seconded by Councillor Dave Mitchell

Council recognises that substantial capital receipts are likely to be received from asset sales over the next two years and that this has been reported as being in the order of £20 million.

Council believes that Wirral's roads, pavements and street lighting require further investment, over and above the programmes of recent years. Council welcomes the work being put in to target resources effectively and to utilise funds provided by the Government to cope with winter damage.

Council believes that the data from the annual condition survey should be reported upon in detail and that a strategic decision is desirable on a programme of sustained investment to improve the infrastructure in Wirral.

Council therefore requests that the Regeneration and Environment Policy & Performance Committee examine and report back on:

- (i). the level of investment in recent years
- (ii). the repairs backlog, including up to date UKPMS survey data
- (iii). the number of potholes, trip hazards and faulty street lighting issues being tackled
- (iv). a programme of investment that can be sustained over several years to deal with public concern about the state of Wirral's roads, pavements and lighting infrastructure.

An amendment which had been circulated in advance of the meeting was submitted in accordance with Standing Order 12(1) and (9), as follows:

Proposed by Councillor Stuart Whittingham

Seconded by Councillor Phil Davies

“Amend the final paragraph as follows:

Council therefore requests that the Regeneration and Environment Policy & Performance Committee examines this matter and suggests particular consideration of the following issues:

- (i). the level of investment in recent years;
- (ii). areas of strong performance within the service;
- (iii). the repairs backlog, including up to date condition survey data;
- (iv). the levels of safety intervention repairs on the highway network, and repudiation rates for claims against the Council;
- (v). proposals for the further development of the highways asset management strategy and plans, to reflect changes in industry guidance and best practice;
- (vi). the deliverability of a programme of sustained investment over several years to maintain the condition of the borough's highways in the context of severe cuts in the Council's overall budget by central government and the opportunity cost of delivering such a programme,

and reports back to Council thereafter.”

The Mayor then requested the movers of the motion and amendment to speak to their proposals followed by the seconders.

The amendment was put and carried (36:24) (One abstention).

The substantive motion, as amended, was put and carried (60:0) (One abstention).

Resolved (60:0) (One abstention) –

Council recognises that substantial capital receipts are likely to be received from asset sales over the next two years and that this has been reported as being in the order of £20 million.

Council believes that Wirral's roads, pavements and street lighting require further investment, over and above the programmes of recent years. Council welcomes the work being put in to target resources effectively and to utilise funds provided by the Government to cope with winter damage.

Council believes that the data from the annual condition survey should be reported upon in detail and that a strategic decision is desirable on a programme of sustained investment to improve the infrastructure in Wirral.

Council therefore requests that the Regeneration and Environment Policy & Performance Committee examines this matter and suggests particular consideration of the following issues:

- (i). the level of investment in recent years;**
- (ii). areas of strong performance within the service;**
- (iii). the repairs backlog, including up to date condition survey data;**
- (iv). the levels of safety intervention repairs on the highway network, and repudiation rates for claims against the Council;**
- (v). proposals for the further development of the highways asset management strategy and plans, to reflect changes in industry guidance and best practice;**
- (vi). the deliverability of a programme of sustained investment over several years to maintain the condition of the borough's highways in the context of severe cuts in the Council's overall budget by central government and the opportunity cost of delivering such a programme,**

and reports back to Council thereafter.

34 VACANCIES

The Mayor informed the Council that the Head of Legal and Member Services had not been notified of any vacancies to be filled.

COUNCIL
20 OCTOBER 2014

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Phil Davies
CABINET PORTFOLIO	Leader of the Council
CO-ORDINATING CHIEF OFFICER	Graham Burgess, Chief Executive

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to his portfolio.

1. COMBINED AUTHORITY

The third meeting of the Liverpool City Region Combined Authority took place on 19th September. This latest meeting clearly demonstrates the extensive work that has been carried out over the last few months and how we are working together across the whole of the City Region to deliver economic growth, transport improvements, and create employment.

At the meeting, the City Region's ambitious long-term rail strategy was approved, ensuring that the national rail network meets the needs of the City Region over the next 30 years. Considerable work has also continued to ensure that the Liverpool City Region gains the most benefit and opportunities from High Speed 2 (HS2) proposals. The City Region has established its own campaign to secure a dedicated link to the high speed network.

The Combined Authority also discussed the next stages of implementing the Government's Growth Deal funding. The Liverpool City Region was awarded £232m as part of this to support a number of transport schemes and for skills capital funding. Funds will also be used to establish a Growth Hub as well as supporting the International Festival for Business in 2016.

2. NORTHERN DEVOLUTION

As Leader of Wirral Council and through my role as Chair of the Combined Authority, I have been leading a number of external discussions with other partners including the Northern Combined Authorities and the Local Government Association, to agree how we can collectively build the case for greater devolved political and financial powers and build the case for Northern devolution.

Against the backdrop of the historical Scottish referendum, there is an increasing level of debate across all political parties for the need to devolve more power, decision making and resources to the City Regions.

I will continue to work with partners and key contributors to the devolution debate, to agree some clear actions for how local Councils and the Combined Authorities can play a pivotal role in taking this agenda forward.

3. LIVING WAGE

The Council continues to work in partnership with the North West Trades Union Congress (TUC) and is leading a network of North West local authorities in order to raise awareness and share best practice and practical approaches to embedding the Living Wage.

The Council became a Living Wage employer in 2013, and just recently, we extended our approach to ensure that the Council now pays the Living Wage to Apprentices.

We are now going through the process of becoming an accredited Living Wage employer, and are working with local partners to increase the number of employers who pay the Living Wage in Wirral. This will include further events to be held during Living Wage Week which this year runs between 2nd and 8th November.

4. ACCESSIBLE BRITAIN CHALLENGE

On behalf of the Liverpool City Region Combined Authority, the Council is hosting 'The Accessible Britain Challenge' conference on the 10th October at the Floral Pavilion. 'The Accessible Britain Challenge' is a new national initiative which encourages communities to work with disabled people to tackle inequalities and remove barriers that prevent them from being able to participate and contribute to their community.

The conference will provide an ideal opportunity for the City Region to collectively work together to establish methods such as the evacuation scheme devised at our Council, to make all of our communities more accessible and inclusive. We have invited guest speakers from The Accessible Britain Challenge, Merseyside Fire Service, Merseyside Disability Federation, Merseytravel, Liverpool Football Club and Visit England to attend the conference. The conference will hopefully be a lively forum, which will provide a platform for collaboration and co-production between disabled people and organisations attending.

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Ann McLachlan
CABINET PORTFOLIO FOR	Governance, Commissioning and Improvement
CO-ORDINATING CHIEF OFFICER	Graham Burgess, Chief Executive

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to her portfolio.

1. ANNUAL GOVERNANCE STATEMENT

The final version of the Annual Governance Statement was approved at the Audit Risk Management Committee on the 17th September. The statement outlined the significant progress that the Council had made throughout 2013-14, to address all 15 significant governance issues that were identified in 2012-13.

2. MEMBER DEVELOPMENT

The North West Employers Member Development Charter

- Wirral council was assessed against the criteria of the North West Employers Member Development Charter in April 2014 and has successfully achieved Level One Review.
- The assessing panel were impressed with the submission and the evidence presented to them. They were particularly impressed with the Councillors and officers they met during the interviews carried out as part of the assessment process.
- Wirral Council will be formally awarded the Charter at a ceremony held in November 2014.
- The Member Development Steering Group are now beginning to focus on the next level of the Charter (Level Two) and what is required to achieve this.

The Elected Member Development Programme

- The current Wirral Councillors "Community Leadership Programme" is now underway. The programme has a deliberate focus on the core skills required by councillors to support working via Constituency Committees. It also features new sessions such as "Social Media", "Commissioning for Elected Members" and "Asset Based Community Development" to stimulate and encourage new ways of working and thinking.
- The Induction Programme for new Councillors has now concluded and all nine new Councillors participated in the sessions provided. They will now be supported and encouraged to attend the wider development programme and to identify any further training needs via the Personal Development Plan process (PDP) currently taking place. The Induction Programme will now be evaluated and reviewed in readiness for the next intake of new councillors in Spring 2015

Elected Member Development Strategy

- The Member Development Steering Group has commenced a piece of work to review and update the strategy around Elected Member Development.
- The revised strategy once finalised will be shared with all councillors via the steering group along with a forward plan of activity and improvements to be made throughout the year.

- The Terms of Reference for the Member Development Steering Group will also be reviewed to ensure the work of the group effectively delivers the agreed priorities of the strategy.

3. EQUALITY AND DIVERSITY POLICIES

A new Equality Plan 2014-2017 agreed by Cabinet in July 2014, which includes all of the requirements of the Public Sector Equality Duty 2011 and the Equality Framework for Local Government (Reaching 'excellent' level).

The Plan is split into 5 themes:

- Knowing our communities
- Leadership and partnership commitment
- A modern and diverse workforce
- Responsive services and customer care
- Community engagement and satisfaction

A 3 year operational work programme is currently being finalised based upon the above 5 themes.

2014/2015 priorities include:

- Identifying Wirral's priority inequalities via the Wirral Public Service Board
- A review of how we involve marginalised and more vulnerable individuals and communities in service development and delivery
- Development of best practice models, for example equality profiling, addressing under-representation within the workplace, skills improvement and career pathways, reasonable adjustments
- Ensuring the promotion of equality and diversity is included within staff performance appraisals
- Commencing a review of Wirral's anti-hate crime activities
- Further embedding equality impact assessments into corporate business planning
- Developing a platform for sharing our best practice and experiences with others

4. GOVERNANCE AND COMPLIANCE UNIT

Over recent years Wirral Council has been the subject of a series of high profile case reviews into corporate failures. A common theme running throughout all these case reviews was criticism of the Corporate Governance and Compliance. The Future Council project offers an opportunity to redesign how we deal with these most important aspects of the Councils business.

In simplistic terms the Corporate Compliance Unit will deal with the Councils Internal Controls - the plans, methods, policies and procedures used to meet the Councils goals and objectives. One of the key success factors in achieving both short and long term success is to approach compliance and internal controls in an organised and controlled manner. A common more recognisable model is to view Governance, Risk and Compliance as an integrated function.

The proposal for a Corporate Compliance Unit builds on the 'stronger centre model' which underpins the current direction of travel. If agreed it will bring together the following functions into a single, centrally located team, with a leaner management structure:

- Internal Audit
- Risk & Insurance
- Records & Information Management (Fol)
- Scrutiny
- Health, Safety & Resilience
- Community Cohesion – Community Safety

5. COMMISSIONING STRATEGY

The Commissioning Strategy is currently in draft form and will be reported on at Cabinet in November. Strategic Commissioning will involve a move away from the commissioning of services, to commissioning for outcomes, which in turn will necessitate a major shift in how the council works, both culturally and operationally. The strategy will set out the Councils commissioning vision and objectives and our approach for achieving them whilst aligning to the overarching vision for the borough from our Corporate Plan. The establishment of a new, whole system approach which embraces Elected Members, the wider Council, partnership and third sector organisations and the local community will be pivotal in shaping our commissioning intentions.

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CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor George Davies
CABINET PORTFOLIO FOR	Neighbourhoods, Housing and Engagement
CO-ORINDATING CHIEF OFFICER	Emma Degg, Head of Neighbourhoods and Engagement

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to his portfolio.

1. ENABLING NEW HOUSING SUPPLY

Quarter 1 of 2014/15 saw the completion of 46 affordable housing units (5 units over the target set due to unexpected Help To Buy completions). Completions for Quarter 1 included the final eight affordable rent bungalows at the former Poulton House site, Wallasey. This has enabled six households on the Disabled Persons Housing Register and three clients from the Learning Disability Housing Panel to access level access housing built to the Lifetime Homes standard and adjacent facilities at the Willowbank Extra Care scheme. These units scheme saw £866,329 inward investment for Wirral, of which £142,896 was Homes and Communities Agency grant.

From April to August 2014 there have been 20 Help To Buy completions across sites at St James Gate in Birkenhead, Sevenoaks in Rock Ferry and Carlett Glade in Eastham, assisting first time buyers in accessing the housing ladder. The Council is on track to meet this year's target of bringing 265 empty properties back into use. In May 2014 a property was sold from the Home Ownership Using Sustainable Empty Dwellings (HOUSED) scheme enabling low cost home ownership whilst bringing an empty property back into use. June 2014 saw the start of development on bringing back three empty properties back into use seeing inward investment of £57,341 of which £18,000 was Homes and Communities Agency grant.

Wirral was successful in securing £2.15million for all the 111 units reported at Cabinet 14th July 2014 under the Homes and Communities Agency 2015-18 Affordable Homes programme. This will see sites in Tranmere, Moreton, Oxtan and Bebington being developed under the Affordable Rent tenure by March 2018.

2. HOME ENERGY EFFICIENCY / AFFORDABLE WARMTH

Housing Strategy, Standards & Renewal will embark upon its Winter Warmth Campaign again this autumn. The aim of the campaign is to raise awareness of the assistance available to support vulnerable residents through the colder winter months. Winter Warmth packs will be distributed mainly through the Food Banks and officers will support Age UK Wirral's upcoming Electric Blanket Testing Days. Officers have recently formed a new partnership with United Utilities which resulted in free training for two front-line officers in order for them to advise clients on help available to those in debt on their

water bills and on simple water saving actions. Free water saving packs are also being obtained to distribute with the Winter Warmth packs.

3. ENFORCEMENT & SELECTIVE LICENSING

The Housing Standards Team have been strengthening and aligning enforcement powers in the team signalled by cases being brought to court and the development of Selective Licensing proposals.

Last month a landlord who rented out a property with serious hazards and defects in Wirral has pleaded guilty to not complying with an Improvement Notice served by Wirral Council. He was fined a total of £ 1,000 for three offences by Wirral Magistrates Court in what the judge described as “serious offences”. The council recovered all costs incurred in bringing the case to court, carried out the repairs and placed a charge of around £3,500 on the property. The action taken in this case reinforces the message that landlords must maintain their properties to a reasonable standard, in order that the health & safety of often vulnerable tenants are protected.

Some neighbourhoods in Wirral have much higher proportions of private rented stock and also suffer from symptoms of low demand including high numbers of empty properties, poor property condition, low property values and a high turnover of tenants. A report by the Performance & Public Health Team has been completed to provide the supporting evidence and rationale for introducing Selective Licensing to a number of areas suffering acute problems of low demand. A Business Case for Selective Licensing and Communication Strategy for engagement with stakeholders are now being finalised and will suggest how a scheme could stabilise these areas, improve the quality of housing and the environment to the benefit of the whole community. This will be reported to Cabinet in November.

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Pat Hackett
CABINET PORTFOLIO FOR	Economy
CO-ORDINATING CHIEF OFFICER	Kevin Adderley, Strategic Director Regeneration and Environment

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to his portfolio.

1. BIRKENHEAD TOWN CENTRE

The Council entered into a twelve month lock out agreement with Neptune Developments in October 2013 to allow them to work up a master plan for the redevelopment of Birkenhead Town Centre. The key objective of the proposal is to allow the town to re-establish itself as the principle retail destination for Wirral residents. Neptune are formulating plans which will include for the upgrading and remodelling of part of the Grange Precinct including the site of Birkenhead Market and the development of the three Council owned sites on Europa Boulevard to improve and increase the food/retail offer for the Town. The proposals are expected to be presented to the Council in February 2015.

2. TOWN CENTRE ACTION PLANS – PROGRAMME FOR 2014/15

In 2011 the Council's Cabinet approved a report titled Town, District and Local Centre Study & Delivery Framework and it was agreed that Officers undertake a series of Action Plans for individual retail centres on a phased basis.

The Action Plans will address a wide range of issues pertinent to each area's individual circumstances and will include such things as; traffic management & parking, potential environmental improvements and options for local marketing of retail centres. The plans will be owned and driven forward by local traders and community representatives, as it is they who know their business and the area best.

In 2014/15 it is proposed to undertake action plans in the following areas

- Eastham (Mill Park Drive/New Chester Rd)
- Laird Street
- Lower Bebington (Church Rd)
- Oxton Village
- Upton Village
- West Kirby

It is envisaged that these will be completed by December 2015.

3. NEIGHBOURHOOD PLANNING

Following the designation of Unity in Our Community as the neighbourhood planning forum for Leasowe (by Council on 14 July 2014), the Borough now has three active neighbourhood planning forums that have been designated to prepare their own planning proposals under the Localism Act - at Leasowe, Devonshire Park and Hoylake.

The Hoylake Community Planning Forum are finalising their draft proposals and expect to publish them for public consultation before the end of the year. The Devonshire Park Neighbourhood Forum have now prepared their final proposals and are waiting for them to be checked before they are formally submitted to the Council for independent examination and local referendum.

4. EMPLOYMENT & SKILLS: YOUTH EMPLOYMENT GATEWAY PROGRAMME

In 2013 the Liverpool City Region (LCR) submitted a proposal for a share of £50m to tackle youth unemployment via funds made available to England's City Deal areas from underspend in the Government's Youth Contract. The LCR subsequently received £5.9m, the largest allocation across all City Deal areas, to deliver an employment support programme with an additional flexible budget to fund bespoke goods/services to support young people into employment.

Funding will be allocated to local authority areas based on levels of youth unemployment. The funding model within the proposal anticipates securing further European Funds to the programme

5. EMPLOYMENT & SKILLS: HEALTH RELATED WORKLESSNESS PROGRAMME

The Health Related Worklessness Programme has been developed by Wirral Council's Investment Strategy Team and is one of a suite of Governments Transforming Public Services Projects led by Wirral's Public Service Board.

Wirral has persistent levels of worklessness that exceed regional/national averages; a significant majority attributable to residents with a health condition; specifically mental health. There are significant spatial concentrations across the borough, eg: the parliamentary constituency of Birkenhead has the highest concentration with headline costs of Health Related Worklessness in excess of £69m+ per annum (based on New Economy for Manchester Cost Benefit Analysis Model - Treasury Green Book)

Officers are working with partners on the development phase which involves extensive research and pilot projects and are developing a number of funding bids to support progress.

6. MERSEY DEE ALLIANCE (MDA)

Wirral is currently in the Chair of the Mersey Dee Alliance for 2014/15 and to date has overseen a revision of the partnerships priorities and changes to the structure to enable it to focus on strategic transport and skills issues across the travel to work area (encompassing Flintshire, Wrexham, Denbighshire, Cheshire West and Chester and Wirral).

Over the last three months, a number of key meetings have taken place with the Secretary of State for Wales, the Cheshire and Warrington Local Enterprise Partnership and Cllr Hackett gave a presentation to a Wales Policy Forum in June.

The focus for the MDA over the next two months will be further raising the profile of the Alliance, co-ordinating cross border policy matters on transport matters, rail modernisation and labour market issues.

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CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	COUNCILLOR ADRIAN JONES
CABINET PORTFOLIO FOR	SUPPORT SERVICES
CO-ORDINATING CHIEF OFFICER	JOE BLOTT

Executive Summary

1. FINANCIAL SERVICE

The Council Annual Statement of Accounts 2013/14 had to be published by 30 September 2014. The draft Accounts were subject to review by the External Auditors (Grant Thornton). The Audit Findings Report and Value for Money Report were presented to Audit & Risk Management Committee on 17 September. Both demonstrate the continuing improvements being made by this Council.

The financial position reported in June remains unchanged. Especially rewarding is that all the areas of review are rated as 'green'. This is an excellent outcome.

The Value for Money Report builds upon the comments in the Audit Findings Report which state the Council has suitable arrangements in place for VFM. For the past few years the Council has been deemed not to have suitable arrangements, and in 2012/13 the Audit Report reported all areas as 'red' but with a Direction of Travel of 'amber' acknowledging progress was being made. The 2013/14 report includes 3 'green' ratings and 3 'amber' ratings which is another excellent outcome.

2. ASSET MANAGEMENT

The first phase of major office rationalisation has taken place with the relocation of staff from Acre Lane to Birkenhead Town Hall. Two services remain at Acre Lane - the music service, which is relocating back to the Hospital School and the school library service which is relocating to a commercial unit owned by the Council near Cammell Lairds. It is intended Acre Lane will be empty by December, with disposal of the site in the first half of 2015.

The new £390,000 soft play and relaxation centre for young people with profound needs was opened at Europa Pools on 10 September.

Negotiations continue with the new owners of Tranmere Rovers in respect of the Ingleborough/Solar Campus proposals, which have now received planning approval.

Three academy transfers, Wallasey School, Townfield Primary and the Pupil Referral Unit (EMAP) continue to be progressed.

3. HEALTH, SAFETY & RESILIENCE

No major issues to raise. The Open Golf tournament went very well and the Council's Health, Safety & Resilience Team were heavily involved in the planning and delivery of the event, including the Open Golf Ambassadors who have been greatly praised in the media and by all partners.

The next induction session for the Wirral Emergency Volunteers Scheme (WEVS) took place on 18th September. 40 volunteers attended, increasing the number of

volunteers to just above 100. These volunteers will assist the Council in times of emergency, by undertaking roles such as befriending at emergency rest centres, flood wardens, snow clearance, etc. Following their induction, volunteers will undertake specific training to enhance their skills to undertake whatever roles they wish to volunteer for.

4. IT

IT work is progressing well. The largest project, Windows 7 rollout, is on schedule including deployment to Members throughout November. Other aspects of work are well underway including email migration, the main network tender, developing wifi across the corporate buildings, as well as investment in additional servers, and security products.

Cross party Members meeting took place on 19 September to consult on Members' IT requirements. Members are encouraged to raise queries with their nominated representatives.

6 FUTURE COUNCIL/ ORGANISATIONAL CHANGE

The Chief Executive opened statutory Consultation with the Trade Unions under section 188 on the 8 September 2014.

To deliver the agreed budget saving of £9.4M for remodelling the Council structures and the impact of other in house savings there is reduction in the numbers of jobs required in the future.

As part of our commitment to minimising redundancies we have so far identified 190 volunteers suitable for redundancy. Of those moving through this process:

- 139 employees have firm offers of Voluntary Redundancy, saving £4,157,768 per annum, at a cost of £2,500,000 this year (including year one pension strain and costs of our enhanced severance scheme).
- We have identified a further thirty posts from volunteers that may be suitable to allow a postholder to leave and redeploy another employee, who is in a redundancy position, into their post.

The Council continues to work closely with Trade Unions and managers to minimise the number of compulsory redundancies.

7 HR POLICY UPDATE

Audit and Risk Management Committee considered the following policies on 17 September 2014:

- New Dignity at Work procedure and supporting documents
- Changes to Grievance Policy and Procedure
- Legal updates to Whistleblowing policy

A training and communication programme is in place to ensure that managers and employees are updated and aware of their role in working with the new policies.

These new and updated policies have been shared with trade unions and represent significant support for our staff.

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Christine Jones
CABINET PORTFOLIO FOR	Adult Social Care & Public Health
CO-ORDINATING CHIEF OFFICER	Graham Hodgkinson, Director Of Adult Social Services

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to her portfolio.

This has been an incredibly busy period for Adult Social Care. Integration with the NHS and impending changes as a result of the Care Act has had a high focus in relation to strategic planning.

Key changes in provision including the continuing work to transform day services in to a Local Authority Company continue to be progressed.

1. BETTER CARE FUND

As part of the national requirements from NHS England, Wirral was required to re-submit its Better Care Fund intentions and plan on 19th September 2014.

The resubmission requirements focussed upon:

- Balancing finances against the national settlement.
- Implementing Care Act changes including 7-day working
- Reducing none elective admissions to Hospital
- A range of schemes to affect change across the health and care economy
- Provider responses to the challenge (Key NHS providers)

2. OUR VISION FOR INTEGRATED HEALTH AND SOCIAL CARE

Over the next 5 years we will deliver a transformed service for the people of Wirral focusing on moving care from hospital to community based resources and supporting people in their own homes. There will be a focus on:

- Early intervention and prevention
- Health promotion
- Self-care and self help to enable individuals to identify their own personal outcomes
- Encouraging self-determination and responsibility for communities and neighbourhoods
- Information, advice, signposting and where necessary redirection to appropriate services
- Providing care that is well coordinated around individuals ensuring customers and carers have a positive experience

- Maximise opportunities for greater independence choice and control and avoid preventable admissions to hospital or care homes through joined up collaborative case management
- Developing integrated approaches across the community and the hospital including joint assessments, single point of access and care planning
- Facilitating a significant shift in culture and behaviours across professions and organisations

3. CARE ACT

In May 2014, the Care Bill received Royal Assent and became the Care Act 2014. Some elements come into effect from April 2015; others come into effect from April 2016.

Implementation depends heavily on the detail in the 2015 regulations and guidance which are currently out for consultation and will be presented to Parliament in October 2014.

The changes coming into effect in April 2015 which impact directly on the Council include:

- A duty to provide prevention, information and advice services.
- A national minimum threshold for eligibility for both service users and carers.
- The entitlement for carers to assessment, support services and review equal to that of the service user.
- The right for people who pay for their own care to receive advice and support planning.
- A universal system for deferred payments for residential care.

The changes coming into effect from April 2016 which impact directly on the Council include:

- A cap on the costs that people have to pay to meet their eligible needs.
- A 'care account' giving people with eligible social care needs an annual statement of their progress towards reaching the cap, whether their care is organised by the local authority or not.
- Extending the financial support provided by the local authority by raising the means test threshold for people with eligible needs.

4. PUBLIC HEALTH

Last October, Cabinet authorised the re-commissioning of an integrated healthy child programme for 0-19 year olds and the re-commissioning of recovery-oriented substance misuse services. Each of those tender processes has now concluded and I am pleased to say that contracts have now been awarded to the successful bidders. It is intended that the new services will be in place by 1st February 2015.

The Healthy Child programme was commissioned in partnership with the NHS England Area team who are currently responsible for commissioning the healthy child programme for 0-5 year olds; a responsibility that will transfer to the Council in October 2015. Working together in this way has meant that we will be able to deliver a smoother transition of those responsibilities, since we have been able to set out our aspirations for our local community in advance of that date as part of the specifications. The aim is to improve outcomes and reduce health inequalities for local children across their life course. The services that are now secure for the next three years include: health visiting services and the Family Nurse Partnership programme, parenting support, immunisation and vaccination programmes, interventions aimed at improving mental and physical health and wellbeing, health promotion advice and support, and support for teenage parents, breastfeeding programme, vision screening, and

peer education programmes. The successful tenderer was Wirral Community NHS Trust. The tender exercise has also generated a saving over the life of the contract of £1,427,185.

In terms of the recovery-oriented substance misuse services we have seen a shift in national policy from a focus on maintaining clients in treatment to encouraging recovery and reintegration within society. The provider of these services will be required to deliver a recovery focused service for drug and alcohol users covering all classifications of drugs, poly-substance misuse, alcohol misuse, those using new psychoactive substances (legal highs), those dependent on prescription and over the counter medicines, those with mental health problems, pregnant women and those who are in contact with the Criminal Justice System. The successful tenderer is Crime Reduction Initiatives (CRI) who currently operate in a number of North West areas. This contract will bring together services which are currently provided by a number of operators and providers. Overall savings against the three year previous contractual value £4,308,280.

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CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Chris Meaden
CABINET PORTFOLIO FOR	Leisure, Sport and Culture
CO-ORDINATING CHIEF OFFICER	Clare Fish, Strategic Director, Families & Well-being

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to her portfolio.

1. RANGERS SUMMER ACTIVITIES

This summer was busy and successful for our rangers. The highlight of the summer holiday in Birkenhead Park was National Play Day run with the Play Council and Children and Young People's Department - around 3,500 people took part and Birkenhead's Rangers have also been out and about leading sessions in Prenton and Rock Ferry libraries.

The Junior Ranger shop in the Pyramids shopping centre, open for 3 days a week throughout the school holidays, attracted over 12,500 visits. It was very popular and some families went back repeatedly. The highlights included interactive virtual tours of Central Park New York each Friday via Skype. Other activities which went down really well with children included: Storytelling with Yarn Spinner, face painting, crafts and owl workshops with Moonshine Owl sanctuary. The Ark Animal experience visited showing their exotic animals. Trespass, Vesbim Productions and other shop holders in the Pyramids were involved and helped with resources, as did Cheshire Regiment and Wirral Met College. All the activities have helped the children develop a greater appreciation of the natural world and the international importance of Birkenhead Park.

2. PARKS AND OPEN SPACES STRATEGY

The new Parks and Open Spaces Strategy have recently been considered by Cabinet. The aim of the new Strategy is to provide direction during an anticipated period of financial challenge and change. The Strategy sets the strategic direction for future parks and open space service planning and partnership working. It has been informed by findings of the Wirral Parks User Survey, Visitor Research Study and consultation with a wide range of partners and stakeholders.

3. LEISURE

Work has begun on the improvements to the artificial 5-a-side pitches at Guinea Gap, which will be completed by early October.

Also at Guinea Gap work has now commenced on the conversion of the Sports Hall in to a 50 station fitness suite. The new facility is expected to be open early in the New Year.

At West Kirby Concourse – The development of two squash courts into an additional aerobics studio has started. The refurbishment of the fitness suite is due to begin later this year.

A Large scale marketing campaign has commenced and will continue with a planned programme of marketing and promotional activities.

4. SPORTS DEVELOPMENT

Wirral National Citizen Service Summer Graduation

Throughout summer 2014, Wirral Council Sports Development Staff worked together to deliver a fantastic NCS Programme to a wide range of young people across Wirral. They held a Successful NCS graduation ceremony took place on Saturday 27th September 2014, at Upton Hall School. 116 young people aged 16-17yrs olds, were presented with a range of certificates such as 1st Aid and food Safety certificates from the Mayor of Wirral Councillor Steve Foulkes as a result in them completing the 6 phases of the NCS programme, which is a government led initiative spear headed by David Cameron. NCS runs during the summer autumn and spring holidays.

5. WIRRAL NATIONAL CITIZEN SERVICE SOUP KITCHEN

NCS cohort 3 worked closely with Charles Thompson Mission in Birkenhead to survey the community for homeless people and what soup kitchens were available on Wirral, they realized that there was nothing on offer to the homeless from Friday – Sunday and therefore they decided to do something about it. Through applying for their own £300 o2 think big grant, and through fundraising within their own family and friends, they raised enough money to be able to host a Friday night soup kitchen where they cooked Scouse and Ice cream deserts to the homeless of Birkenhead. The young people hosted another soup kitchen on the 26th September 7-9pm at Charing Cross Methodist Centre and had an outstanding turn out with fantastic comments regarding the young peoples positive attitudes, they are currently seeking funding to keep the project sustainable and run it on a monthly basis.

6. LIBRARIES

Wirral Libraries large range of literary and cultural events has continued and last week held the annual Book fest for Wirral with a wide range of talks showcasing both national and local authors, poets and historians. My thanks to all those who supported this popular event and I am sure that in previous years it will have been well received and enjoyed.

Last month we launched a small Birkenhead Park Reading Room project which sees books available at the Pavilion in the park and my thanks to local author, Margaret Murphy in helping launch this and it has been well received by park users already.

The programme of improvement at our main sites has seen Bebington Central complete in July and work at West Kirby continues to provide a remodelled space on the ground floor. My thanks to all users for continuing to support the sites during the work and am sure they will enjoy the improved facilities.

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Bernie Mooney
CABINET PORTFOLIO FOR	Environment and Sustainability
CO-ORDINATING CHIEF OFFICER	Mark Smith, Head Of Environment & Regulation

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to her portfolio.

1. GARDEN WASTE

To date, 37,800 households have subscribed to the garden waste kerbside collection service, with an average of 20 new customers still joining every day. This means that the Council will reach its 14/15 income target by the end of September. So far this subscription year (June to August), we have collected 90% of the tonnage that was presented over the same period in 2012/13 when the service was free.

The Garden Waste Commercial Manager is currently exploring alternative but convenient payment methods for residents who do not subscribe online, such as Pay Point and an automated telephone line used by Council Tax.

The tender for the treatment of the garden waste from Wirral and several other Merseyside districts has been awarded to White Moss Horticulture, based in Merseyside. The joint procurement exercise realised a £22k revenue saving for Wirral.

2. STREET CLEANSING

The Corporate Indicator for Local Environmental Quality for quarter 1 is currently over achieving scoring 97% against a target of 93%. In order to facilitate a more local and responsive service at constituency level, four neighbourhood teams, each consisting of a Caged Tipper, driver plus operative will be able to be deployed for up to 2 hours each week day by constituency managers to carry out cleansing works on the highway above and beyond the current frequencies. This could be ad hoc fly tip removal and cleansing work or regular programmed works.

3. ALLEYWAY DUMPING

The Waste Investigation Unit continues to work hard, referring evidence to the Environmental Enforcement team. Over 480 cases have been investigated since April. They have also reported that the proactive work is encouraging residents to remove their own fly tipped waste, such as building rubble through the use of private skip firms. Fifty fixed penalty notices have been issued where the location of the "offender" has been successfully identified. Five cases are due to be scheduled in court in October for non-payment of the fixed penalty notices.

4. RECYCLING AND WASTE PREVENTION

The Council's Eco School officer has been shortlisted for the national award of "Recycling Officer of the year", due to her commitment to helping Wirral schools and wider communities with their sustainability agendas and embedding environmental projects into the school curriculum. Wirral has by far the highest percentage of Eco Schools achieving "Green Flag" status in Britain. The winner will be announced at the LARAC awards ceremony in October.

The amount of collected household waste per person reduced from 395kg in 2012/13 to 378kg in 2013/14. The average for England was 423kg per person in 2012/13 (13/14 data not yet available), meaning Wirral continues to work effectively to minimise the amount of waste arising from households.

5. EAT WELL WIRRAL AWARD FOR TAKEAWAYS THAT OFFER HEALTHY OPTIONS

Wirral Council's Environmental Health and Public Health teams have joined forces to help tackle obesity and other diet related ill health in Wirral. In early 2015 Environmental Health will be launching an award to recognise businesses that already offer healthy options, and support others to enable them to offer healthy choices.

More and more people are eating out, food businesses have a greater impact on the lives of their customers and sometimes takeaway food can be unhealthy. Eat Well Wirral aims to encourage and support businesses to make very small and easy changes to the way they prepare and cook some foods, the types of ingredients they use and choices they offer to customers in order to make the food they serve healthier.

The benefits to the businesses will be:

- They will receive an award certificate to display on the premises
- Receive a window sticker to display the award to passers-by
- All successful businesses will be listed on our website
- We will actively promote the award through the press and other media
- They will have the right to advertise their award on their stationery/menus/ boards/ websites.

The Award scheme will be open to takeaway businesses only at this stage, for example fish and chip shops, Pizza/Kebab houses, Sandwich bars, Chinese takeaways and Indian/Bangladeshi takeaways.

The award will be split into three levels, Bronze, Silver and Gold. Bronze will be awarded to businesses who have made very simple changes like slightly reducing the salt they use whereas Silver and Gold require further changes to their methods or ingredients.

The award framework has been completed and following consultation with a number businesses work is now being undertaken with marketing to design the final award and promotional material.

6. 2014-2015 BUDGET OPTION TO TRANSFER BIRKENHEAD KENNELS TO THE CHARITY FRIENDS OF BIRKENHEAD

Due to the legal work required there has been some delay in implementing this budget option which is now on target to transfer the kennelling service over to the charity Friends of Birkenhead Kennels (FOBK) by the 1st November 2014. This delayed transfer will reduce the

savings for 2014-2015 but the shortfall will be met from within budget. This new partnership will deliver a direct annual saving of £40,000 through the transfer of four staff and service responsibilities. The new arrangements will also manage out the existing uncontrollable overspends which are associated with the staffing budget.

As advised previously the unique nature of this budget option has realised a number of challenges in which our traditional administrative methods for outsourcing and creating social enterprises have not faced before. However, significant progress continues to be made to ensure the transfer takes place at the earliest opportunity.

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CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Tony Smith
CABINET PORTFOLIO FOR	Children And Family Services
CO-ORDINATING CHIEF OFFICER	Director Of Children's Services

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to members of the Council on matters relevant to his portfolio.

1. YOUNG PEOPLE ARE READY FOR WORK AND ADULT LIFE.

NEET (Not engaged in Employment, Education or Training)

The proportion of young people who are NEET reduced in 2013/14. The DfE recently published the national 3 month mean NEET performance tables and Wirral's rate was 5.7% or 660 young people. Performance illustrates a 1.8% reduction in young people aged 16 to 18 against the same period in the previous year and illustrates the impact of the 14-19 Service in response to the Government's Raising of the Participation Age agenda.

2. CHILDREN IN CARE EMPLOYABILITY

In 2011/12 Ofsted noted that the council performance in relation to care leavers progressing in to employment, education and / or training (EET) at age 19 was 37 percent against a national benchmark of 58 percent. The latest data shows in 2013/14, 66 percent (37 out of 56) care leavers progressed in to EET at age 19. This is a 29 percent improvement which is supported by interventions including intensive 1:1 coaching and mentoring and delivery of a bespoke employability programme. This programme has a significant personal development focus and culminates in an extended internship and ring fenced apprenticeship opportunities.

In order to be ready for work and adult life, children need to reach their full potential throughout their school years:

Early Years Foundation Stage: The percentage of children achieving a good level of development has increased by 16% to 63%. Attainment of children in receipt of free school meals has increased by 18.8% strongly evidencing the gap is closing. However, amongst the larger cohort of children looked after the percentage of children attaining a good level of development has decreased.

Improvements in children's school readiness will be further enhanced by the implementation of a full review of early years and children's centres which was presented to Cabinet in September 2014. This will support a multiagency targeted approach to work with our most vulnerable young children and their families.

Key Stage 1: The percentage of pupils achieving Level 2+ in speaking and listening, writing and mathematics has increased. Attainment of children in receipt of free school meals has increased in all areas, and consequently the free school meal gap is narrowing. The percentage of Children Looked After achieving Level 2+ in speaking and listening, reading, writing and maths has increased in line with the national average.

Key Stage 2: The percentage of pupils achieving Level 4+ in reading, writing and mathematics has increased. Attainment of children in receipt of free school meals has increased and the gap is narrowing. The percentage of Children Looked After achieving reading and writing has increased, however attainment in mathematics has decreased. All results are above the national average for looked after children.

The Council are not in a position to report GCSE or GCE yet, due to a number of re marks going on in all school. The validated data will be available in December 2014.

3. CHILDREN WITH SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND)

Aspects of the Children and Families Act regarding services for children with special educational needs and / or disabilities, was implemented on 1 September. The legislation reinforces a child centred, outcome orientated approach, with a strong emphasis on strong partnership working. Changes include the introduction of Education, Health and Care Plans, which are replacing Statements of Special Educational Needs, transitional arrangements to ensure conversion of existing plans and the an easily accessible web based Local Offer, which describes all local services. Training for schools and all partners is ongoing.

4. CHILDREN FEEL SAFE AND ARE SAFE

The Jay Report into Child Sexual Exploitation in Rotherham is receiving detailed local attention in Children's Social Care, the Chief Executive Strategy Group, through the Local Safeguarding Children's Board and regionally. The Corporate Safeguarding Manager is leading an assessment of all multiagency approaches to children who may be vulnerable, including holding focus groups with young people and separately with all agencies engaged with young people, to assure ourselves that local approaches are robust and child / young person focussed. A report is being presented to Cabinet in October.

5. PRACTICE AUDITS

During the summer period, Children's Social Care has implemented a programme of auditing over 200 individual cases. Also, an external assessment of the 'front door' into children's services was undertaken; its findings included good practice and areas for further improvement. Recommendations are now being progressed. A new Quality Assurance framework is in place to ensure practice audits are robust and challenging, and good governance arrangements are in place.

CABINET PORTFOLIO SUMMARY REPORT

REPORT OF	Councillor Stuart Whittingham
CABINET PORTFOLIO FOR	Highways and Transport
CO-ORDINATING CHIEF OFFICER	Mark Smith, Head Of Environment & Regulation

EXECUTIVE SUMMARY

This report is an update from the Cabinet Portfolio Holder to Members of the Council on matters relevant to his portfolio.

1. MAINTENANCE PROGRAMMES FOR 2014/15, INCLUDING THE POTHOLE REPAIR FUND

The highway maintenance part of the Council's Capital Programme is now nearing completion, with the surface dressing programme completed since my last report, and the resurfacing programme on primary routes now underway.

The surface dressing programme enabled the Council to try out a new pre-patching technique which has proved very successful, and has enabled officers to develop proposals and negotiate reduced rates for the Pothole Fund programme which utilise this material. I am pleased to inform Council that we will be able to repair more than the 8,800 pothole commitment made on award of the Pothole Fund.

The initial programme of pothole repairs is underway with an initial programme of approximately 1,000 potholes being filled in each of the four Constituency Areas, before moving on to the next phase. Details of the streets being treated and the numbers of pothole filled or to be filled have been published on the Council's website.

2. MAJOR SCHEME SUBMISSION – DOCK BRIDGES

Development of the Major Scheme Business Case (MSBC) has progressed to detailed traffic and cost modelling of the alternative solutions, and this work is still on schedule for completion in December. I will be reporting to Cabinet in January 2015 for approval of the Business Case before its final submission to the Local Transport Body.

3. LOCAL SUSTAINABLE TRANSPORT FUND

Local Sustainable Transport Fund is additional grant funding provided by the Department for Transport to deliver sustainable transport improvements to support economic growth. The current programme ends in March 2015. A bid for funding for 2015/16 was submitted by Merseytravel, on behalf of the City Region - however this was unsuccessful. Feedback has been requested from the Department for Transport (DfT) in respect of the reasons for this decision.

In Wirral, the project has been extremely successful and monitoring has continued to show that over 70% of people we have assisted remain in employment after 6 months.

In order to continue delivery of some elements of the project in 2015/16 discussions are taking place with the DfT to ascertain if any of the existing budget, which was originally allocated as contingency but has not been required, can be used in 15/16.

4. LIVERPOOL CITY REGION GROWTH DEAL

Following submission of the Growth Plan to the Government earlier this year, it was announced in July that the Liverpool City Region has been allocated £232.2m from 2015/16 to 2020/21.

From this total, £41.4m has been ringfenced for a package of sustainable transport improvements across the Local Enterprise Partnership area, with a guaranteed £6.9m in 2015/16. Liverpool City Region partners are currently in discussions over the minor works programmes to be delivered using this funding.

WIRRAL COUNCIL

COUNCIL MEETING

20 OCTOBER 2014

SUBJECT:	Policy and Performance Committee Chairs' Reports
WARD/S AFFECTED:	ALL
REPORT OF:	Policy and Performance Committee Chairs
RESPONSIBLE PORTFOLIO HOLDER:	Cllr Ann McLachlan (Governance & Improvement)
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 This report provides Members of the Council with an update on the work carried out by each of the Policy and Performance Committees. The report includes contributions from each of the Committee Chairs. Members of Council are requested to note the contents of this report.

2.0 BACKGROUND AND KEY ISSUES

2.1 The Policy and Performance Committees were established as part of the constitutional changes agreed by Council on 30 April 2013. There are three committees aligned to the Council's Directorates and a fourth Coordinating Committee which is responsible for corporate oversight and call-ins.

2.2 The committees are responsible for discharging the Council's scrutiny function. Formal meetings include performance management, budget monitoring and policy updates as standing items. Each committee has also developed a work programme which includes a combination of officer reports and scrutiny reviews conducted by smaller groups of committee members.

3.0 COORDINATING COMMITTEE CHAIR'S REPORT

3.1 The full Co-ordinating committee has met on two occasions since the start of the municipal year for regular meetings. In addition, there have been three call-in meetings scheduled, although at the time of writing this report only two of these have taken place. There have also been two meetings of the Chair, Vice Chair and Spokespersons, both for agenda setting meetings and officer briefings.

3.2 Corporate performance and financial monitoring reports have been received at regular meetings. There has also been a report reviewing progress implementing Individual Electoral Registration ahead of publication of the new electoral register in December 2014. This had been the subject of a Task and

finish review earlier in the year and the recommendation was that progress be monitored. A report on decision-making within constituency committees was received in September which has resulted in a request for a more in-depth piece of work being undertaken in the New Year.

- 3.3 Agreement was reached with Chairs / Vice Chairs and Spokespersons of all Policy and Performance Committees on a methodology to scrutinise the Future Council officer proposals in line with an approach taken by the Regeneration and Environment Committee last year. The suggestion was that this methodology is followed by all Policy and Performance Committees to ensure consistency and this was approved by Co-ordinating Committee and referred on to the other committees during the September round of meetings.
- 3.4 One of the functions of the Coordinating Committee is to provide an overview of the other Policy and Performance Committees. As such, members have decided to move their meetings to the end of the meetings cycle, rather than hold them at the beginning, so Coordinating Committee is better able to reflect on the work of all committees.

Work Programme for 2014/15

- 3.5 The committee has reviewed the work programme for the coming year and has agreed to a request from a member to carry out a Task and finish review on the cumulative impact of Council Policies in addressing health inequalities. It is also the intention to schedule a piece of work later in the municipal year to review the decision-making by Constituency Committees.

Councillor Moira McLaughlin

4.0 FAMILIES & WELLBEING CHAIR'S REPORT

- 4.1 At the start of this municipal year there were legitimate concerns about the workload of the Families and Wellbeing Policy and Performance Committee. In line with good scrutiny practice, Spokespersons from all parties are invited to attend agenda setting meetings and officer briefings. At an early meeting of the Chair / Vice Chair and spokespersons we formulated an approach to help address the committee workload, and I would like to thank them for their assistance.
- 4.2 The Committee has established two sub-groups, both of which report to the full Committee. One concentrates on Attainment and looks at educational matters and schools' performance across the Borough. This includes early years' services right through to employment opportunities for young people and levels of achievement amongst looked after children.
- 4.3 The second sub-group will concentrate on Health and Care performance, and will monitor the performance of all Health Care providers. It follows up on last year's review of the Implications of the Francis Report for Wirral to ensure that standards at Wirral University Teaching Hospital are maintained and improved where necessary. We will also be looking at how the recommendations of last year's review of Care homes are being implemented.
- 4.4 The committee has received reports on Departmental Plans for Children and Young People, Adult Social Services and Public Health and is provided with

regular updates on performance and financial monitoring. In July the committee also received a report on a proposed variation to the delivery of cancer services at Clatterbridge Cancer Centre. In the coming weeks, two Members of the Committee will contribute to a joint health scrutiny committee with other authorities from Cheshire and Merseyside to review these proposals in more detail. A plan of requested reports has been scheduled in for the remaining meetings of the year.

Work Programme for 2014/15

- 4.5 The scrutiny of the Future Council budget options is being prioritised. A scoping document has been completed and evidence gathering is under way. The findings will be reported to full committee for discussion in November. Evidence gathering is proceeding for a scrutiny review on Safeguarding Children that got under way in the summer. This is due to report later in the year. A further review on the impact of domestic violence on young people and the services that support them is set to get underway soon. We have also agreed to start a review in the New Year on the number of unnecessary hospital admissions, as this has been identified as a performance target persistently not met.

Councillor Moira McLaughlin

5.0 REGENERATION & ENVIRONMENT CHAIR'S REPORT

- 5.1 There have been two committee meetings in July and September. At the July meeting a report was received on the scrutiny arrangements that will be in place to review the work of the Liverpool City Region Combined Authority (LCRCA). Three Members of the Committee will sit on the LCRCA scrutiny committee ensuring a direct link between the Council and City Region scrutiny arrangements. The LCRCA will be a standing item on the Committee's agenda. In July the Committee also appointed Members to the Highways Representation Panel, the role of which is to review objections to Highways and Transportation proposals.
- 5.2 At the September Committee, reports were received on the outcome of two scrutiny reviews. The Car Parking Scrutiny Review was supported by Members from all political groups. The review was set up following scrutiny of last year's budget options in response to the standardisation of parking charges across the borough. The final report presented to committee set out a series of principles to act as a framework for setting car parking charges going forward. The Wirral Apprenticeship Scheme Scrutiny Review Panel was also supported by all political groups. The review recommended a number of areas of improvement for the scheme. Both reports were referred to Cabinet for endorsement.
- 5.3 In September the Committee also considered and debated the following Notices of Motion from Council:
- Underground Coal Gasification
 - Private Rented Sector Reform
 - Investing in Wirral's Infrastructure

The first two were supported and in terms of the last, a report was requested in order that at a future meeting to proper consideration is given to the issues highlighted.

- 5.4 The September Committee also received a report into Wirral's Climate Change Strategy and this was endorsed as the agreed framework to encourage and co-ordinate local climate-related action in Wirral.

Work Programme for 2014/15

- 5.5 The Committee has prioritised the Scrutiny of the Future Council budget options as the focus of its immediate work. A scoping meeting was held with the Chairs and Spokespersons on 29th September at which Members determined which options they plan to focus on in terms of scrutinising in more detail. A series of evidence gathering sessions are scheduled during October and will report to the next Committee meeting in November.

Councillor Mike Sullivan

6.0 TRANSFORMATION & RESOURCES CHAIR'S REPORT

- 6.1 The Committee has met twice in the current municipal year, with full member attendance and participation. Additionally the Chair, Vice-Chair and spokespersons have met on a number of separate occasions to discuss agenda setting and the Work Programme.
- 6.2 Regular reports on performance and financial monitoring are presented to the Committee. More recently a presentation was given by the Strategic Director – Transformation and Resources setting out the scope of the Directorate and the remit and areas of responsibility that fall under the committee. This was especially helpful for newer members.

Work Programme for 2014/15

- 6.3 At its September meeting, the Committee endorsed the proposed approach for scrutinising the Future Council budget options agreed at a meeting of the Policy and Performance Committee Chairs and Spokespersons. There are two options falling within the remit of this committee:
- Council Tax Over 70s discount
 - Community Libraries
- 6.4 Two scrutiny panels have been established to undertake task and finish work exploring these proposals in more detail. A scoping meeting has been held and evidence gathering sessions scheduled to take this work forward.
- 6.5 There were two review topics that were outstanding from the previous municipal year: Sickness Absence and the Local Welfare Assistance Scheme (LWAS). It was decided by the Chair, Vice Chair and Spokespersons that there was no value in setting up a task and finish group to scrutinise sickness absence because of the current upheavals being experienced by Council employees. The Task and Finish group set up to look at the LWAS review is currently on hold pending a Cabinet decision. I would like to thank all committee members for their contributions and hard work to date.

Councillor Janette Williamson

7.0 RELEVANT RISKS

7.1 N/A

8.0 OTHER OPTIONS CONSIDERED

8.1 N/A

9.0 CONSULTATION

9.1 N/A

10.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

10.1 N/A

11.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

11.1 N/A

12.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

12.1 N/A

13.0 LEGAL IMPLICATIONS

13.1 N/A

14.0 EQUALITIES IMPLICATIONS

14.1 Has the potential impact of your proposal(s) been reviewed with regard to equality? (c) No because of another reason which is:
The report is for information to Members and there are no direct equalities implications.

15.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

15.1 N/A

16.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

16.1 N/A

17.0 RECOMMENDATION

17.1 Members are requested to consider the contents of this report and whether they have any questions for the Chairs of the Policy and Performance Committees.

18.0 REASON FOR RECOMMENDATION

18.1 To update Members on the progress with Policy and Performance Committees.

REPORT AUTHOR: Michael Callon
Transformation and Resources
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APPENDICES

N/A

BACKGROUND PAPERS/REFERENCE MATERIAL

N/A

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Council – Revisions to the Constitution	30/04/13
Council – Reports from Policy and Performance Committee Chairs	14/10/13
Council – Reports from Policy and Performance Committee Chairs	16/12/13
Council – Reports from Policy and Performance Committee Chairs	10/03/14
Scrutiny Annual Report to Council	14/07/14

CABINET

11 SEPTEMBER 2014

51 GYPSY AND TRAVELLER ACCOMMODATION ASSESSMENT

The Cabinet Member for Economy presented the report of the Strategic Director for Regeneration and Environment, which advised that The Gypsy and Traveller Accommodation Assessment for Merseyside and West Lancashire had been commissioned to find evidence of the need for specialist accommodation. The Assessment indicated that Wirral had a need for six permanent and four transit pitches for Gypsies and Travellers in the short term (2013/2014 – 2018/2019) with a further two permanent pitches over the subsequent period to 2032/2033. It did not identify a need for Travelling Showpeople yards in Wirral.

The report highlighted the findings of the study and addressed in detail the planning implications and the need to ensure the robustness of the Local Plan, which was required to identify sufficient land to provide for traveller accommodation based upon objectively assessed needs. He commented that a number of local authorities that had failed to do so had had their Local Plans found unsound, which had led to planning decisions being overturned at appeal. It was therefore essential that the Council should now take steps to identify land for traveller accommodation based on the findings of the Assessment.

Resolved –

- (1) That it be recommended to Council that the findings of the Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment are used to inform the content of the Council's emerging Core Strategy Local Plan and subsequent site-specific Local Plan.**
- (2) That it be recommended to Council that the Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment be approved as a material consideration for use by Planning Committee in the determination of planning applications.**
- (3) That a further report be submitted to Cabinet when appropriate sites have been identified.**

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AUDIT AND RISK MANAGEMENT COMMITTEE

17 SEPTEMBER 2014

30 UPDATE OF HR POLICIES

The Head of Human Resources presented the report of the Strategic Director of Transformation and Resources, which advised that the Council's Human Resources (HR) Policies were subject to ongoing review to ensure they remained fit for purpose, legally compliant and provided a valuable and workable resource for employees and managers on employment related issues in the workplace. She indicated that, as part of the new intranet site, implemented in January 2014, a number of key policy documents were refreshed and formatted and an opportunity had also been taken to update and rationalise the information under the People section of the site to enhance it as a more user friendly resource.

The report provided details of the following new and revised HR Policies for consideration –

- New Dignity at Work procedure and supporting documents
- Details of changes to Grievance Policy and Procedure
- Details of legal updates to Whistleblowing policy

The policies had clear links and had been reviewed as a suite, although the most significant work had been undertaken around Dignity at Work, which was a new policy. She commented that the Annual Governance Statement 2013/2014 stated, in relation to risk management, that further actions were required to embed policies for confidential reporting and grievances and the report set out the communication and training plan to ensure that all managers and employees understood the requirements of the policies and what their roles and responsibilities were in their delivery

In response to a question from a Member in relation to the involvement of trade unions in the formulation of HR policies, the Head of Human Resources confirmed that, although their agreement was not required, the trades unions had been consulted on all policies. There remained an outstanding, unresolved area of disagreement in relation to the procedure for employment appeals, insofar as it no longer provided a mechanism for a panel of elected Members to determine such appeals, which were now heard by an officer. In response to a further question as to whether the unions were in agreement with other HR policies, she confirmed that their objection was as indicated, and was more in relation to principle than practice.

The Liberal Democrat spokesperson referred to the Whistleblowing Policy, which stated that protection would be given to whistleblowers against victimisation. However, in its definition of victimisation, the Dignity at Work Policy appeared to imply that such protection would only be afforded to persons who had acted 'in good faith' and he questioned how such a determination would be made.

Following a brief adjournment, the Head of Human Resources indicated that she had reviewed the wording in the Policy and proposed an amendment for Members consideration.

Resolved –

- (1) That, subject to the amendment now reported, and to it being circulated to Members, the Dignity at Work procedure and supporting documents be recommended to the Council, for approval.**
- (2) That the proposed amendments to the Council's Grievance Policy be recommended to the Council for approval.**
- (3) That the changes to the Whistleblowing Policy be endorsed.**

WIRRAL COUNCIL

AUDIT AND RISK MANAGEMENT COMMITTEE

17 SEPTEMBER 2014

SUBJECT:	UPDATE OF HR POLICIES
WARD/S AFFECTED:	ALL
REPORT OF:	STRATEGIC DIRECTOR TRANSFORMATION AND RESOURCES
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 This report provides details of new and revised HR Policies for Audit and Committee to consider. These policies are:

- New Dignity at Work procedure and supporting documents
- Details of changes to Grievance Policy and Procedure
- Details of legal updates to Whistleblowing policy

1.2 The report also sets out the communication and training plan for the new and updated policies.

2.0 BACKGROUND AND KEY ISSUES

2.1 The Council's Human Resources policies are subject to an ongoing review to ensure they remain fit for purpose, legally compliant and provide a valuable and workable resource for employees and managers on employment related issues in the workplace.

2.2 The Council implemented a new Intranet site in January 2014 and as part of that many key policy documents were refreshed and formatted. This also provided an opportunity to update and rationalise the information available under the People section of the site to enhance it as a more user friendly resource for employees and managers.

2.3 The Annual Governance Statement 2013/14 presented to the Audit & Risk Management Committee on 23 June 2014 states 'Progress has been made on a further (four) issues which were identified as significant in the 2012-13 Annual Governance Statement', however 'further actions are required in relation to (risk management,) embedding policies for confidential reporting and grievances'.

2.4 This report provides details of work that has been undertaken to ensure that HR policies support the Council requirements for strong corporate governance.

- 2.5 The Council agreed a revised Whistleblowing Policy in 2011 and a revised Grievance Policy in 2012. In 2013, revised policies were agreed for Conflict of Interest and Gifts and Hospitality.
- 2.6 The Dignity at Work Policy, Grievance and Whistleblowing policies have clear links and have been reviewed as a suite. Formal complaints under the Dignity at Work policy are dealt with under the grievance procedure. Both the Grievance and Whistleblowing policies provide clear guidance to employees about what policy should be used for what purpose and the distinction between employment complaints and protected disclosures.
- 2.7 The most significant work has been undertaken around Dignity at Work which is a new policy. Some further revisions and updates have been made to Grievance and Whistleblowing policies

Dignity at Work procedure

- 2.8 This policy replaces the existing Bullying and Harassment resource pack and makes some significant changes as follows:
- Significant policy refresh/new formats
 - Updated definitions of bullying and harassment
 - Clarification for working arrangements during investigation of a complaint
 - Impact rather than intention of behaviour remains a key principle but would be a relevant factor in determining any action in response to a complaint.
 - Emphasise on responsibility of managers to promote standards in workplace and deal with inappropriate behaviour
 - Action may be taken against a manager who does not deal with a complaint appropriately
 - Legitimate, reasonable and appropriate management of performance is not bullying
 - New guidance document for managers in handling complaints informally and formally and how to manage performance
 - Frequently asked questions to support policy and procedure
 - Facility for mediation and new guidance explaining mediation process
 - Appointment of Dignity at Work Advisors (voluntary) to provide support in the workplace and signpost employees who are experiencing problems at work
- 2.9 Formal complaints under Dignity at Work are managed under the grievance procedure.
- 2.10 The policy has been developed following a review of policies of other organisations and incorporating best practice from ACAS code of practice.

Grievance Procedure

- 2.11 The grievance policy was last revised in November 2012.
- 2.12 It currently has a 3-stage formal process which is not considered workable in practice. It contains two rights of appeal and so in effect almost every tier of manager in the line management chain can be required to deal with an employee's grievance to satisfy the requirements of the procedure. This is unnecessary and causes delays and duplication.

- 2.13 It is therefore proposed to make the following changes to the grievance policy and procedure:
- Move to two-stage formal process under which a formal grievance will be heard initially by a line manager or senior manager and any subsequent appeal will be heard by Head of Service or Director.
 - Any grievances directly against a Head of Service will continue to be heard at a Strategic Director Level.
 - An addition of an explicit statement that the grievance procedure is not intended to be used as an alternative or in addition to a right of appeal contained in another policy.
- 2.14 The proposed process is in accordance with ACAS guidance as the process would retain an informal stage, formal stage and right of appeal.

Whistleblowing Policy

- 2.15 The Council's Whistleblowing Policy was agreed in September 2011.
- 2.16 Some minor changes have been made to the scope of policy in relation to contractors and volunteers, agency workers and contractors in accordance an Internal Audit Recommendation which stated that:

When redrafted, the paragraph in the Confidential Reporting (Whistleblowing) policy relating to the policy covering non-employees should be removed.

- 2.17 This has been addressed in paragraph 2.5 of the revised policy
- 2.18 It has also been updated to reflect some further changes to 'whistleblowing' legislation (pursuant to the Enterprise and Regulatory Reform Act 2013) as follows:
- Clarification that a qualifying disclosure means any disclosure of information that, in the reasonable belief of the worker is made in the public interest
 - The removal of the requirement that disclosures must be made 'in good faith'
 - Clarity that complaints about breaches of contract of employment should be raised as a grievance

Communication and Training plan

- 2.19 A Communication and Training Plan is attached at Appendix A.
- 2.20 It is critical that all managers and employees understand the requirements of these policies and what their roles and responsibilities are in their delivery.

3.0 RELEVANT RISKS

- 3.1 The Council is required to have Human Resources Policies in place which are legally compliant and ensure that any complaints are fully dealt with properly and in a timely manner.
- 3.2 Failure to do so may create employee relations issues and leave the Council open to legal challenge.

4.0 OTHER OPTIONS CONSIDERED

- 4.1 N/A

5.0 CONSULTATION

- 5.1 The Policies have been discussed with the trade unions.

6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

- 6.1 None

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

- 7.1 None

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

- 8.1 All training and communication of policies will be met within existing resources. Staff will be made aware of updated policies and will be required to adhere to them as applicable.

9.0 LEGAL IMPLICATIONS

- 9.1 The legal implications are set out in the main body of the report.

10.0 EQUALITIES IMPLICATIONS

- 10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality?

(a) Yes and impact review is attached:

<https://www.wirral.gov.uk/my-services/community-and-living/equality-diversity-cohesion/equality-impact-assessments/eias-april-2014/eias-transformation-res>

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

- 11.1 None

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

- 12.1 None

13.0 RECOMMENDATION/S

13.1 That Audit and Risk Management Committee recommends to Council approval of the:

- a. Dignity at Work procedure and supporting documents set out in this report; and
- b. Proposed amendments to the Council's Grievance Policy as detailed in this report.

13.2 That Audit and Risk Management Committee endorse and notes changes to Whistleblowing Policy detailed in the report

14.0 REASON/S FOR RECOMMENDATION/S

14.1 In order to ensure that the Council is compliant with relevant legislation. updates and changes can be implanted to key HR policies that are subject of the report and for the communication and training plan to be implemented.

REPORT AUTHOR:

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APPENDICES

- Appendix One** Communication and Training Plan
- Appendix Two** Dignity at Work (Anti-Bullying and Harassment) Policy
Dignity at Work Procedure
Manager's Guidance to Dignity at Work
Guidance on Mediation
Dignity at Work Advisors
- Appendix 3** Updated Whistleblowing Policy
- Appendix 4** Update Grievance Policy and Procedure

BACKGROUND PAPERS/REFERENCE MATERIAL

BRIEFING NOTES HISTORY

Briefing Note	Date

SUBJECT HISTORY (last 3 years)

Council Meeting	Date

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Communications and Training Plan - Dignity at Work, Grievance, Whistle Blowing

In order to embed this suite of policies the following communications and training plan will be implemented across the organisation.

Timeframe	Target Audience				
	Chief Officers	Senior Managers	Managers	Dignity at Work Advisors	Employees
Phase One - Oct '14 – Dec '14 Awareness Raising	Head of Human Resources/Organisational Development to brief all Chief Officers	Chief Executive to brief Senior Managers as part of regular senior manger briefings	All to access newly created e-learning module	Recruit Dignity at Work Advisors Advisors to complete newly created e-learning module	All to complete newly created e-learning module Paper versions of e-learning to be made available for those employees unable to access e-learning (e.g. street crossers, transport escorts)
Communications Campaign	For All				
	<ul style="list-style-type: none"> • One Brief Articles • Fact Sheet & FAQ's • News Item on Intranet • Recruitment campaign for Advisors 				

	Chief Officers	Senior Managers	Managers	Dignity at Work Advisors	Employees
Phase Two – Jan '15 – March '15		Attend 2 hr training workshop	Attend 2 hr training workshop	Attend detailed training on policy and their role within it	
Phase Three March '15 – May '15			New training sessions included in the revised version of the mandatory Wirral Management Development Programme	Ongoing support and further training if required	



Dignity at Work (Anti-Bullying and Harassment) Policy

Human Resources & Organisational Development



Dignity at Work

(Anti-Bullying and Harassment) Policy

1. Policy Statement

The Council is committed to creating a work environment free of harassment and bullying, where everyone is treated with dignity and respect.

Harassment and bullying can have very serious consequences for individuals and the Council. Harassment or bullying may make people unhappy, cause them stress and affect their health, family and social relationship. It may affect their work performance and can cause them to leave their job. The effects on the Council can include loss of morale, poor work performance, increase in turnover of staff, legal claims and damage to the Council's reputation.

The Council will not tolerate bullying and harassment of any kind. All allegations of bullying and harassment will be investigated and, if appropriate, disciplinary action will be taken. The Council will also not tolerate victimisation of a person for making allegations of bullying or harassment in good faith or supporting someone to make such a complaint. Victimisation is a disciplinary offence.

Employees found guilty of harassment or bullying may face disciplinary action, up to and including dismissal and could be personally liable to pay compensation in legal claims. In some instances harassment may be a criminal offence.

2. Background

2.1 Employee Code of Conduct

The people of Wirral are entitled to expect the highest standards of behaviour from everyone who works for their Council, and the Employees' Code of Conduct clearly sets out those standards. Everyone working for the Council is expected to act in accordance with the Code.

The principles which underpin the code are:

- Honesty
- Integrity
- Impartiality
- Objectivity
- Accountability

As employees of the Council we must all have respect for others, and must therefore:

- Treat others with respect
- Not discriminate unlawfully against any person
- Treat members and co-opted members of the authority professionally

The Council has put the Dignity at Work policy in place to support the Employee Code of Conduct and the Dignity at Work procedure provides a process to follow in respect of allegations of bullying and harassment.

2.2 Scope

This policy covers bullying and harassment of and by managers, employees, contractors, agency staff and anyone else engaged to work at the Council, whether by direct contract with the Council or otherwise. This is a Wirral Council Policy. Schools in Wirral have their own policies for their employees.

If the complainant or alleged harasser is not employed by the Council, eg if the worker's contract is with an agency, this policy will apply with any necessary modifications such as that the Council could not dismiss the worker but would instead require the agency to remove the worker, if appropriate, after investigation.

The policy covers bullying and harassment in the workplace and in any work-related setting outside the workplace, eg business trips and work-related social events.

2.3 Definitions and Principles

2.3.1 What is bullying and harassment?

Bullying is offensive, intimidating, malicious or insulting behaviour, and/or an abuse or misuse of power that undermines, humiliates or injure the person on the receiving end.

Harassment is unwanted conduct related to relevant protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age, that:

- has the purpose of violating a person's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for that person; or
- is reasonably considered by that person to have the effect of violating their dignity or of creating an intimidating, hostile, degrading, humiliating or offensive environment for them, even if this effect was not intended by the person responsible for the conduct.

Conduct may be harassment whether or not the person behaving in that way intends to offend. Something intended as a "joke" may offend another person. Different people find different things acceptable. Everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. Behaviour which would be likely to offend will be harassment without the recipient having to make it clear to the person that this is not acceptable, e.g. inappropriate touching.

Some situation may not be so clear that some other forms of behaviour would be unwelcome, or could offend, eg certain "banter", or flirting eg; asking someone for a private drink outside of work. In these cases, the first instance which may unintentionally cause offence may not be harassment. It would become harassment if the individual continues their behaviour after the recipient has made it clear (by words or conduct), that this is not acceptable.

Harassment may also occur where a person engages in unwanted conduct towards another because they perceive that the recipient has a protected characteristic (eg; perception that they are gay or disabled); when the recipient does not, have a protected characteristic. Similarly, harassment could take place where an individual is bullied or harassed because of another person with who they are connected or associated, eg; if their child is disabled, wife is pregnant or friend is a devout Christian.

There may also be circumstances in which an individual is subjected to unwanted conduct from a third party, such as a client or customer. If an employee feels that they have been bullied or harassed by customers, suppliers, vendors or visitors, they should report any such behaviour to their manager who will take appropriate action.

A single incident can be harassment if it is sufficiently serious.

All bullying and harassment is considered as misconduct, but dependent upon the nature of the allegations it is often considered to be gross misconduct. The level of disciplinary action will be determined following a full investigation and may lead to disciplinary action up to and including dismissal without notice.

Bullying or harassment will constitute unlawful discrimination where it relates to one of the protected characteristics, which are sex, gender reassignment, race (which includes colour, nationality and ethnic or national origins), disability, sexual orientation, religion or belief and age. Serious bullying or harassment may amount to other civil or criminal offences, eg a civil offence under the Protection from Harassment Act 1997 and criminal offences of assault.

2.3.2 Examples of bullying or harassment

Bullying and harassment may be misconduct that is physical, verbal or non-verbal, eg by letter or email, through social media or by act.

Examples of unacceptable behaviour that are covered by this policy include (but are not limited to):

- physical conduct ranging from unwelcome touching to serious assault;
- unwelcome sexual advances;
- demeaning comments about a person's appearance;
- unwelcome jokes or comments of a sexual or racial nature or about an individual's age, disability, sexual orientation or religion;
- questions about a person's sex life;
- unwanted nicknames related to a person's age, race or disability;
- the use of obscene gestures;
- excluding an individual because they are associated or connected with someone with a protected characteristic, e.g. their child is gay, spouse is black or parent is disabled;
- ignoring an individual because they are perceived to have a protected characteristic when they do not, in fact, have the protected characteristic), eg an employee is thought to be Jewish, or is perceived to be a transsexual;
- the open display of pictures or objects with sexual or racial overtones, even if not directed at any particular person, eg magazines, calendars or pin-ups;
- the offer of rewards for going along with sexual advances, eg promotion, access to training;
- threats for rejecting sexual advances, eg suggestions that refusing advances will adversely affect the employee's employment, evaluation, pay, advancement, assigned work, or any other condition of employment or career development;
- spreading malicious rumours or insulting someone, including comments/postings on social media and blogs;
- picking on someone or setting them up to fail;
- making threats or comments about someone's job security without good reason;
- ridiculing someone;
- isolation or non-cooperation at work; and
- deliberately excluding someone from social activities.

It is a principle of the policy that bullying and harassment is about the impact of the behaviour on the recipient and not the intention. The individual's feelings are of paramount importance. Equally, it cannot be the case that if a person feels bullied or harassed that it is enough to conclude they have been.

In dealing with a complaint, the manager nominated to deal with it will, based on the evidence available, need to make a determination as to whether it was reasonable for the person to be offended and whether the alleged bully or harasser could reasonably have been expected to be aware of the impact of their behaviour.

The Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible

2.4 Manager's responsibility to manage people and performance

It is important to differentiate between the exercise of managerial responsibility and bullying or harassing behaviour.

Managers are responsible for ensuring that staff who report to them undertake their duties to an acceptable standard and conduct themselves appropriately. Managers have a responsibility to manage processes fairly and consistently with all employees within their team. Therefore legitimate, justifiable, and appropriate monitoring of an employee's behaviour or job performance does not constitute bullying or harassment.

Carrying out these functions in a fair, firm and consistent manner does not constitute an act of bullying or harassment, although it is recognised that some staff may feel stressed or anxious while the procedures are on-going. It is in the Council's interests that managers should be able to carry out their duties without threat of ill intentioned, malicious or vexatious complaints.

Where a complaint is made, a determination will be made as to whether a manager has bullied or harassed an employee or managed them fairly, but firmly and this will normally involve an investigation under the Council's Grievance Policy and Procedure.

2.5 What is victimisation?

Victimisation is subjecting a person to a detriment because they have complained (whether formally or otherwise) that someone has been bullying or harassing them or someone else, or supported someone to make a complaint or given evidence in relation to a complaint. This would include isolating someone because they have made a complaint or giving them a heavier or more difficult workload.

The Council will take appropriate action to deal with any alleged victimisation, which may include disciplinary action against anyone found to have victimised them.

Making a complaint that a person knows to be untrue, or giving evidence that they know to be untrue, may lead to disciplinary action being taken against them.

An employee is also protected from victimisation or detriment if they have raised a protected disclosure under the Council's Whistleblowing Policy.

2.6 Roles and Responsibilities

2.6.1 What can employees do to help stop bullying and harassment?

We all have a responsibility to help create and maintain a work environment free of bullying and harassment. Employees can help to do this by:

- being aware of how their own behaviour may affect others and changing it, if necessary - they can cause offence even if they are "only joking";
- treating their colleagues with dignity and respect;
- taking a stand if they think inappropriate jokes or comments are being made;
- making it clear to others when they find their behaviour unacceptable, unless it should be obvious in advance that this would be the case;
- intervening, if possible, to stop harassment or bullying and giving support to recipients;
- making it clear that they find harassment and bullying unacceptable;
- reporting harassment or bullying to their line manager or Human Resources and supporting the Council in the investigation of complaints; and
- if a complaint of harassment or bullying is made, not prejudging or victimising the complainant or alleged harasser.

2.6.2 Managers have a particular responsibility to:

- report promptly to Human Resources any complaint of bullying or harassment, or any incident of bullying or harassment witnessed by them.
- set a good example by their own behaviour;
- ensure that there is a supportive working environment;
- make sure that staff know what standards of behaviour are expected of them;
- intervene to stop bullying or harassment;

The failure by a line manager to deal with allegations of harassment could be a disciplinary matter. The line manager should deal with any matter decisively and promptly, in line with the Council's grievance timescales of 1 month.

2.7 Support

The Council acknowledges that issues of bullying and harassment can be very difficult and very upsetting for both the complainant and the alleged harasser. If an employee feels that they are being bullied, raising the issue or making a complaint can be a significant step and if they are accused of bullying or harassment, this can be hurtful and damaging.

There are various mechanisms for support for complainants, the alleged harasser and witnesses (if appropriate). These include:

- Dignity at Work Advisors are available (See below) to offer advice and support on a confidential basis
- Employees can access free, confidential and independent advice on a range of issues from the Employee Assistance Programme. They can be contacted 24hrs a day, 7 days a week and 365 days per year on

0800 882 4102 or via website www.pamassist.co.uk and entering the following codes: User Name - Wirralb, Password - Council. More information is available on the Council's Intranet.

- Human Resources colleagues are available to offer objective and confidential advice and support to parties involved in a complaint.
- A management referral to the Council's Occupational Health Service (including medical support and the counselling service) is available if required in the investigation of harassment/bullying complaint. The employee will be told in advance of a referral to Occupational Health. The referral will be shared with the employee prior to the appointment.

2.7.1 Trade Unions

Trade Unions are available to advice and support their members involved in a complaint.

2.7.2 Dignity at Work Advisor

Dignity at Work Advisors can offer confidential advice and support to employees who may be experiencing problems at work.

The role of Dignity at Work Advisors is to listen, signpost and ensure that an employee is aware of all options available to them.

Dignity at Work Advisors are employees and managers from a range of services and backgrounds across the Council who have volunteered to provide support and confidential advice to employees. They have undertaken specific training on Dignity at Work issues.

The names of Dignity at Work Advisors will be published on the Council's intranet site. [Insert link](#)

Mediation

In some cases mediation offers an employee an alternative informal process to resolving perceived bullying and harassment issues rather than by pursuing concerns/complaints through the Council's Grievance Policy and Procedure. It can be a more effective way to resolve such matters informally although it may also be used at any stage of the Grievance Procedure. If an employee agrees to take part in mediation, this does not prevent them from pursuing their bullying and harassment complaint through the formal Grievance Procedure in the event that mediation does not resolve the issue.

It is the responsibility of line managers to try and resolve day to day workplace differences and independent mediation cannot be used to resolve all disputes or problems.

Further information can be obtained from Human Resources who will also advise managers on use of mediation in particular cases.

3. Commitment to Equality

Please identify which, if any, of the following Equality Duties this policy addresses:

Eliminate unlawful
discrimination,
harassment and
victimisation

To advance equality of
opportunity

To foster good
relations between
different groups of
people

The Dignity at Work (Anti-Bullying & Harassment) Policy is fundamental to the Council's commitment to a working environment which promotes equality and diversity and complies with legal requirements.

4. Procedures

The Council has informal and formal procedures for the management of bullying and harassment. Please refer to the separate procedure. Formal complaints will be managed under the Council's Disciplinary and Grievance policies and procedures

The Council will determine the working arrangements that should be in place for employees involved in a complaint whilst the issue is being informally or formally managed. The Council has to balance the rights of all employees to be fairly treated in all concerned in this process.

A further determination of appropriate working arrangements will be made when the matter is concluded.

5. Supporting Documentation

- Dignity at Work Procedure
- Dignity at Work Guidance for Managers
- Dignity at Work Flowchart
- Dignity at Work FAQs
- Guidance on Mediation

6. Related Policies

- Grievance Policy
- Employee Code of Conduct
- Disciplinary Policy
- Whistleblowing Policy
- Capability Policy
- Domestic Abuse Policy
- Equality & Diversity Policy

7. Consultation

Consultation has taken place with trade unions. This policy change aims to ensure that services are delivered in accordance with corporate objectives and improves performance in accordance with the Council's Corporate Plan.

8. Communication and Awareness

This policy is considered:

Internal [For Members, Officers and Contractors]	External [For our Residents, Customers and Service Users]
<input checked="" type="checkbox"/>	<input type="checkbox"/>

The Council will ensure all new and existing employees are aware of the requirements of the policy through regular communication and awareness raising.

Specific training will be provided to line managers about their role in managing complaints and concerns, promoting dignity at work and role modelling standards of behaviour in the workplace.

9. Monitoring and Review

The Dignity at Work (Anti-Bullying & Harassment) Policy will be reviewed every three years as part of the Human Resources and Organisational Development Policy Review Programme. However, the Policy may be reviewed as and when required, for example, due to legislative changes or if an issue arises around its effectiveness.

The Council will review the outcomes of cases where complaints of bullying and harassment have been made to check that the proper procedures have been followed and to identify any points that can be learned from those cases and implement any necessary changes.

The Council will also periodically monitor how successful it is being in creating a workplace free of bullying and harassment by other means which may include confidential staff surveys.

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Dignity at Work (Anti-Bullying & Harassment) Procedure

Human Resources & Organisational Development

Dignity at Work (Anti-Bullying & Harassment) Procedure

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Supporting Documents

Dignity at Work Policy

Dignity at Work Guidance for Managers

Dignity at Work Flowchart

Dignity at Work FAQs

Guidance on Mediation

Dignity at Work (Anti-Bullying & Harassment) Procedure

1. Introduction

This document sets out the procedure that should be followed where an issue is raised under the Council's Dignity at Work (Anti-Bullying & Harassment) Policy. It must be read in conjunction with the policy. Managers should also refer to the management guidance.

2. What should I do if I think I am being bullied or harassed?

If you feel you are being bullied or harassed you can:

- Speak to one of your managers about it
- Approach the person concerned
- Seek advice from Human Resources
- Seek advice from your trade union
- Seek advice from the Employee Assistance Programme
- Make a formal complaint through the Grievance Procedure

* The Council's policy is to try and resolve matters informally and as early as possible where that approach is appropriate depending on the nature of the complaint.

3. Informal approach

You may be able to sort out matters informally. The person may not know that their behaviour is unwelcome or upsetting. An informal discussion may help them to understand the effects of their behaviour and agree to change it. You may feel able to approach the person yourself, or with the help of someone in Human Resources, a manager, trade union representative or another employee.

Alternatively, an initial approach could be made on your behalf by one of the people above. You should tell the person what behaviour you find offensive and unwelcome, and say that you would like it to stop immediately. You may want to add that, if the behaviour continues, you intend to make a formal complaint to your line manager or to Human Resources. You should keep a note of the date and what was said and done. This will be useful evidence if the unacceptable behaviour continues and you wish to make a formal complaint.

If you choose to raise this in a meeting, before that meeting you should:-

- identify the behaviours that you find unpleasant or bullying and the impact they are having upon you
- be specific (times, frequency where possible)
- keep a diary of events

At the meeting:-

- clearly describe the behaviour to the offending person and explain to them
 - the impact it is having upon you
 - say that it is unwanted
 - describe the appropriate behaviour that should be used
 - seek agreement for the behaviour to stop

The benefits of this approach are that issues can be resolved quickly and relationships can be improved.

Alternatively, there may be circumstances where it may be appropriate and preferable to write to the person with whom you are having problems. This may be when talking to the person has not brought about the expected results, or a meeting is not possible (e.g. distance, timing).

When writing the letter:-

- clearly describe the negative behaviours
- explain why the behaviours are unwanted and the impact they have upon you
- describe the alternative, appropriate behaviours
- say how you want the situation resolved (e.g. a meeting or acknowledgement of the letter)

It is important that you don't:-

- make the letter too long
- personalise the bad behaviours (e.g. say 'the behaviour was disrespectful' rather than 'you are disrespectful')
- be too emotional/emotive in your language

The benefits of this approach are that:-

- it allows preparation time
- it enables you to say what you want
- it acts as a record

4. Formal approach

If an informal approach does not resolve matters, or you think the situation is too serious to be dealt with informally, you can make a formal complaint by using the Council's Grievance Procedure.

In accordance with that procedure you should provide the following information:

- a. The nature of the grievance – what is alleged to have occurred, by whom and when.
- b. What the outcome of the informal approach was.
- c. The reason for your dissatisfaction with the informal solution (if appropriate).
- d. The remedy or resolution you are seeking.
- e. Any witnesses to the matters complained about.

A manager will be nominated to deal with the grievance and you will be invited to a meeting as part of that process. In certain circumstances an investigating officer may be appointed by the manager. The manager should deal with any matter decisively and promptly, in line with the Council's grievance timescales of 1 month.

The Council will investigate complaints promptly and, if appropriate, disciplinary proceedings will be brought against the alleged harasser. You will have the right to be accompanied by a work colleague or trade union representative of your choice at any meeting dealing with your grievance. You will be kept informed of the progress of the investigation and the broad outcome of any disciplinary proceedings. The Council will decide on a balance of probabilities, after considering all available evidence, whether or not harassment or bullying has occurred.

Once the facts are established, the manager who is responsible for dealing with your grievance will take into account all relevant facts and evidence available including the intention of the alleged harasser. The manager will have to make a determination as to whether it was reasonable for you to have been offended.

If you are not satisfied with the outcome of your complaint, in accordance with the Council's Grievance Procedure you may take the matter to the next stage of that procedure.

Some types of bullying or harassment may constitute unlawful discrimination and may give rise to the possibility of other civil claims or criminal proceedings. Claims to an employment tribunal about unlawful discrimination must be presented to the tribunal within three months, beginning with the act complained of.

5. Working Arrangements

Wherever possible, the Council will try to ensure that you and the alleged harasser are not required to work together whilst the complaint is under investigation. This may not always be possible and the Council has to consider a range of factors in making that determination.

In a serious case, the alleged harasser may be suspended or assigned to alternative duties while investigation and any disciplinary proceedings are underway. This is not to suggest the complainant is believed or that the alleged harasser is at fault.

If your complaint is upheld, and the person found to have bullied or harassed you remains in the Council's employment, every effort will be made to ensure that, if possible, you do not have to continue to work alongside the harasser, if you do not wish to do so. We will discuss the options with you. These may include the transfer of the harasser or, if you wish, you may be able to transfer to another post if there is a suitable alternative available.

If your complaint is not upheld, Human Resources will support you, the alleged harasser and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships or to consider whether alternative arrangements can be made.

6. Confidentiality

The Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations will normally require limited disclosure on a "need to know" basis. For example, your identity and the nature of the allegations must be revealed to the person you are complaining about, so that they are able to respond to the allegations. Some details may also have to be given to potential witnesses but the importance of confidentiality will be emphasised to them.

If the complaint is upheld, and a person who has been found to have harassed you is kept in the Council's employment, managers may need to be given some information where this is necessary for them to manage the risk of further harassment by that person against you or others.

7. What happens if I am accused of bullying or harassment?

If someone approaches you informally about your behaviour, do not dismiss the complaint out of hand because you were only joking or think the complainant is being too sensitive.

It's important to remember that different people find different things acceptable and everyone has the right to decide what behaviour is acceptable to them and to have their feelings respected by others. You may have offended someone without intending to. If that is the case, the person concerned may be content with an explanation and an apology from you and an assurance that you will be careful in future not to behave in a way that you now know may cause offence. Provided that you do not repeat the behaviour that has caused offence, that may well be the end of the matter.

If a formal complaint is made about your behaviour, this will be fully investigated and the Council may bring disciplinary proceedings, if appropriate. The Council will follow its Disciplinary Procedure and you will have the rights set out in that procedure.

You will have the right to be informed of the allegations against you and you will have the full opportunity to provide all information that you wish to in response.

You will also have the right to be accompanied to meetings by a trade union representative or work colleague of your choice. The procedure will be implemented at the appropriate stage for the seriousness of the allegation. Complaints of bullying and harassment will often be allegations of gross misconduct that, if proved, could lead to dismissal without notice.

The Council will treat complaints of bullying and harassment sensitively and maintain confidentiality to the maximum extent possible. Investigation of allegations and future management of risk, if complaints are upheld, will normally require limited disclosure on a "need to know" basis. For example, some relevant details may have to be shared with potential witnesses but the importance of confidentiality will be emphasised to them.

Wherever possible, the Council will try to ensure that you and the complainant are not required to work together while the complaint is under investigation. If the allegation is very serious, you may be suspended on full pay during the investigation and, if a disciplinary hearing is to be called, until disciplinary proceedings have been concluded.

If the complaint against you is upheld, on a balance of probabilities, a disciplinary penalty may be imposed up to and including dismissal, having regard to the seriousness of the offence and all relevant circumstances. If the complaint is upheld, but you are not dismissed, the Council could decide to transfer you to another post.

If the complaint made against you is upheld, your managers, with support of Human Resources will consider how both parties can resume working or to consider alternative arrangements that can be made. If the Council has grounds for believing that the complaint was not made in good faith, the Council may take disciplinary action against the person making the false complaint.

You must not victimise a person who has made a complaint in good faith against you or anyone who has supported them in making the complaint or given evidence in relation to such a complaint. Disciplinary action may be taken against you if the Council has good reason to think that you may have victimised the complainant or someone else connected to the complaint.

If the complaint against you is not upheld, Human Resources will support you, the complainant and your manager(s) in making arrangements for you both to continue or resume working and to help repair working relationships where possible.

Some types of bullying or harassment may constitute unlawful discrimination and allegations may give rise to the possibility of other civil claims or criminal proceedings against you, which would proceed independently of the Council's

disciplinary proceedings. You could be personally liable to pay compensation to the complainant if a successful claim in the employment tribunal or other courts was brought against you. Criminal proceedings could lead to conviction and criminal penalties.

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Managers Guide to Dignity at Work

Human Resources & Organisational Development

Managers Guide to Dignity at Work

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Supporting Documents

Dignity at Work Policy
 Dignity at Work Procedure
 Dignity at Work Flowchart
 Dignity at Work FAQs
 Guidance on Mediation

Managers Guide to Dignity at Work

1. Introduction

This document supports the Council's Dignity at Work (Anti-Bullying & Harassment) Policy and Procedures and provides guidance for managers on their specific roles and responsibilities under the policy in promoting high standards of conduct and in dealing with any issues or complaints that arise in the workplace.

2. Manager's Responsibilities

Under the Dignity at Work (Anti-Bullying & Harassment) Policy it is your responsibility to:

- Implement and champion the Dignity at Work policy and ensure that employees have access to a copy of the Policy and are aware of their responsibilities under the policy
- Ensure that the work environment is positive, non-threatening and supportive
- Challenge inappropriate behaviour, language, bullying or harassment
- Act as a role model and behave in a way which does not harass/bully/victimise another person
- Treat all complaints seriously, sensitively and confidentially.
- Participate and engage in training on the Council's policy and best practice

3. What can you do to prevent harassment and bullying?

You must make every effort to ensure that harassment and bullying do not occur, particularly in work areas for which you are responsible by:

- Leading by good example
- Creating a non-offensive working environment
- Maintaining regular communication with team members and direct reports so that there is the opportunity for them to discuss any issues of concern
- Being alert to, and correcting, unacceptable behaviour, particular workplace banter where one or two people may be the butt of colleagues jokes and well-intended humour but which may become tiresome and wearing after a while
- Reviewing and amending workplace practices where appropriate
- Enabling employees to access training on diversity/dignity issues
- Ensuring employees know how to raise harassment and bullying and victimisation complaints
- Dealing with any complaints sensitively and fairly, and in accordance with the Council's policy.

4. How to deal with a complaint

4.1 Informal Approach

If you are approached by an employee who believes that they are being harassed or bullied, or someone approaches you on their behalf, you should not ignore the situation.

Dealing with the issue promptly may mean that it can be dealt with informally and resolved, minimising the personal stress on individuals and likely disruption to working relationships and the negative effect that bullying or harassment will inevitably have on performance and productivity.

There are a number of steps for you to take:

1. Establish the facts:

- Listen to the employee
- What is the nature of the complaint?
- If this is the first incident or if there have been others?
- If there are any witnesses to the incident(s)?
- If they have kept a record of what has been happening to them?
- Whether or not they have asked the individual they are complaining about to stop whatever it is that they are doing?
- How they wish to proceed?

Where appropriate you should talk the employee through the Dignity at Work policy and procedure and advise them of the options open to them, including support available. You can also seek advice from Human Resources on a confidential basis.

2. Decide together on the next step

There are 3 options

- Agree to talk to the alleged harasser (informal)
- Agree to talk together to the alleged harasser (informal)
- Deal with the matter under the Grievance Procedure (formal)

As the manager you can be guided by how the employee making the complaint wants to proceed i.e. formally or informally. In many cases an employee will simply wish the behaviour that is causing offence or upset to stop. The Council's policy is to resolve matters informally where possible.

However, if an issue is raised that you feel is so serious (for example, sexual or racial harassment, serious misconduct or potential criminal conduct,) then you would need to advise the employee that an informal approach is not appropriate and therefore formal action needs to be taken. You should seek advice from Human Resources in those circumstances.

If you decide to speak to the alleged harasser/bully informally you should:

- Explain your role in attempting to deal with the matter informally
- Advise them of the nature of the complaint and that their behaviour or conduct towards a fellow employee is causing distress
- Try to facilitate a resolution to the problem regarding future working arrangements.

At this initial stage witnesses should not be called.

A record of the incident, the discussions that have taken place and the desired outcome should be kept as this may be used as evidence if the situation cannot be resolved informally.

All parties are entitled to be provided with a copy of the note/summary of outcome.

It is important that the situation is monitored carefully in order to ensure that there is no subsequent harassment/bullying, and that neither the complainant nor the person complained about is victimised or ostracised in any way.

4.2 Formal Approach

Where it has not been possible to resolve the matter in this way, or if you feel that the allegations are of such a serious nature, the matter should be dealt with under the Council's Grievance Procedure.

If you as the line manager have been involved in trying to resolve the matter informally you would not be the nominated manager to deal with the grievance at the formal stage.

5. Do I need to wait until someone makes a formal complaint before I tackle a suspected issue of bullying within my team?

No. Issues of bullying and harassment are best resolved if they can be dealt with promptly. Do not wait until conditions become intolerable, or a person's well-being is put in jeopardy.

Anyone who sees bullying or harassment happening in their area has a responsibility to take action. Action does not necessarily need to be formal and it is possible to bring a complaint forward if you witness harassment or bullying but haven't been directly involved

6. What to do if you witness unacceptable behaviour

If you witness behaviour which you think is unacceptable, do not ignore it.

You should:

- Inform those involved that the behaviour is unacceptable and why
- Insist that the behaviour stops.
- Discuss for learning why the behaviour is unacceptable

The inaction of a witness, particularly one in a more senior role, could be construed as silent agreement or support for the alleged bully or harasser.

A manager's role is to ensure that standards of behaviour in the workplace comply with the Council's standards and expectations.

Should a claim be made at Employment Tribunal, a manager may be called to give evidence. You could be in a difficult position if a complaint of bullying or harassment is upheld and you have not complied with the organisation's obligations for a duty of care to the employee.

7. What can I do to promote a positive environment in my team?

You must consider your own behaviour and lead by example.

Raise awareness of the Dignity at Work Policy within your team. This will send out a positive message that you take issues of bullying, harassment and victimisation seriously. Ensure all members of the team have undertaken the e-learning and other training available.

The Council recognises that it is often an important part of working life for there to be some fun, humour, in-jokes and light-hearted interaction or forms of 'banter' between colleagues in the workplace. This is a feature of social interaction and team dynamics and often assists in creating a happy and productive workplace. The Dignity at Work policy does not seek to discourage this.

However, inappropriate or misplaced banter can be perceived very differently by individuals - as a bit of harmless fun by some or very offensive by others, or somewhere in between. It can, therefore, be very awkward to deal with and if it is perceived as offensive, it can lead to complaints of harassment or bullying.

As a manager you must be aware of language, attitudes or behaviour that may offend others. You must address inappropriate exchanges that could violate a person's dignity. Comments or behaviour that relate to race, ethnic origin, gender, marital or parental status, sexual orientation, religion, disability, age, political belief or union membership are most likely to be irrelevant in a work context, so avoid making them.

Similarly, you should be aware of any regular workplace discussions between colleagues about non-work related issues upon which individuals may hold strong but differing opinions to ensure that they do not escalate, have the potential to cause offence or become a source of tension amongst colleagues. Such matters are always best nipped in the bud.

8. Being aware of employees who may be suffering from harassment or bullying

It cannot be assumed that harassment or bullying is not a problem just because there have not been any complaints. Victims of harassment/bullying may often be too embarrassed or too fearful to make a complaint.

Most people do not want to draw attention to the situation; they just want the harassment or bullying to stop.

It may be that staff who are being harassed or bullied feel that there is no point in making a complaint as:

- It would not be taken seriously
- They do not want the harasser or bully to get into serious trouble
- They are afraid of reprisals.

Harassment/bullying affects different people in different ways, but even low level problems have the potential to make the most resilient people unhappy and unproductive.

Some of the signs may include;

- A change in behaviour, e.g. a lack of concentration, becoming withdrawn, depressed, and/or emotional
- Higher levels of sickness
- Poor work output, motivation or productivity
- Physical signs such as stomach aches, headaches or sleeping difficulties.
- Bingeing on food, alcohol or cigarettes.

If you are concerned that there may be a problem, it may be appropriate to approach the employee to establish what the problem is. The employee may welcome the opportunity to share their concerns. On the other hand, they may be reluctant to tell their line manager what has happened, especially where the harasser/bully is a more senior member of staff.

Let the employee know that if there is a problem you are there to support them.

It is important not to question victims intently or ask anything that might make them feel that they've done something wrong.

9. Could you be a workplace harasser/bully?

Do you:

- Use language which is insensitive or insulting?
- Single out employees for unwarranted or public criticism?
- Deal with team members inconsistently?

- Only manage performance or outputs for certain team members?
- Use aggressive behaviour or threats to get your point across?
- Pass on your own stress and pressures to people who work for you?
- Stand too close to people or make physical contact with them?
- Place constant excessive demands on employees?
- Set employees unrealistic work targets?
- Withhold access to appropriate development opportunities for employees?
- Voice strong personal beliefs that could make others feel uncomfortable.

10. What to do if your own behaviour is challenged?

Informal

As a manager, your behaviour may be challenged by the individual themselves, with someone else to support them or by someone on their behalf.

This can be very difficult and hurtful. However, it is important not to become too defensive, or aggressive, but to reflect on what has been said.

You should ask the complainant:

- What is it about your behaviour that is causing them concern?
- Why do they feel your behaviour is unacceptable?
- What is it that they wish you to do, or stop doing, to resolve the matter?

It may be the case that you do not feel that your behaviour is unacceptable. However, it is important, having discussed this with the person making the complaint, to try to reach a resolution to the problem and resume a professional working relationship.

If you feel the accusation is justified be prepared to apologise, review and amend your behaviour.

Formal

If a formal grievance is submitted against you, you will be informed of this.

Quite often this may not be a complete surprise to a manager as it is rare for a grievance to be submitted without there being some history to the issue.

Depending on the nature of the complaint the matter will be dealt with under the Council's Disciplinary or Grievance Procedure.

As above, this is likely to be very difficult and upsetting for you. Whilst you may naturally feel the complaint is unwarranted or without foundation, remember that the Council has a duty to investigate complaints and establish the facts. Doing so does not indicate any assumption of guilt.

You will be given the full opportunity to explain your version of events and provide any information that you feel is relevant. You will also be entitled to be represented at meetings by a colleague or trade union representative.

You can also seek support from Human Resources, your Trade Union, the Employee Assistance Programme and Dignity at Work Advisors.

The Council will need to consider what working arrangements should be put in place whilst the complaint is investigated. This is in the interests of the Council and all parties concerned.

11. How to manage performance without being accused of bullying

Managers have a right to discharge managerial duties. In doing so you may need to challenge employees and discuss their performance and behaviour. This is acceptable providing that employees are not demeaned, devalued or intimidated in the process.

All those with the responsibility for managing staff have a responsibility to manage their staff in a consistent and reasonable way, issue reasonable instructions and expect them to be carried out.

The legitimate supervision of staff should be distinguished from harassing and bullying behaviour.

When addressing performance, you should be able to provide as much clear and quantifiable evidence as possible of the performance issues that are causing concern and where possible, evidence that the employee was aware of the standards, behaviours or accountabilities that were required so that the shortfall in performance can be clearly demonstrated.

The manner and style of approach in communication is also key to managing this successfully. You need to be particularly careful when delivering negative feedback, for example where an employee has made a mistake in their work. Feedback will be essential to help the employee to understand what they have done that is unsatisfactory, why it is unsatisfactory and how to put matters right for the future. Giving balanced critique is part of every manager's job but it is important to ensure that it is delivered in a way that is constructive, not destructive.

Here are some examples of what to say and what not to say when seeking to address performance issues constructively:

Don't say	Do say
You're always making mistakes.	There are three mistakes in this piece of work.
You tend to shout at people.	I noticed at last week's meeting that you shouted somewhat aggressively at Jim when he ...
You're hopeless - you never meet your deadlines.	You've missed the monthly deadline six times this year so far, on each occasion by at least two days.
You're very aggressive.	I appreciate that you may not realise this, but sometimes your tone and manner come across to others as aggressive. For example ...
Your work is not up to scratch. You'll have to pull your socks up.	This piece of work falls short of the standard we require because ...
You're lazy. I can't ever rely on you to complete a piece of work.	It has been brought to my attention that you have not completed ...
You have a poor attitude towards the rest of the staff.	What do you think you could do to improve your working relationship with your colleagues?

If you are managing the issue of under-performance in your team, support can be provided by Human Resources.

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Guidance on Mediation

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Human Resources & Organisational Development

Guidance on Mediation and the Mediation Process

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Guidance - Mediation and the Mediation Process

1. Introduction

This document provides guidance on how to use mediation to resolve issues between two parties or more in the workplace.

First and foremost it is the responsibility of managers to seek to resolve day to day workplace differences and independent mediation could not possibly be used to resolve all disputes or problems.

Use of mediation is likely to be used in more complex cases of disagreement or for a breakdown of relationships in the workplace where the particular circumstances mean mediation is an appropriate option to seek a resolution.

2. What is Mediation?

Mediation is a process where a neutral person (the mediator) works with members of staff who have a disagreement to help them to find their own solution and reach an agreement that will sort out their problem or improve the situation. It is a voluntary and confidential process.

Mediation offers employees an alternative informal process to resolving perceived bullying and harassment issues rather than pursuing concerns\complaints through the Council's Grievance Policy and Procedure. It can be a more effective way to resolve such matters informally although it still may also be used at any stage of the Grievance Procedure.

If an employee agrees to take part in mediation, this does not prevent them from pursuing their bullying and harassment complaint through the formal Grievance Procedure in the event that mediation does not resolve the issue.

The purpose of workplace mediation is to try to resolve appropriate issues of bullying and harassment and any other forms of workplace disputes informally and at the lowest level in the organisation, without resorting to formal, time-consuming, expensive and potentially distressing and damaging processes. The Council's Grievance Policy and Procedure encourages staff to resolve disputes informally before resorting to the application of formal procedures.

However, mediation is unlikely to be appropriate where there is an allegation of very serious bullying or harassment.

3. Why Use Workplace Mediation?

Mediation is normally described as a positive process, as it focuses on the future, rather than trying to find blame for the past. The mediation process is confidential on all sides.

Workplace mediation is a voluntary process. If mediation is suggested by the employee's manager who is not party to the dispute or Human Resources or a

Dignity at Work Advisor, the decision to undertake mediation will rest with the individual raising the concerns and the alleged perpetrator following a discussion regarding the mediation process. Should either party choose not to take part in mediation they will not be disadvantaged in any way.

4. Why should an employee choose mediation?

Conflict with an employee's colleague(s) as a result of perceived issues of bullying and/or harassment can undermine the individual's effectiveness at work and lead to stress: mediation can help them resolve their issues\concerns so that they can get on with 'normal' life again and move forward.

When an employee is involved in a conflict situation, talking to the person they believe is bullying or harassing them can seem impossible: mediation can re-establish those channels of communication.

Any agreement is on terms agreed by the parties involved, not dictated by someone else; it leaves them in control of what is finally agreed.

5. Can the employee bring a representative to the mediation?

In most cases, mediation will be most effective if only the parties to the conflict are involved with the mediator. That is because it is most successful when those actually in the conflict work directly with the mediator to resolve it, particularly when the alleged victim and perpetrator need to work together in the future. An open and frank discussion of the issues, which is facilitated by the mediator, ensuring fairness and appropriate behaviour and creating a "safe" environment, can be the key to resolving the conflict.

However, there may be good reasons where either party may feel the need to bring a representative to the mediation and they should discuss this with the mediator when they first meet. It is important that all those involved in the mediation know in advance who will be attending and what their role will be.

6. What can an employee expect if they participate in Mediation?

Whilst there is no set format for workplace mediation the following elements are normally experienced by participants to the process:-

- the mediator(s) will hold separate meetings with the parties to introduce themselves, explain the process and key principles, to listen to their concerns and identify the core issues, to begin to explore possible outcomes and to explain the next steps.
- face-to-face mediation in a "joint meeting" with both parties present. During the joint meeting, each participant will have a chance to speak openly, without interruption, about areas of concern. They will be encouraged to

be open and honest, and express their feelings clearly to one another. This will help to identify areas of agreement and disagreement and move towards building a practical and workable agreement, focussing on future working relationships.

- Agreement on some/all of the areas of concern addressed during mediation. This can take the form of a verbal or written agreement which both parties have reached a resolution on.

7. Confidentiality

Unless otherwise agreed by the two parties, both the fact that mediation is taking place, and the contents of any discussion, are to be kept confidential to the parties involved and the mediator(s). The exception to this will only be if a party raises issues of harm to self or others, or issues of gross misconduct or both parties agree to disclose specified information to an identified person which is relevant to move concerns forward.

A record of the mediation process is not kept on personal files. Any notes taken by the mediator(s) will be destroyed once the mediation has been concluded.

A written agreement made during mediation will be kept only by the two parties involved and not shared with others unless agreed by them both. They are responsible for ensuring the agreement is implemented. The mediator(s) may provide general feedback to Human Resources to confirm that the mediation took place and that an outcome was achieved but will not share any detail about the matters discussed within the process or the content of the agreement if any is reached. The only exception to this position is as outlined in the first paragraph of section 7.

8. Next Steps?

If mediation is the agreed route to resolve disputes concerning bullying and/or harassment, Human Resources should be contacted and they will be able to provide further information including what options are available to access an appropriately independent and trained mediator.

Mediators will not be responsible to Human Resources or Managers and they will have had no previous involvement with the issues or either of the parties who have agreed to mediation.

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Dignity at Work Advisors

Are you interested in supporting colleagues at work and promoting dignity at work?

The Council is looking for volunteers from the workforce to act as Dignity at Work Advisors to help deal with some difficult issues that employees may experience from time to time at work. The Council is committed to providing a workplace in which bullying, harassment and any form of discrimination will not be tolerated.

The role of Dignity at Work Advisors is to support an employee who feels that they may be being bullied, harassed or unfairly treated at work. The Advisors ensure that an employee is aware of all the options available to them and signpost the employee to further support. In circumstances where an employee is away from the workplace they may act as a link between that person and the Council.

Employees can contact Dignity at Work Advisors on a voluntary basis. The Advisors role is to supplement the support available from Human Resources, the Employee Assistance Programme and the Trade Unions. The role of Dignity at Work Advisors does not include investigating complaints or advising an employee to take a particular course of action.

We are looking for Dignity at Work Advisors from all departments and levels of the Council. We would welcome interest from a wide range of employees at all levels, job roles, backgrounds and from different services as this means employees have options to talk to someone who they may feel most comfortable with. The names and contact numbers of Advisors will be published on the Intranet and in workplaces.

What skills do I need to be a Dignity at Work Advisor?

You would need to:

- Be a good listener and be able to deal with issues confidentially.
- Have an interest in equality and diversity issues, fairness at work and have good interpersonal skills
- Be able to offer support whilst remaining objective, non-judgemental and impartial.

Will training be provided?

Yes, we will provide full training for Dignity at Work Advisors and refresher training will be provided periodically.

If you are interested, please email....or ring....for further information. An informal interview may follow to determine suitability to undertake this role.

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Whistleblowing Policy

1. Policy Statement

- 1.1 Wirral Council is committed to the highest possible standards of openness, professionalism and accountability. In line with that commitment the Council wants its employees, and others that it deals with, who have concerns about any aspect of how the Council operates or the work it does, to feel confident in coming forward and voicing those concerns.
- 1.2 The Council's Whistleblowing Policy, Procedure and supporting documents set out Wirral Council's approach to the management of whistleblowing within the workplace.

2. Background

Raising Concerns About Issues at Work

- 2.1 The purpose of the Whistleblowing Policy is to make it clear to all employees that it is safe and acceptable to raise any concerns they may have at an early stage over any perceived wrong-doing by the Council, its employees or those with whom it has dealings without fear of victimisation, reprisal, discrimination or disadvantage.
- 2.2 The Council recognises that its employees may from time to time be concerned about an issue at work. Usually such issues can and are easily resolved. The Council does however also recognise that employees may be the first to realise serious wrong-doing within the Council and may be reluctant to speak up because of loyalty to colleagues or to the Council itself. It can be difficult to know what to do.
- 2.3 Employees may also fear bullying, harassment or victimisation if they did raise their concerns and may therefore choose not to do so.
- 2.4 Any employee who raises concerns over possible wrong-doing by the Council its employees or those with whom the Council has dealings ("a whistleblower") is also afforded protection under the Public Interest Disclosure Act 1998. The law provides protection for workers who raise legitimate concerns about specified matters. These are called "qualifying disclosures". This gives protection to a whistleblower who raises concerns about serious fraud or malpractice at their place of work against victimisation or dismissal, provided they have acted in a responsible way in dealing with their concerns.
- 2.5 This policy applies to all employees of the Council. Whilst they are not covered by the policy, other individuals performing functions in relation

to the organisation, such as volunteers, agency workers and contractors, are encouraged to use it.

- 2.6 If employees wish to make a complaint about their employment or the way they have been treated at work, they should raise their complaint using the Council's Grievance or Dignity at Work Policy (please see the Grievances section below for further guidance).
- 2.7 The Whistleblowing Policy is in addition to the Council's Complaints Policy and Procedures. The holding of any data in connection with this Whistleblowing Policy will be consistent with the provisions of the Data Protection Act 1998 (as amended) and any other relevant legislation.

Aims of the Whistleblowing Policy

2.8 The Whistleblowing Policy aims to:

- encourage employees to feel confident in raising concerns and to question and act upon concerns over perceived wrong-doing by the Council, its employees or others with whom the Council has dealings;
- provide guidelines for employees to raise concerns and receive feedback on any action taken;
- ensure that employees receive a response to their concerns and that they are aware of how to pursue them if they are not satisfied;
- reassure employees that if they raise a concern in the public interest reasonably believing that the information, and any allegations contained in it, are substantially true, they will be protected against any possible reprisals, harassment or victimisation; and will not be discriminated against or suffer any disadvantage.

2.9 The Whistleblowing Policy is intended to cover those concerns that fall outside the scope of other Council policies and procedures. However, if anyone is in doubt as to whether the Whistleblowing Policy applies, they should seek advice from the Council's Human Resources Section or the Head of Legal and Member Services (or their authorised representative), their trade union, or any relevant external advisor (such as those listed in Appendix 1 and 2 to this Whistleblowing Policy)

2.10 To assist employees to decide which is the right policy to use, they should consider,

1) If they have witnessed or are aware of something of concern and want to raise it, if so they should do so under the Whistleblowing policy, or

2) If they have a complaint about something happening to them and want a particular response or outcome to address that complaint, they should raise this under the grievance or bullying and harassment policy.

2.11 While it is not possible to provide a complete list of all the issues which might be properly raised under the Whistleblowing Policy, any concern about improper, unethical, illegal or negligent practice(s) in the workplace, including the conduct of officers or members of the Council or others acting on behalf of the Council, can be raised. A qualifying disclosure is one made in the public interest by a worker who has a reasonable belief that:

- a criminal offence (e.g. fraud, corruption or theft) has been/is likely to be committed;
- financial impropriety, maladministration or the unauthorised use of public funds;
- a miscarriage of justice has been/is likely to occur;
- the health or safety of any individual has been/is likely to be endangered;
- the environment has been/is likely to be damaged;
- the Council's Constitution (including Standing Orders, Financial Regulations etc) have or are not being observed or are being breached by member and/or officers;
- sexual or physical or verbal abuse of any employee or service recipient is taking place;
- discrimination is occurring to any employee or service recipient on grounds of sex, race or disability;
- any other form of improper action or conduct is taking place; information relating to any of the above is being deliberately concealed or attempts are being made to conceal the same.

2.12 It is not necessary for the worker to have proof that such an act is being, has been, or is likely to be, committed - a reasonable belief is sufficient.

2.13 The Whistleblowing Policy is intended to assist employees raise concerns they may have over any perceived wrong-doing by the Council, its employees or those with whom it has dealings so that they can be examined and/or investigated. It is not intended to be used as a mechanism to question or challenge financial or management decisions taken by the Council where there is no suggestion or allegation of wrong-doing.

Grievances

2.14 The Whistleblowing Policy and procedure is for disclosures about matters other than a breach of an employee's own contract of employment.

- 2.15 Where an employee is concerned that his/her own contract has been, or is likely to be, broken, he/she should use the organisation's grievance procedure.
- 2.16 The Council's Dignity at Work Policy and Grievance Policy should be used relation to matters concerning:
- Terms and conditions of employment (excluding grading);
 - Working conditions or health and safety matters;
 - New Working Conditions or organisational changes; and/or
 - Disagreements or breakdown in relationship with colleagues or managers.
- 2.17 Where an employee raises a concern(s) under both the Whistleblowing Policy and a grievance under the Council's Grievance Policy, the Council will ensure that a clear distinction is maintained between both matters and ensure that they are effectively progressed and determined.
- 2.18 Any proposed resolution of a grievance will not undermine or otherwise prevent any investigation being carried out in relation to any concern(s) raised under the Whistleblowing Policy. Similarly, dealing with a concern raised under Whistleblowing should not be linked to resolution of a grievance.
- 2.19 Where employees are in any doubt as to whether the concern(s) raised falls within the Whistleblowing Policy or the Council's Grievance Policy, they should seek advice from the Council's Human Resources Section or Trade Union Representative.

Commitment to Employees

- 2.20 The Council is committed to good practice and high standards and wants to be supportive of employees making the decision to report any concern(s) they have under the Whistleblowing Policy.
- 2.21 If employees raise a concern they consider to be in the public interest, they are fulfilling their role as public servants and their duties to the Council. In these circumstances, employees will not be at risk of losing their job or suffering any form of reprisal or retribution as a result of raising a concern(s)
- 2.22 The Council will not tolerate any bullying, harassment, victimisation (including informal pressures), discrimination or unfair treatment of employees who raise a legitimate concern(s) under this Whistleblowing Policy. Such retaliation could include, but is not limited to:
- frequent and undesirable changes in work assigned;
 - unsubstantiated disciplinary action;
 - Isolation or exclusion

- unjust denial of promotion or transfer
- 2.23 The Council will take appropriate action promptly to protect such employees. Employees should refer to the Dignity at Work Policy if they have any concerns regarding their treatment within the workplace.

Confidentiality

- 2.24 It is the Council's intention for the Whistleblowing Policy to help employees feel confident to raise any concern they may have without fear of victimisation, the Council recognises that it can be difficult at times to speak up openly. For this reason, when employees raise a concern(s) under the Whistleblowing Policy, the Council will not reveal their identity without their consent first being obtained or unless required by law (please see below).
- 2.25 There are specific circumstances where confidentiality cannot be guaranteed. It may be impossible to take action to resolve a concern(s) without revealing the identity of the person who raised it, for example, where their personal evidence is essential. In such cases the Council will discuss with the employee who raised the concern whether and how best to proceed. Employees should remember that the Council owes a duty of fairness to all its employees, including those suspected of wrongdoing.
- 2.26 If there is an unauthorised disclosure of the identity of an employee or any other person who raised a genuine concern in confidence under the Whistleblowing Policy, disciplinary action may be taken against that employee.

Anonymous Allegations

- 2.27 An anonymous concern is where no one knows the identity of the person who raised it. While the Whistleblowing Policy is designed to reassure employees that it is safe and acceptable for them to speak up, they may still have concerns about their own position. While the Council can offer confidentiality (see above), employees should remember that if they fail to reveal their identity to the Council, it will be more difficult for the Council to look into the concern(s) raised. The Council will not be able to protect their position or provide them with details of any outcome or feedback. Head of Legal and Member Services (Monitoring Officer) (or his authorised representative) will consider every anonymous concern(s) raised under this Whistleblowing Policy, however any decision to investigate will be at their sole discretion.
- 2.28 In exercising discretion referred to in the Confidentiality section above, the Head of Legal and Member Services (or his authorised representative) shall have regard to the following factors;

- the seriousness of the concern(s) raised;
- the credibility of the concern(s);
- the likelihood of confirming any allegation(s) made from attributable sources; and
- any other material or relevant factor.

Untrue or unfounded allegations

2.29 No action will be taken against employees that raise a genuine concern(s) even if they are mistaken and no malpractice or serious risk is found. However, if an employee makes an allegation under the Whistleblowing Policy which transpires to be false, malicious or for personal gain, disciplinary action may be taken against that employee.

Additional support for employees

2.30 Anyone who raises a concern(s) or is the subject of an investigation under the Whistleblowing Policy can access confidential counselling through the Occupational Health Service.

2.31 The Employee Assistance Programme is an independent organisation that provides confidential help and assistance including counselling for employees for any personal or work-related issue. It is available 24 hours a day, 7 days a week, 365 days a year. They can be contacted on 0800 882 4102 or via the website www.pamassist.co.uk (User Name - Wirralb, Password – Council).

3. Commitment to Equality

3.1 Please identify which, if any, of the following Equality Duties this policy addresses:

Eliminate unlawful discrimination, harassment and victimisation

To advance equality of opportunity

To foster good relations between different groups of people

3.2 The purpose of the Whistleblowing Policy is to make it clear to all employees that it is safe and acceptable to raise any concerns they may have at an early stage over any perceived wrong-doing by the Council, its employees or those with whom it has dealings without fear of victimisation, reprisal, discrimination or disadvantage.

4. Procedures

4.1 The Procedure provides guidelines for employees on how to raise concerns. It aims to reassure employees that, if concerns are raised in good faith reasonably believing that the information and any allegations contained in it are substantially true, they will be protected against any

possible reprisals, harassment or victimisation and will not be discriminated against or suffer any disadvantage.

- 4.2 The procedure also specifies the process and timescales for providing a response to employees raising concerns and for pursuing them if they are not satisfied.

5. Supporting Documentation

5.1 This Policy is complimented by:

- Whistleblowing Procedure
- Whistleblowing Internal Contacts
- Whistleblowing External Contacts
- Confidential Reporting Form (CRF1)
- Whistleblowing Flowchart

6. Related Policies

- Grievance
- Dignity at Work
- Complaints

7. Consultation

- 7.1 Consultation was undertaken with trade unions when current policy was agreed in September 2011.

8. Communication and Awareness

8.1 This policy is considered:

Internal
[For Members, Officers and
Contractors]

External
[For our Residents, Customers
and Service Users]

- 8.2 All employees must be made aware of, and understand the need for this Policy. The Council will send out a clear message about its commitment to ensuring that any concerns raised are investigated and dealt with appropriately. All employees and managers are expected to comply with the terms of this Policy.

9. Monitoring and Review

- 9.1 The Whistleblowing Policy and its Procedure will be reviewed every three years as part of the Human Resources & Organisational Development Policy Review Programme. However, the Policy may be reviewed as and when required, for example, due to legislative changes or if an issue arises around its effectiveness.
- 9.2 The Head of Legal and Member Services, (Monitoring Officer) has overall responsibility for the maintenance and operation of the Whistleblowing Policy. The Head of Legal and Member Services, (Monitoring Officer) has responsibility to ensure all issues raised under this Whistleblowing Policy are investigated thoroughly and in a timely manner.
- 9.3 On behalf of the Head of Legal and Member Services, (Monitoring Officer), the Head of Human Resources and Organisational Development will ensure that a confidential corporate casework system is maintained containing all concerns and that the progress and outcomes of those concerns are fully documented within that system.
- 9.4 The Head of Human Resources and Organisational will appoint a Senior Human Resources Officer to co-ordinate and monitor the progress of investigations to ensure that they are carried out comprehensively and in a timely manner. The Senior Human Resources Officer will liaise with the appointed Designated Officer and/or Investigating Officer (and if necessary the Head of Legal and Member Services, (Monitoring Officer)) to discuss the progress of investigations and identify and address any issues that arise that hinders or otherwise prevent the timely investigation of the concern(s) raised.
- 9.5 The Head of Legal and Member Services, (Monitoring Officer) will review the system referred to above and produce and present a twice yearly report detailing any relevant matters and issues arising in connection with the Whistleblowing Policy to the Council's Chief Executive Strategy Group and to the Audit and Risk Management Committee.
- 9.6 The reports prepared will not disclose details of any employees (or other confidential information), but will summarise (so far as is possible without undermining or exposing the Council to unacceptable risk or challenge) the number and nature of the concerns raised under the Whistleblowing Policy, the Department(s) to which the concerns relate and the outcomes.
- 9.7 The table below sets out the ownership and review schedule for this policy. However it may be necessary to review as and when required, for example, due to legislative changes or if an issue arises around its effectiveness.

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WIRRAL COUNCIL
GRIEVANCE POLICY AND PROCEDURE

DRAFT

November 2013

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1. Introduction

- 1.1 The Council aims to ensure there is a fair and systematic approach to resolving any complaint made by an employee related to their employment.
- 1.2 The grievance policy and procedure provides a framework and a structured mechanism for employee complaints to be dealt with.
- 1.3 Its aim is to resolve grievances as quickly and as close to the point of origin as possible, in an equitable way, which minimises the impact on service delivery and maintains professional working relationships between colleagues. Failure to deal with grievances in a timely manner can have serious impacts upon absence and productivity levels, as well as relationships within teams.

2. Scope

- 2.1 The policy and procedure set out in this document applies to all Wirral Council employees (excluding schools). It is not intended to be incorporated into an employee's contract of employment since its contents will be kept under continuous review. It is not intended to be used in cases of disciplinaries or dismissals as an alternative or in addition to a right of appeal contained in another policy.

3. Roles and Responsibilities

Managers

- 3.1 Both managers and employees have a responsibility within this procedure.
- 3.2 Managers will:
 - a. Wherever possible try to resolve all issues informally before they become formal grievances. This may include the use of mediation, where appropriate. For further information on mediation, please see section 9.7.
 - b. Ensure the grievance procedures are followed correctly, seeking advice from Human Resources where necessary.
 - c. Ensure that it is appropriate for the issues contained with the grievance to be dealt with under the grievance procedure, and identify any issues that should be dealt with under other procedures, for example, the Council's Whistleblowing procedures, or Disciplinary procedures.
 - d. Treat all grievances seriously, dealing with each one fairly, consistently and sensitively and be accountable for the decision that they reach.
 - e. Make time to deal with the grievance as a priority.
 - f. Address any grievances promptly and within the given timelines.
 - g. Where appropriate and depending on the nature of the issues, consider temporary alternative working arrangements for parties involved in the grievance whilst resolution is sought.
 - h. Ensure that appropriate support is provided to any employees that may be the subject of the grievance, seeking advice from HR where appropriate.

Employees

3.3 Employees will:

- a. Only raise grievances in good faith and work with the manager to genuinely seek resolution.
- b. Wherever possible try to resolve the grievance informally. This may include the use of mediation.
- c. Co-operate with any investigation.

Role of Human Resources

3.4 Human Resources will:

- a. Provide advice to managers and employees through the grievance process, and will seek to ensure the Council's procedures are followed, and ensure the process is fair and transparent.
- b. Attend grievance hearings at every formal stage of the process.
- c. Liaise with managers to ensure that employees who have submitted a grievance, and who may be the subject of the grievance have access to appropriate support during the process.
- d. Provide advice to employees who have raised a grievance at any stage of the process as required. This will be on a confidential basis.

3.5 Where an investigation is undertaken, a member of the Human Resources Team will be assigned to support the Investigating Officer to provide advice and guidance as appropriate and to assist in ensuring that the investigation is carried out in a timely manner.

4. Principles

4.1 The policy and procedure contained within this document is based on the following principles:

- a. Grievances will be resolved quickly and consistently across the Council in order to maintain good working relationships.
- b. Where the circumstances are appropriate, and/or both parties agree, grievances should be dealt with through the informal process, including mediation, where appropriate.
- c. Any employee raising a grievance will be given the opportunity to explain their issues, management will investigate their issues and respond. The outcome is confirmed in writing.
- d. The employee does not suffer any detriment in the form of victimisation for asserting their statutory right to raise a grievance.
- e. Any witnesses are protected against detriment and dismissal as a result of acting as a witness during a grievance hearing.

- f. The subject of the grievance is fully supported and kept informed of progress as appropriate.
- g. Any representative or work colleague is protected against detriment and dismissal in respect of his/her action in accompanying the employee and for addressing or seeking to address the hearing.
- h. Not to discriminate against any individual in the application of this policy and procedure on prohibited grounds e.g. on grounds of sex, race, disability, age, sexual orientation, trans-gender, part-time worker status or religious belief, marital status or pregnancy, or trade union activities.
- l Confidentiality will be observed at all times by those involved in the grievance process and information shared on a need to know basis only.

5. What Could Constitute a Grievance?

5.1 A grievance is a problem or concern that an employee has about their work, working conditions or relationships with colleagues that they wish to raise with management.

A grievance could be regarding any of the following:

- Terms and conditions of employment (excluding salary or grade)
- Working conditions
- Working hours
- Unfair treatment
- Health and safety
- Bullying and Harassment/working relationships with colleagues or others
- Equal opportunities
- A breach of statutory employment rights

N.B. This list is not an exhaustive list nor is it an attempt to give a definition of a grievance.

6. Exclusions

6.1 This policy does not apply to the following categories:

- a. Employees appealing against a dismissal/disciplinary decision. This is dealt with through the disciplinary appeal procedure (*insert link to intranet*)
- b. Employees appealing against a job evaluation/grading. This is dealt with through the job evaluation appeal procedure (*insert link to intranet*)
- c. Whistleblowing Concerns. These are dealt with under the Council's Whistleblowing Policy (*insert link to intranet*).

Whilst it is not possible to provide a complete list of all the issues which might be properly raised under the Whistleblowing Policy, any concern about improper, illegal or negligent practice(s) in the workplace, including the conduct of Officers, Members of the Council or others acting on behalf of the Council, which may adversely affect the public interest, can be raised.

To assist employees to decide which policy should be used, the following should be considered:

Appendix Four

- If the employee is aware of any improper, illegal or unsafe act or omission which is not in the public interest, they should do so under the Whistleblowing Policy; or
- If the employee has a complaint about something that has happened to them during the course of their employment that they would like a particular response or outcome to address, this should be raised under the grievance procedure.

Where employees are in any doubt as to whether the concern(s) raised falls within the Whistleblowing Policy or the Council's Grievance Policy, they should seek advice from the Council's Human Resources Team or their Trade Union Representative if applicable.

- 6.2 It is not intended that this policy be used for an employee to raise a grievance about Council policy. However, it may be used to make a complaint about the way a Council policy and/or procedure may have been applied in a specific case.
- 6.3 The Grievance Policy should not be used by an employee to make a complaint about a manager that is seeking to discuss or address issues of attendance or performance, where this is the sole reason for the complaint. It is a fundamental part of a manager's role to ensure that the attendance or performance of employees within their teams or departments is at the required standard. However, managers must be able to demonstrate there is a clear and legitimate justification for addressing attendance and performance issues and ensure that a fair and reasonable approach is taken when doing so and employees may use this Grievance Policy if they believe that this has not been done.

7 Using the Grievance Policy

- 7.1 All genuine grievances raised will be treated seriously. However, employees should be aware that they should not use the policy to raise concerns without just cause, and with the intent of causing distress to others.
- 7.2 Inappropriate use of the policy, or malicious complaints may result in the employee who has raised the grievance being subject to disciplinary action.
- 7.3 An expectation of this policy is that before individuals invoke the formal stages of this procedure, they should attempt to resolve their complaint informally, by discussing their complaint with their line manager, or another suitable person. Guidance may be sought from Human Resources.
- 7.4 If the grievance concerns an employee's line manager, the employee should raise their concern with the next level of management.
- 7.5 Where the grievance involves a complaint against a Chief Officer, the employee should seek advice from Human Resources as to how the grievance can be dealt with.
- 7.6 An officer at Director level will normally be appointed to hear the grievance at the first formal stage. Any appeal against the outcome will normally be heard at Strategic Director level at Stage 2. This procedure may be varied as appropriate to the circumstances.

8 Collective Grievances

- 8.1 A collective grievance is where a group of employees e.g. within the same workgroup or department, wish to raise an issue that affects them as a group. Issues of this nature may be dealt with through this grievance policy. The group of employees may nominate a spokesperson and/or trade union representative to represent their case. In such cases, one hearing may be held to consider the issue(s).
- 8.2 Any employee who is dissatisfied by the outcome has the right to take the matter to the next stage, which again may be held jointly unless there are distinct differences which justify separate hearings.

9 Resolving a Grievance informally

- 9.1 The employee may choose and is strongly encouraged to discuss the issue with their line manager (or the next level of management where the grievance concerns the line manager), to see if the matter can be resolved informally and without invoking the formal grievance procedure.
- 9.2 Wherever possible, employees should try to take the informal route as this approach benefits both parties, often resulting in a quicker and more satisfactory resolution.
- 9.3 The immediate line manager can resolve many of the issues at work informally as part of their day-to-day management responsibilities. It may be beneficial for both parties to explore the informal route to encourage them to communicate and agree a way of working together for the future.
- 9.4 Managers should be aware of, and be prepared to explore, alternative methods of resolving any complaints that arise by discussing the issue and examining a range of possible solutions with the employee.
- 9.5 If the grievance relates to relationships at work, with colleagues or managers, managers and employees should consider the guidance set out in the Council's Dignity at Work Policy (bullying and harassment) as to how issues may be resolved informally. This may include the use of mediation, where appropriate.
- 9.6 An informal grievance should normally be raised in a timely manner e.g. soon after the act or decision being complained of, or the last act or decision if the complaint relates to a series of linked events.
- 9.7 Mediation is an option that can be available to the employee, in appropriate circumstances, as an alternative way of resolving a grievance. Mediation is when an impartial, professionally trained, third party helps to facilitate discussion and seeks to support resolution between parties, in order that working relationships can be maintained. Mediation requires the agreement of both parties. Further information about mediation should be sought from Human Resources.
- 9.8 Even at the informal stage, managers should seek to set a timetable with the employee(s) involved to seek resolution to the issues.
- 9.9 If there is an outcome at the informal stage, managers should make a note of the agreement reached and provide a copy of this to the employee, and where appropriate, other parties involved, with the offer of further discussion if the employee is still not satisfied.

10. Formal Stages of the Grievance Procedure

10.1 Registering a Formal Grievance

- 10.1.1 Employees should normally raise a formal grievance in writing to their line manager (or appropriate other, as detailed in 7.4), using the Formal Grievance Form (M35).
- 10.1.2 A grievance should be raised as soon as possible after an event or incident and, unless in exceptional circumstances, no later than 3 months after the incident or event.
- 10.1.3 The written grievance should include the following information:
- a. The nature of the grievance – what is alleged to have occurred, by whom and when.
 - b. What the outcome of the informal approach was.
 - c. The reason for dissatisfaction with the informal solution (if appropriate).
 - d. The remedy or resolution the employee is seeking.
 - e. Any witnesses to the matters complained about.
- 10.1.4 The grievance should refer to specific issues rather than generalisations. An employee may wish to seek assistance from a work colleague or Trade Union Representative when writing the grievance.

10.2 Investigation

- 10.2.1 Upon receipt of the grievance, managers should assess whether they can try to resolve the grievance themselves, with HR support.
- 10.2.2 Managers should assess whether they are able to gather all the relevant facts of the matter and speak to all the parties involved. If this is the case, the manager will usually be in a position to make an informed decision and give an outcome in relation to the grievance. The manager should be able to clearly demonstrate how and why the decision has been reached.
- 10.2.3 In exceptional cases it may be necessary to appoint an Investigating Officer. This will depend on the nature and complexity of the grievance and HR should be consulted. The Investigating Officer will be appropriately trained and will be responsible for investigating the complaint(s) made, and establishing the facts including the events surrounding or leading up to the complaint.
- 10.2.4 The role of the Investigating Officer is to establish the facts of the grievance. This will be done by reviewing documentation, meeting with the complainant, the respondent, and any potential witnesses to find out if there is evidence to support or rule out the allegations etc. These meetings also allow the respondent to respond to the allegations made against them.
- 10.2.5 It is important that the Investigating Officer is provided with the resources and reasonable time to allow for an appropriate investigation within the timescales allowed within this policy.
- 10.2.6 The Investigating Officer, (or manager dealing with the grievance if they are dealing with the matter) should compile a report containing a written summary of their findings and details of any witnesses interviewed, including, where appropriate, interview notes and statements. A template Investigating Officer report is available on the Council's intranet.

10.2.7 An Investigating Officer may be appointed at any stage of the formal grievance procedure where it is deemed necessary or appropriate in the circumstances, and in consultation with HR.

10.2.8 The Investigating Officer should always keep the manager dealing with the grievance informed of any new developments, further allegations or information that may come to light throughout the course of the investigation.

10.3 Timescales

10.3.1 Managers must recognise that failure to deal with grievances in a timely manner may lead to a deterioration in the relationship between the employee and the Council, place undue stress on those involved in the grievance, and in some cases, mean that the issues that have given rise to the grievance become more difficult to resolve. It also leads to a lack of trust and confidence in management, and can place the Council at risk if the matter progresses to an Employment Tribunal.

10.3.2 It is critical for the effective operation of this policy that the indicative timescales set out to deal with grievances are adhered to so far as reasonably practicable.

10.3.3 At the informal stage, managers should seek to meet an employee to discuss their concern or complaint within 5 working days where this is practicable. This may be varied on agreement.

10.3.4 At each formal stage, managers should reach a decision on the grievance within **one month** of receipt of the grievance or appeal. This includes time required for investigation. The timescales are as follows:

- Acknowledgement of grievance within 5 working days of receipt.
- Meeting to discuss grievance within 10 working days of receipt.
- All investigations complete and hearing arranged within 1 month of receipt of grievance.
- Outcome to be delivered within 5 working days of hearing.
- Written notification of intention to escalate to Stage 2 to be submitted within 10 working days
- Stage 2 to be heard within 10 working days of receipt.
- Stage 2 outcome to be delivered within 5 days of hearing.

All of the above timescale may be varied by mutual agreement in exceptional circumstances.

10.3.5 It is recognised that in exceptional circumstances and in particularly complex cases, grievances may sometimes take longer than anticipated to deal with. Timescales may be varied by mutual agreement and all parties should be kept updated on progress regularly.

10.3.6 In such cases, the manager must ensure that the employee (and their trade union representative) are made aware of the reasons for any delay in progressing the grievance, and that there is justification for the delays. It is important that effective and regular communication is maintained throughout the process. If timescales are not met without justifiable reason, the employee may take the grievance to the next stage of the process.

10.3.8 Indicative timescales for the resolution of the grievance are set out at each formal stage. Please also refer to the “Grievance Procedure Flowchart”, attached at Appendix Two.

10.4 Stage 1 (Formal)

Manager or Senior Manager

10.4.1 It is important that managers have the opportunity to deal with grievances from employees who directly report to them. However, if the manager has been involved in seeking to resolve the issue at the informal stage or is the subject of the grievance, this matter should be raised to the line manager’s manager/senior manager.

10.4.2 Once a grievance is submitted in writing to the manager, this should be acknowledged within 5 days. An initial meeting with the employee should be arranged within 10 working days of receipt of the grievance to discuss the details of the grievance and the outcome(s) the employee is seeking. The purpose of this is to seek clarification of the issue(s) and to acknowledge in person that the matter is being dealt with.

10.4.3 If the grievance is a complaint against a colleague, the manager will normally also meet with the person who is the subject of the grievance (the respondent) to make them aware of the complaint, ascertain their version of events and any background to the concern that has been raised.

10.4.4 An Investigating Officer may be appointed at this stage, when necessary. Guidance on this may be found at 10.2 above.

10.4.5 Following the investigation, a Stage 1 hearing will be arranged by the manager, giving at least 5 working days written notice to all parties required to attend the hearing.

10.4.6 The manager dealing with the grievance may ask the investigating officer to attend the meeting. In exceptional circumstances, the manager may decide to call relevant witnesses, if he/she believes it is necessary to determine the grievance .

10.4.7 Following the hearing, the manager should confirm the outcome in writing, within 5 working days. This may be varied by mutual agreement in exceptional circumstances.

10.4.8 If the employee is dissatisfied with the outcome at Stage 1, they may opt to take the matter to Stage 2 by writing to the Strategic Director within 10 working days of the date of the decision letter at Stage 1.

10.5 Stage 2: (Formal)

Chief Officer (Director/Head of Service)

10.5.1 The Strategic Director should acknowledge the grievance within 5 working days and nominate a Chief Officer (Director or Head of Service) to hear the grievance on their behalf at this stage, unless the Stage 1 grievance was heard at this level, in which case the Strategic Director will hear the grievance.

10.5.2 An initial meeting with the employee should be arranged within 10 working days to discuss the details of the grounds for appeal and the grievance itself.

Appendix Four

- 10.5.3 If further information is required, the Chief Officer should consider whether further investigation is required or whether the information can be provided at the grievance hearing itself.
- 10.5.4 A Stage 2 hearing will be arranged by the Chief Officer, giving at least 5 working days written notice to all parties required to attend the hearing.
- 10.5.5 The Chief Officer dealing with the grievance may ask the manager who dealt with the grievance at Stage 1, to attend the meeting. In exceptional circumstances, the manager may decide to call relevant witnesses, if he/she believes it is necessary to determine the grievance.
- 10.5.6 The employee who has raised the grievance will be notified of the outcome of the Stage 2 hearing in writing, normally within 5 working days of the date of the hearing.
- 10.5.7 This is the final stage of the Council's grievance procedure.

11. Notification to attend a grievance hearing

- 11.1 Employees must be provided with at least 5 working days written notice of a grievance hearing at Stage 1 and 2. The manager hearing the grievance is responsible for writing to the employee, in conjunction with HR.
- 11.2 The letter will advise the employee of the following:
- The location, date and time of the proposed grievance hearing.
 - The employee's right to be accompanied.
 - The identity of the Manager/Head of Service/Chief Officer nominated who is dealing with the grievance.
 - A copy of the Investigating Officer's report, where applicable.
- 11.3 The manager dealing with the grievance should seek to agree the date of the meeting with the employee and their recognised trade union representative or work colleague.
- 11.4 The employee is under a duty to take all reasonable steps to attend the hearing. If the employee's work colleague or trade union representative cannot attend on the proposed date, the employee can suggest another date so long as it does not create unreasonable delay, and should be no longer than 5 working days where possible.
- 11.5 When an employee fails to attend a grievance hearing, or does not respond to the invitation to the grievance hearing, without good reason, the manager will attempt to reschedule another meeting. However, should this second attempt result again in non-attendance without good reason, or failure to respond to the invitation, then the Council at this point is no longer obliged to consider the grievance and may end the process at this point.

12. Right to be Accompanied

- 12.1 At any formal grievance hearing the employee has the right to be accompanied by a representative. The representative may be a trade union representative, or work colleague. The representative should not be a family member or legal representative. Unavailability of a particular representative should not cause delays to the grievance proceedings, an alternative representative should be considered in such cases.

- 12.2 The Council will not meet any of the costs associated with the attendance of the representative at a grievance hearing beyond granting paid time off to a representative who is a Council employee.
- 12.3 The complainant, respondent and any witnesses have the right, if they wish, to be accompanied at any formal meetings held as part of the grievance process by a work colleague or accredited trade union representative. The representative/companion is permitted to address the hearing in order to put forward the employee's case, they can sum up the case and comment upon any view expressed at the hearing. They are also permitted to confer with the employee during the hearing.
- 12.4 It should be noted however that the companion/respondent has no right to answer questions on behalf of the member of staff, to address the hearing if the employee does not wish him/her to do so.

13. Format of Grievance Hearing

13.1 In general terms the following format is suggested at all stages:

Introductions

The manager hearing the grievance will outline the reason for the hearing and ask each person present to introduce themselves and state their role.

Employee Case

The employee or their representative will then outline their grievance and state how they would like to see it resolved.

Management Consideration

The investigation report, related evidence and decision made at the previous stage should be considered by the manager. If required, the manager who heard the grievance at the previous stage may present the reasons for their decision(s).

Adjournment

The hearing will adjourn so that the manager can consider the issue(s) carefully, and to reach a decision.

Where it is necessary for the manager to undertake further investigation or take further advice, they must set out the timescales by which they will be able to reconvene or be in a position to notify the employee of their decision.

Outcome

Where possible, the manager will recall the employee and their representative to inform them of the decision(s), which will be confirmed in writing. In some cases, the employee and their representative will be informed of the decision(s) and outcome(s) in writing, this will be done within 5 working days. The manager hearing the grievance may recall the parties to clear points of uncertainty on evidence already given.

14. Role of Witnesses

- 14.1 It is often the case that witness statements are taken at the investigation stage. Witnesses should be made aware that their statement will be disclosed to parties involved in the grievance.
- 14.2 Witness statements should be signed and verified as a true record. Witness statements should be taken as read and witnesses should not be required to

attend the hearing before a manager simply to confirm information they have already provided unless this is necessary for a decision to be made.

15. Decision and Outcomes

15.1 Notification of the manager's decision may be given verbally to all parties concerned, but in all cases will be confirmed to the employee and their representative in writing within 5 working days of the hearing. The decision letter will include:

- The outcome of the grievance hearing.
- The reasons for the decision(s) made.
- Notification of the employee's right to appeal at each stage and the relevant timescale to appeal.

15.2 At Stage 2, the employee will be informed that the decision is final and that this is the end of the internal process for dealing with the grievance procedure. Employees have the right to submit a claim to an Employment Tribunal.

15.3 At each stage, Human Resources should be notified of the outcome of the grievance hearing using Form M35.

15.4 The outcome of the grievance can be either:

- Upheld
- Not upheld
- Partially upheld

It should be made clear in the outcome letter, which elements of the grievance are upheld or not upheld, what was considered and the reasons for each decision made.

15.5 Any of the above outcomes may also be accompanied by a recommendation for management action.

15.6 If the grievance is substantiated (upheld) further advice should be sought from HR in respect of any further action required.

15.7 Where a grievance contains a number of separate elements, managers must ensure that the finding reached in relation to each element is clearly set out in the outcome letter. It is very important that managers and employees have an understanding and agree on the specific issues giving rise to the grievance and that the outcome letter addresses each of these issues. This will assist managers at the next stage, if some issues within the grievance are agreed as 'dealt with' and do not need further consideration at the next stage.

16. Grievance raised after an Employee has left the Organisation

16.1 Where an employee leaves the organisation during the grievance process or submits a grievance after leaving the organisation, the Chief Officer, in consultation with Human Resources will consider what action should be taken.

16.2 There is no legal requirement for the Council to deal with grievances raised by ex-employees. However, dealing with such grievances in some cases may identify possible employment tribunal complaints and where possible and appropriate, prevent those grievances from becoming tribunal complaints.

17. Grievances which contain allegations of misconduct by a colleague

- 17.1 There may be occasions where an employee raises a grievance which contains potentially serious allegations against another employee.
- 17.2 In such circumstances the manager receiving the grievance should seek advice from Human Resources and/or a more senior manager.
- 17.3 The manager dealing with the grievance should make an assessment of the nature of the allegations. This may involve an initial fact finding meeting with both the complainant and also the employee accused of misconduct.
- 17.4 This is not to take the form of an investigation but is designed to allow the manager to make an assessment of the situation and determine the appropriate next steps.
- 17.5 The manager should consider:
 - The seriousness of the matter.
 - The working arrangements of the parties during the grievance.
 - Depending on the nature of the matter, whether suspension is necessary to allow an investigation to take place.
- 17.6 If the matter is deemed to be a potential disciplinary issue, the Nominated Officer should appoint an investigating officer to investigate the matter in accordance with the Council's disciplinary procedure.
- 17.7 The disciplinary investigation and hearing should, where possible, be concluded ahead of the grievance to ensure this is dealt with as quickly as possible. This is particularly important if employees have been suspended during a disciplinary investigation.
- 17.8 To assist in ensuring that matters are concluded as speedily as possible, any statements or evidence collected during the disciplinary procedure may also form part of the grievance investigation.
- 17.9 The manager who deals with the disciplinary matter may also be the manager who determines the outcome of the grievance. This may not always be appropriate and should be determined according to the circumstances, and with advice from Human Resources.
- 17.10 If a manager receives a grievance alleging bullying, harassment or victimisation on the grounds of race, gender, disability or any other protected characteristic as defined in the Equality Act 2010, they should seek advice from Human Resources and/or a more senior manager at the very earliest opportunity. Managers should also refer to the Dignity at Work Policy.

18. Records

- 18.1 In the event that the aggrieved employee requests a copy of any of the formal meeting/hearing minutes or notes relating to their grievance, these should be given to the employee.
- 18.2 All notes taken and correspondence produced during any of the steps of the grievance procedure should be kept by the manager. The letter detailing the outcome of the grievance will be placed on the personal file of the employee who raised the grievance.

Appendix Four

- 18.3 All notes must be stored safely as an Employment Tribunal may request full disclosure of all notes. A fully copy of the grievance case will be kept by Human Resources.
- 18.4 All written documentation will be kept in accordance with the Data Protection Act 1998.

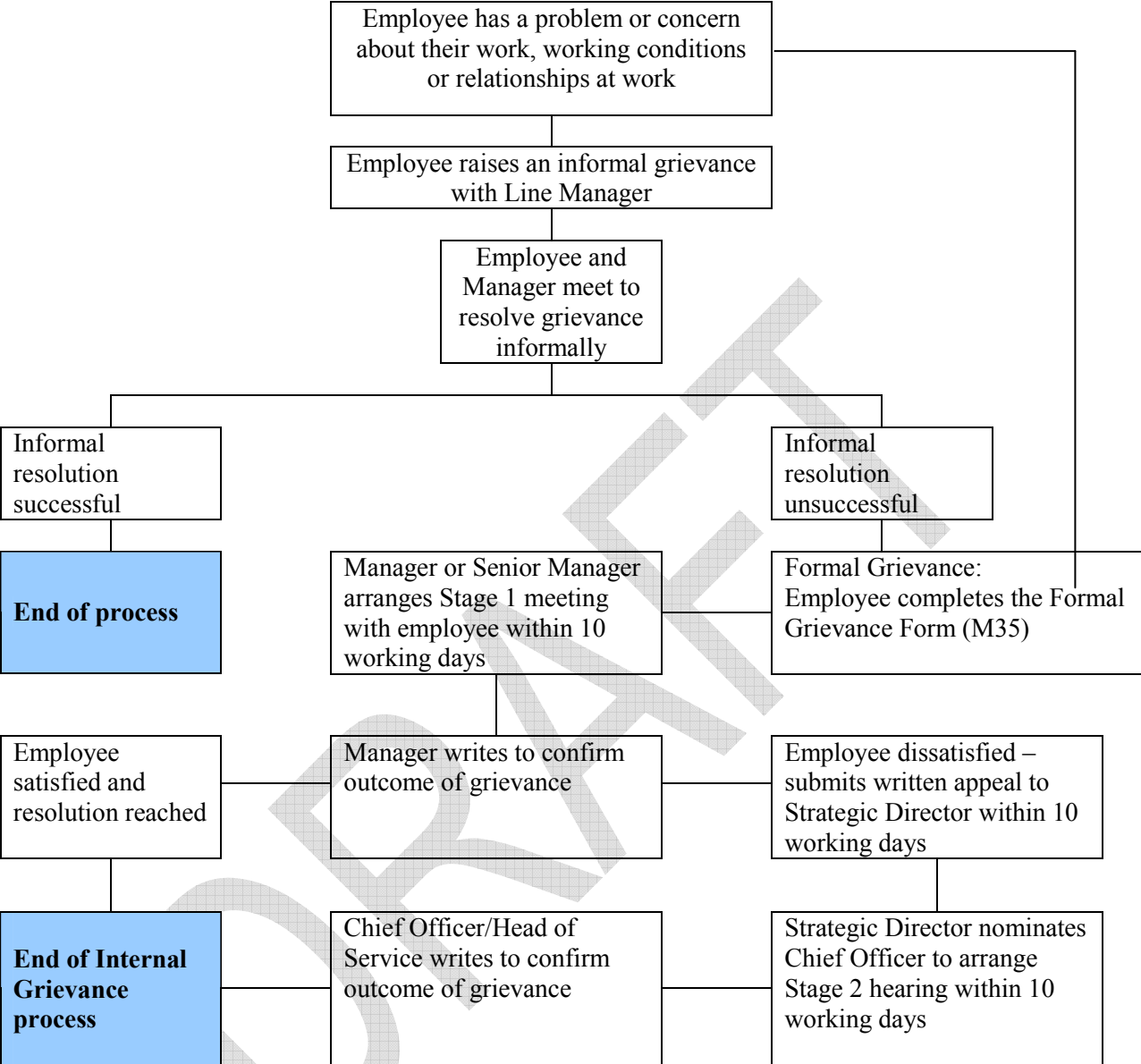
19. Monitoring

- 19.1 The Grievance Policy will be reviewed as and when required, for example, due to legislative changes or if an issue arises around its effectiveness.
- 19.2 Grievance cases across the Council will be monitored by Human Resources in order that any trends or areas of concern can be identified.
- 19.3 The Council is committed to providing a working environment free from discrimination and victimisation. Information relating to grievances will be analysed by protected characteristics in accordance with the requirements of The Equality Act 2010.
- 19.4 Information on the number, nature and timescales of grievances will be regularly reported to Departmental Management Teams and Chief Executive Strategy Group.

DRAFT



Grievance Procedure Flowchart



CABINET

7 JULY 2014

27 FINANCIAL MONITORING 2014/15

Councillor Phil Davies introduced a report by the Director of Resources which informed the Cabinet of the Monitoring position for Month 2 (ending 31 May 2014).

The monitoring reports for both the Revenue and Capital were attached as appendices to the report.

Councillor P Davies indicated that in relation to the pressures identified within Community Care, this had been identified early and measures had been put in place by the Department of Adult Social Services. At this point Councillor P Davies invited the Director of Adult Social Services to inform the Cabinet of the department's plans.

Mr Hodkinson thanked Councillor Davies. He set out that there was a projected potential budget variance reported on behalf of Adult Social care in the finance report of £3M. This was following budget in year budget reductions reflecting the significant and stretching savings that were agreed in 2013 for 2014 totalling £11.7M.

The savings group into four key thematic areas;

Working Together	£1.741M
Delivering Differently	£4.388M
Managing the Money	£3.697M
Transforming the Business	£1.881M

Mr Hodkinson set out that the Department has a large number of projects to be delivered as part of the three year transformation programme agreed in 2013 to save £18M of DASS expenditure. Examples include day service transformation, changing support arrangements for people with disabilities, further integration with the NHS, improving systems and payments through Liquid Logic, ensuring that people that should be able to access NHS funding are able to, enabling people to be more independent, equalising charging processes across all services etc.

The figure of £3M that had been reported was not as yet an overspend. It was derived primarily from a financial perspective that all of the benefits of the projects may not be deliverable in year. He pointed out that the reported variance was due to specific concerns expressed in relation to a small number of the projects and outlined these briefly;

Transformation of Day Services.

Considerable progress had been made with regard to developing a Local Authority trading Company model. This was endorsed by cabinet earlier in the year. A challenge process had, however been put in place as some of the savings identified were based on previous assumptions such as reduced re-charges etc. The

challenge process had been set up to test the LATC model and the strategic business case.

NHS Continuing Care Review

It was reported that there had been considerable increased uptake of NHS Continuing care in Wirral during 2014. The CCG had seen demand increase by £1.5M in the first quarter. A project was set up to ensure that individuals were properly reviewed against the criteria, however at this point in time insufficient data had been gathered to show a clear transfer from LA funding. The Department was awaiting quarter 1 data. In addition to the above there was a specific piece of work to identify people that were independently re-claiming funding from the NHS through NHS Continuing Care. At this point the Department had been unable to access personal data regarding individuals due to NHS data sharing rules.

Managing Demand

A project was in place to ensure that people get support focussed upon enabling them to be as independent as possible. In order to ensure that this and other projects based on reviewing peoples needs were implemented an Independent Review Team was put in place in the Department last year. Progress in assistive technologies and other means to reduce risk were now available. Reviews were undertaken sensitively but can ensure that resources were used to best effect. The activity was happening however due to the variability of review outcomes data was required to specifically show reductions in care packages directly as a result of the review process.

In summary the range and nature of these projects was such that outcomes can be variable. The Department must always ensure that whilst challenging efficiency, processes are followed that are within the law and appropriate to peoples vulnerability. A number of enablers to maximise the benefit from projects such as the Independent Review Team already mentioned. In 2013 progress in relation to the project and financial delivery was monitored by the Transformation Board in DASS reporting progress directly to CESG using the Corporate PM system. Project or programme leads are called to account in relation to progress and any variance explained in detail. The same system had been employed for 2014.

RESOLVED: That

Revenue:

- (1) it be noted that at Month 2 (May 2014), the full year forecast projects a gross General Fund overspend of £3,137,000;**
- (2) the increased commitment of £152,000 for Carbon Reduction Commitment allowances contained within the above figure be noted;**
- (3) that the payment of New Homes Bonus grant of £242,253 which is a general grant received outside of directorate budgets be noted;**

- (4) the risks relating to non delivery of savings as detailed in paragraph 3.3 of appendix A and requirement for mitigation and actions to be identified be noted;**
- (5) the mitigation actions being undertaken including capitalisation, reprofiling and use of public health budgets as per paragraph 3.5 (of Appendix A) and reductions to 2014/15 growth as detailed in paragraphs 5.2 and table 5 above (of Appendix A). Further mitigation action will be developed as appropriate during the year;**
- (6) the application of the additional New Homes Bonus grant against the Carbon reduction commitment and overall overspend to reduce the net overspend to £2,894,747 be approved.**

Capital:

- (i) the spend to date at Month 2 of £1.3 million, with 16.7% of the financial year having elapsed be noted; and**
- (ii) the revised Capital Programme of £61.3 million (Table 1 at 3.1 of Appendix B) be approved.**

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CABINET

11 SEPTEMBER 2014

46 FINANCIAL MONITORING 2014/15 MONTHS 3/4 (JUNE/JULY 2014)

The Chair introduced the report of the Director of Resources, which detailed the financial monitoring position for Months 3 and 4 (to 31 July 2014), with separate appendices presented, which set out the Revenue and Capital position. Members noted the forecast gross General Fund overspend of £3.6m and requested a detailed report to the next meeting upon action being taken to address the overspend.

Resolved –

REVENUE

- (1) That at Month 4 (July 2014), the full year forecast projecting a gross General Fund overspend of £3,680,000, be noted**
- (2) That a detailed report be presented to the next meeting of the Cabinet upon action being taken to address the gross General Fund overspend.**
- (3) That the risks relating to non delivery of savings as detailed in paragraph 3.3 to 3.6 (of Appendix A) and requirement for mitigation and actions to be identified, be noted.**
- (4) That the variation to the Families and Wellbeing budget to reflect the receipt of Special Educational Needs and Disability Implementation grant income of £260,029 in 2014/2015 and the matching expenditure for use of the grant, be approved.**

CAPITAL

- (5) That the spend to date at Month 4 of £7.6 million, with 33% of the financial year having elapsed, be noted.**
- (6) That Cabinet agrees the revised Capital Programme of £60.4 million (Table 1 at 3.3 of Appendix B).**

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CABINET

11 SEPTEMBER 2014

49 NOTICE OF MOTION – THE BROWN BIN TAX AND THE DIGITAL DIVIDE

At the meeting of the Council held on 14 July 2014 (minute 17 refers), the following Notice of Motion proposed by Councillor Stuart Kelly and seconded by Councillor Dave Mitchell was referred by the Mayor to the Cabinet for consideration, in accordance with Standing Order 7(4) –

“Council recalls that when the Labour administration brought in charges for garden waste collection, many residents objected, not only to the charge, but also to different charges being levied for those subscribing on-line and for those subscribing in other ways.

The garden waste service is the only chargeable service that operates such a differential.

Council notes that over 4,600 residents, without their own computers or access to one, were faced with having to pay out an extra £5. This continues to be regarded as deeply unfair to people who do not have Internet access.

Council therefore calls upon Cabinet to review the fairness of this different charging regime, in light of motions previously passed by Council on the issues of digital and financial exclusion, with a view to refunding the additional £5 paid by digitally excluded members of the community”

In accordance with Standing Order 7 (6), Councillor Kelly had been invited to attend the meeting in order for him to be given an opportunity to explain the Motion. He provided a background to it and highlighted that the highest numbers of non-online subscribers to the service and consequently being denied a discount were from Birkenhead and Tranmere. Conversely, the highest numbers of online subscribers were from more affluent areas of the Borough.

The Cabinet Member for Environment and Sustainability indicated that such a charge would not have been necessary were it not for the scale of cuts imposed on Wirral by the Government. The discount had been offered to encourage greater take up on-line, so as to reduce the need for additional staff being on duty at one stop shops. Volunteers were available in libraries to assist customers with on-line registration and a digital inclusion programme was also provided by Age UK. However, in response to concerns highlighted in the Notice of Motion, it was proposed to include an advice leaflet in the Council Tax booklet to draw attention to services that were available to digitally excluded residents in all areas of Wirral.

Resolved – That the response of the Cabinet Member for Environment and Sustainability be endorsed and reported to Council.

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REGENERATION AND ENVIRONMENT POLICY AND PERFORMANCE COMMITTEE

22 SEPTEMBER 2014

15 NOTICE OF MOTION – UNDERGROUND COAL GASIFICATION

The Head of Legal and Member Services reported that at the meeting of the Council held on 14 July 2014 (minute 17 refers), the following Notice of Motion proposed by Councillor Geoffrey Watt and seconded by Councillor Gerry Ellis was referred by the Mayor to this Committee for consideration –

UNDERGROUND COAL GASIFICATION

(1) *Council recalls that at its meeting on 18th July 2011 it approved, with unanimous (all-party) support, a motion ‘Shale Gas Fracking’ (minute 28 refers) stating its opposition to shale gas or coal bed methane testing or extraction in Wirral until the Council was satisfied as to the safety of the process and the risk of adverse environmental impacts had been fully addressed.*

See:

<http://democracy.wirral.gov.uk/documents/g3562/Printed%20minutes%2018th-Jul-2011%2018.15%20Council.pdf?T=1>

(2) *It has subsequently emerged that conditional licences to explore for underground coal gasification under parts of the Dee Estuary, including the Hilbre Islands and a coastal strip from Caldy to Hoylake have been granted to Cluff Natural Resources Ltd and for an area just off the entire North Wirral Coast to Riverside Energy Ltd.*

(3) *Council notes that the Hilbre Islands are within the Dee Estuary Special Area of Conservation and Dee Estuary Special Protection Area (all part of a network of protected sites stretching across Europe called Natura 2000) and therefore covered by the Conservation of Habitats and Species Regulations which also covers the Dee Estuary Ramsar Site. They are also protected through national legislation under the Countryside and Rights of Way Act as a Site of Special Scientific Interest, as is the North Wirral Coast and the Mersey Narrows.*

(4) *Council notes that operations both onshore and above the low water mark would require planning approval to be granted by this authority and also that the Hilbre Islands and much of the coastal strip are within its ownership and thus under its control.*

(5) *Therefore, Council:*

(a) *Confirms its opposition to Unconventional Gas Extraction, including Underground Coal Gasification, Coal Bed Methane and Fracking, under Wirral, its offshore coastal waters and the Dee and Mersey estuaries until such time as the Council is satisfied as to the safety of the process and that the risk of adverse environmental impacts have been fully addressed.*

(b) Instructs the Chief Executive to write to the Secretary of State for Energy and Climate Change and to Wirral's four Members of Parliament, informing him and them of this decision.

(c) Instructs the Chief Executive to write to Wirral's neighbouring coastal local authorities (Sefton, Liverpool, Halton, Cheshire West & Chester, and Flintshire) informing them of this decision and inviting them to pass an equivalent resolution with the intention of protecting our shared environment.

In accordance with Standing Order 7 (6), Councillor Watt had been invited to attend the meeting in order for him to be given an opportunity to explain the Motion. Councillor Watt indicated that the Motion was largely self-explanatory and, in the light of recent publicity regarding underground coal gasification, requested the Council to re-affirm its opposition to such activities in the Dee and Mersey estuaries.

Councillor Mitchell indicated that he had seconded the original motion 'Shale Gas Fracking', which had previously been approved by the Council (minute 20 (18 July 2011) refers). He referred to environmental concerns arising from such activities in the USA and elsewhere and he highlighted the importance of alternative, Green, energy.

The Chair noted Members' objection to the politicisation of the issue, particularly in West Wirral and recognised that the public required clarification of the potential impact of such activities. The Strategic Director for Regeneration and Environment confirmed that officers were very clear of the views of the Council. However, in response to a question from the Chair, he stated that should the Council refuse permission to erect structures to enable fracking, the applicant could appeal to the Secretary of State. He further added that a recent bill in the Queen's Speech would allow fracking to take place underground without the surface land owners' permission. It was therefore vital that Members were aware of any decisions of neighbouring authorities, particularly in the Dee Estuary.

Resolved – That the Notice of Motion be supported and the Council be advised accordingly.

REGENERATION AND ENVIRONMENT POLICY AND PERFORMANCE COMMITTEE

22 SEPTEMBER 2014

16 NOTICE OF MOTION – PRIVATE RENTED SECTOR REFORM

The Head of Legal and Member Services reported that at the meeting of the Council held on 14 July 2014 (minute 17 refers), the following Notice of Motion proposed by Councillor George Davies and seconded by Councillor Matt Daniel was referred by the Mayor to this Committee for consideration.

PRIVATE RENTED SECTOR REFORM

Council re-affirms its support for the Selective Landlord Licensing Scheme proposed in the 2014/2015 Labour Group budget. It also welcomes the significant proposals put forward by the Labour Party in relation to preventing tenants being ripped-off by unscrupulous landlords and providing them with long term security they desperately need. More specifically –

- *The introduction of longer term three year tenancies*
- *The banning of letting agents fees to tenants, saving them on average £350*
- *Predictable rents with Landlords only allowed to review them once every year with an upper ceiling to prevent excessive rises.*

In accordance with Standing Order 7 (6), Councillor Davies had been invited and attended the meeting to explain the Motion.

In response to a question from a Member as to what extent the Motion would be binding in law, the Head of Legal and Member Services confirmed that the Council could adopt such a Scheme, if it wished to do so.

Resolved (9:5) – That the Notice of Motion be supported and the Council be advised accordingly.

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COUNCILLOR PHIL GILCHRIST

MINORITY REPORT

Call In Co-ordinating Committee 23 September 2014

Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure

The Co-ordinating Committee sought information on the impact of the proposals outlined in the Cabinet report of 7th July 2014. (Cabinet Minute 37 refers)

The Cabinet report set out these considerations -

3.3.1

At present, all current serving and former armed service personnel receive free use of facilities at all Leisure Centres, at all times. Currently 2,400 individuals have registered for this generous concession.

3.3.2

The proposal is to target the free use benefit to current serving members of the armed forces (including the Territorial Army and reservists) who are from Wirral and for former service personnel who have suffered a disabling injury when in the services and/or in receipt of a disability benefit.

In addition, a new programme of support will be available for currently serving members of the armed services and injured / disabled former service personnel which will include one to one gym instruction and a regular newsletter which will be developed with other agencies and departments to help to ensure they receive every support possible to reflect the Council's complete commitment to support people who rightly serve our utmost respect and support.

3.3.3

Those who currently have the benefit of free use but who would not qualify under the new policy will be given access to a discount of up to 25% on the corporate Invigor8 membership.

3.3.4

This package of support will remain one of the most extensive concessions in the region for armed forces personnel and will commence from September 2014.

Questioning at the committee established that there had been a substantial increase in the numbers qualifying for the concession. It would have been desirable for a breakdown of these figures to have been provided, in writing, in advance to enable better informed discussion.

In further questioning officers compared Wirral's arrangements with a selection of nearby local Authorities with less extensive scheme.

However, it was pointed out that in January 2014 Rochdale had considered its 'pilot' scheme and had decided to extend it for a further twelve months. That Borough had decided to provide free facilities for all Regular and Reservist serving personnel and unemployed Veterans (with proof required) from the Army, Royal Air Force and Royal Navy.

The Co-ordinating Committee heard of the work being done to ensure that Wirral's veterans needs were being considered and addressed.

Notwithstanding this it became apparent that one of the witnesses called by Wirral's officers had concerns about the proposed new policy.

The Co-ordinating committee also heard anecdotal evidence which suggested some unintended consequences of the existing arrangements but there was only limited information given on the uptake of the present concessions.

The report on the Review of Leisure Centres and Golf Courses considered by the Cabinet in September 2013 had highlighted the 'operating subsidies' of the various facilities offered, with the subsidy to the Leisure Centres and the Marine Lake reported as £4.5 million. It had also pointed out that if central recharges, capital and repair programmes were fully taken into account, the then overall cost subsidy was around £9.5 million.

The Co-ordinating Committee heard that a programme of investment and managerial changes was in progress, aimed at reducing the subsidy and was designed to increase income.

Based on the available information it appeared that the effect of the changes would reduce the numbers of residents qualifying for the 'concession' as well as removing 'non Wirral residents'.

It was also seen as a way of replacing income foregone by the concession, thereby reducing the subsidy to the sports and leisure operation. There were suggestions that there were former members of the forces who were able to secure good employment after their service to the country.

However, in the overall context of the costs of the service the contribution that bringing charges in, albeit reduced, was not presented in detail at the meeting.

It would be right for each local authority to support its serving and former members of the forces and, on that basis, Wirral would support those from within its boundaries, in the expectation that other authorities should provide support as they saw reasonable.

Based on the firm identification of those likely to take part, therefore, Cabinet be requested to reconsider the proposed policy.

Minority Report

This Minority Report is produced by Councillors Chris Blakeley, Wendy Clements, Mike Hornby, Stephen Williams and Gerry Ellis following a meeting of the Coordinating Committee on Tuesday 23rd September 2013.

The Committee was convened following a call in of the Cabinet's decision on 07/08/2014 regarding the 'Transformation of Leisure Services, Sports and Leisure Facilities Pricing Structure.' The Call In was led by Councillor Paul Hayes and the reasons given are repeated below: -

1. The decision made by Cabinet to cut the free services we offer to veterans of HM Armed Forces is contrary to the Council's previously stated commitment to support those who have been willing to make the ultimate sacrifice in defence of our freedoms.

2. The decision was not subject to any meaningful consultation, if at all.

3. The Cabinet (in the five minutes it took to 'debate' this item or in the Agenda documents) had no regard as to how the Council would identify a 'disabling' injury: what the criterion would be or who or what would adjudicate thereupon.

4. The Cabinet failed to have sufficient regard to the fact that many veterans of HM Armed Forces would suffer from mental rather than physical injuries, a characteristic of which will often be an unwillingness to discuss or disclose this injury, thereby discriminating against those afflicted by such injuries.

Evidence was taken from two veterans of HM Armed Forces: Mr Kev Hannigan and Mr Eddie Denmark. Evidence was also taken from Council officers: Clare Fish, Mark Camborne and Damien Walsh as well as from Ms Tina Buckley from the All Members Military Organisation (AMMO).

We note that Ms Buckley gave evidence in which she suggested that she would not like to see anyone lose their free leisure pass. We further note that officers intimated that these proposals were not motivated by savings / increased revenue (despite having indicated projected savings (and/or increased revenue) of approximately £50,000.00 previously via email to Cllr Hayes). We note that officers and the Cabinet

member opined that the change in policy regarding veterans was aimed at reducing the occurrence of perceived 'abuses' following anecdotal evidence from staff.

After debate it was moved by the Chair Cllr McLaughlin and seconded by Councillor P Doughty –

“That Cabinet minute 37 – 7 July 2014 (Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure) be upheld”.

It was moved as an amendment by Councillor Blakeley and seconded by Councillor Mike Hornby –

“That this Committee, having heard evidence this evening, stands unconvinced that any potential saving (the achievement of which remains dubious) made by implementing the decision at paragraph 3 of the Cabinet report, outweighs the harm this decision will do to Wirral’s reputation as an Authority which takes seriously its duties under the Military Covenant and as an Authority that does all it can to actively uphold and advance the Covenant.

Therefore, this Committee urges the Cabinet to reconsider its decision and restore the free Leisure Passes to all the veterans of Her Majesty’s Armed Forces.”

The amendment was put and lost (6:9).

The Substantive Motion was put and carried (9:6)

Resolved (9:6) (Councillor Blakeley voting against) – That Cabinet minute 37 (7 July 2014) – Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure, be upheld.

Labour members of the Committee voted for the motion of Cllr McLaughlin, however we cannot agree that the motion of Cllr McLaughlin adequately reflects the information provided to the Committee and the evidence it heard and so we produce this Minority Report for Cabinet’s consideration.

We feel that members of the committee were confused as to the effect of the proposed policy as was Ms Tina Buckley; a member remained convinced that the proposed policy would still allow all veteran free access to swimming and leisure facilities when this is clearly not the case.

We submit that free access to our leisure facilities should be maintained for all veterans of HM Armed Forces and that should officers identify abuses then they be combatted with specific but robust policies for future consideration.

POLICY AND PERFORMANCE CO-ORDINATING COMMITTEE

Tuesday, 23 September 2014

<u>Present:</u>	Councillor	M McLaughlin (Chair)
	Councillors	P Doughty C Blakeley P Gilchrist W Clements M Hornby A Leech W Smith
		KJ Williams S Williams RL Abbey (In place of P Brightmore) J Crabtree (In place of J Williamson) G Ellis (In place of T Anderson) H Smith (In place of M Sullivan) I Williams (In place of C Muspratt)
<u>Deputies</u>	Councillors	R Abbey (in place of P Brightmore) J Crabtree (in place of J Williamson) G Ellis (in place of T Anderson) H Smith (in place of M Sullivan) I Williams (in place of C Muspratt)
<u>In Attendance</u>	Councillors	Paul Hayes (Lead Call-In Signatory) Chris Meaden (Cabinet Member)

25 **APOLOGIES FOR ABSENCE**

The Chair welcomed everybody to the meeting and asked if there were any apologies for absence. The Committee Services Officer advised the Committee that apologies had been received from Councillors Anderson, Brightmore, Muspratt, Sullivan and Williamson. Each had nominated a deputy, who would be shown in the attendance record.

26 **CODE OF CONDUCT - DECLARATIONS OF INTEREST RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012, INCLUDING PARTY WHIP DECLARATIONS**

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members were reminded that they should also declare whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

At the request of the Chair, and in response to a question from a Member, the Head of Legal and Member Services gave advice on the matter of signatories to the call-in notice sitting on the Committee. He commented that although being a signatory to a call-in notice did not preclude a Member from sitting on the Committee hearing the call-in they would need to be mindful of pre-determination and bias. Supporting a call-in did not amount to a member accepting the reasons had been made out and proven or that one Member had reached a settled view.

Councillors Blakeley and Ellis declared their interest in the call-in of Cabinet minute 37 by virtue of them being signatories to the call-in notice.

Councillors Hornby and W Smith declared a personal interest by virtue of them being former members of the armed forces.

Councillor Meaden, in attendance as Cabinet Member for Leisure, Sport and Culture declared a personal interest by virtue of her daughter being a former member of the armed forces but resided abroad.

Councillor Doughty declared a personal interest by virtue of his father being a former member of the armed forces who had subsequently died of his injuries.

27 **CALL-IN OF A DELEGATED DECISION - CABINET MINUTE NO. 37 - TRANSFORMATION OF LEISURE SERVICES SPORTS AND LEISURE FACILITIES PRICING STRUCTURE**

In accordance with the procedure previously agreed by the Committee, the Chair referred to the decision of the Cabinet (minute 37 (7 July 2014) refers), related to the Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure.

The decision had been called-in by Councillors Paul Hayes, Les Rowlands, Leah Fraser, Geoffrey Watt, Jeff Green, Tom Anderson, Stuart Kelly, Chris Blakeley, Bruce Berry, Gerry Ellis and Pat Williams, on the following grounds –

1. The decision made by Cabinet to cut the free services we offer to veterans of HM Armed Forces is contrary to the Council's previously stated commitment to support those who have been willing to make the ultimate sacrifice in defence of our freedoms.
2. The decision was not subject to any meaningful consultation, if at all.
3. The Cabinet (in the five minutes it took to 'debate' this item or in the Agenda documents) had no regard as to how the Council would identify a 'disabling' injury: what the criterion would be or who or what would adjudicate thereupon.
4. The Cabinet failed to have sufficient regard to the fact that many veterans of HM Armed Forces would suffer from mental rather than physical injuries, a characteristic of which will often be an unwillingness

to discuss or disclose this injury, thereby discriminating against those afflicted by such injuries.

The Chair explained the call-in procedure and indicated that the Committee was invited to consider the decision that had been made and determine, in the light of evidence to be presented, the most appropriate course of action. The Committee had no power to overturn a Cabinet decision, or to substitute its own decision in place of the original. The options open to the Committee were –

- to refer the decision back to the Cabinet Member, setting out in writing the nature of the Committee's concerns;
- to refer the matter to the Council – only where the Committee believed that the decision was outside the policy framework or contrary to or not wholly in accordance with the budget. The procedures in those rules had to be followed prior to any such referral;
- to take no further action, in which case the decision would be upheld and take immediate effect and may then be implemented.

Explanation of Call-in by the Lead Signatory – Councillor Paul Hayes

Councillor Hayes provided a brief explanation of the call-in and he commented upon the importance for the Council to honour the principles of the armed forces military covenant. He expressed a view that the free use of leisure facilities was a token of the Council's support for the armed forces community and suggested that there had been insufficient evidence presented to the Cabinet upon which to base its decision. He commented also that it had not been made clear how the process would be administered and there was no criterion in relation to how injuries, both physical and psychological would be disclosed and adjudicated upon, particularly where there may be an unwillingness to discuss or disclose injury.

Explanation of the Decision taken by the Cabinet Councillor Chris Meaden (Cabinet Member for Leisure, Sport & Culture)

Councillor Meaden recognised that the call-in centred on an emotive area and that there was a clear need to ensure that the use of leisure facilities was equitable and fair. So as not to disadvantage those who could not afford to pay, a number of concessions were available. However, the Cabinet had recognised that those who could afford to pay should do so and the decision had been taken primarily in order to more effectively target resources and prevent abuse or misuse. She referred to instances of people who had joined the TA for a week, and been dishonourably discharged, then being entitled to a free leisure pass. It was also important to recognise that the package of support offered in Wirral remained one of the most extensive concessions to current and former armed forces personnel in the region and she asked that the Committee support the decision taken by the Cabinet.

The Chair welcomed the witnesses who had been nominated to give evidence to the Committee and thanked them for their attendance. She advised that, having heard their submission, the procedure then allowed for Members of the Committee to ask relevant questions.

Evidence from Call-In Witnesses

Mr K Hannigan and Mr E Denmark

The Chair requested Mr Hannigan and Mr Denmark to state the nature of their interest in the call-in and whether they themselves were currently afforded free use of the Council's leisure facilities.

Both gave a brief overview of their military service and provided an insight as to the nature of their physical and mental health following discharge. Both had enjoyed the benefits of free access to the Council's leisure facilities and commented upon the benefits of sport and physical exercise to combat tension and depression, which were common amongst armed forces veterans. They believed that the Council had reneged on its promise to honour the spirit of the military covenant and expressed the view that the free use of leisure facilities was more vital for ex-servicemen and women, as those currently serving had access to state of the art facilities provided by the military.

In response to questions from Members, Mr Denmark indicated that he would be eligible for free leisure access on account of his injuries. However, Mr Hannigan had found the proposed change to be confusing and was uncertain as to his entitlement.

Evidence from Cabinet Member's Witnesses

Clare Fish – Strategic Director – Families and Wellbeing

Damian Walsh – Head of Sport and Recreation

Mark Camborne – Senior Manager – Health, Safety and Resilience

In response to a request from the Chair to provide a context to the Cabinet decision, the Strategic Director provided an overview for the Committee as to how the current policy had been developed.

A number of questions were asked of the witnesses and their responses included the following –

- The proposal was not predicated solely on the requirement to deliver savings or maximise income, but also to ensure that the Council had a fair and equitable scheme for Wirral residents and that its free use was targeted more effectively. The report of the Strategic Director to Cabinet had stated that it was not proposed to make leisure facilities unaffordable to those for whom price was a genuine barrier to access.
- Officers had recognised the latent effects of psychological trauma, suffered by many armed forces veterans who, in many instances had chosen previously not to disclose matters related to their mental health. Assessments of eligibility could have regard to the War Pension Scheme, Army Pension Scheme, Discharge Papers or a medical certificate provided by a GP. The requirement to provide medical evidence of such a mental health condition could also have the benefit of issues being highlighted with medical practitioners.

- Reference was made to the work with armed forces veterans that was being undertaken by the All Military Members Organisation (AMMO), who had indicated a willingness to be involved in the administration of the proposed new policy, insofar as it affected current and former armed forces personnel. Details of meetings held with AMMO would be circulated to all Members of the Committee.
- Evidence of abuse of the concessionary scheme could be provided upon request and it was hoped that the involvement of AMMO in leisure facilities bookings would help prevent such abuse and ensure that access to the scheme was restricted to persons living in Wirral.
- A breakdown was provided of those serving and former armed service personnel who had registered for the concession for free use of leisure facilities and the Strategic Director gave an indication of the numbers who may not qualify under the new policy. It was not possible to give a definitive answer as to the cost of leisure passes to those who may be not qualify, as it would be dependent upon their individual circumstances and the type of leisure pass they required.
- There was not expected to be any additional cost associated with the introduction of the improved and more effectively targeted scheme and it was confirmed that those who did not qualify under the new policy would be given access to a discount of up to 25% on the corporate Invigor8 membership.
- The proposed policy complied with the Council's Equality Policy and was also in accordance with the spirit of the Armed Forces Covenant, it being about treating those in the armed forces equitably, rather than more favourably than others in society.

Tina Buckley – All Military Members Organisation (AMMO)

At the request of the Chair, information was provided to the Committee upon the work of AMMO, which provided a 'one-stop shop' for armed forces veterans and provided a variety of advice and assistance. The organisation currently worked with 72 people suffering with post traumatic stress disorder and a further 31 people who had suffered a range of physical injuries. In response to a question from a Member, Ms Buckley confirmed that AMMO was a Wirral-based organisation that was able to provide effective engagement with its members to identify their eligibility and the type of leisure access they required. She expressed a view that to avoid confusion as to eligibility, a clearly understood criterion was essential for the success of the revised policy.

Summary of the Lead Signatory – Councillor Paul Hayes

Councillor Hayes thanked the Committee for its consideration of his call-in. He commented that the meeting had been productive but indicated that service users remained unaware of the full impact of the Cabinet's decision. He expressed a view that if the revised policy had not been driven by the need to

achieve savings, then the existing scheme should be retained, with action taken to prevent the abuse indicated by officers. He objected to veterans of the armed forces being required to disclose details of their mental health and believed that retention of the existing policy would ensure that we complied with the military covenant. Accordingly, he requested that the decision be referred back to the Cabinet for further consideration.

**Summary of the Cabinet Member
Councillor Chris Meaden (Cabinet Member for Leisure, Sport & Culture)**

Councillor Meaden re-affirmed that the key driver for the revised pricing policy was the need to deliver a more targeted approach to the offer of concessions to specific groups of people, resident in Wirral, for whom price was a genuine barrier to access. It aimed to stop abuse and misuse of the concession scheme and preserved the Council's commitment to the provision of affordable and accessible facilities. Due regard was paid to the military covenant and, she made it clear, following discussions with Mr Hannigan and with Council officers, that he would continue to be eligible for free access to leisure facilities, in view of the nature of the psychological trauma that he had shared with the Committee.

Having due regard to the evidence considered by the Committee, she asked that the Cabinet decision be upheld and the Strategic Director – Families and Wellbeing be authorised to implement the revised pricing policy.

Committee Debate

In opening the matter for general debate, the Chair asked, in view of the considerable scrutiny of the Cabinet decision and the need to avoid unnecessary repetition, that final comments be kept brief. Views expressed were that –

- there was a need to address the abuse of concessionary passes that was evidenced by officers;
- the fraudulent use of free leisure passes should have been addressed, rather than denying access to some former members of the armed forces;
- those who currently had the benefit of free use but would not qualify under the new policy would be given access to a discount of 25% on the corporate Invigor8 membership

On behalf of the Committee, the Chair thanked those members of the public and Council officers who had given evidence and she outlined the options that were now available to the Committee, having considered the evidence provided.

She expressed a view that the reasons for the call-in had not been substantiated and that the Cabinet decision did comply with the spirit of the Council's commitment to the Armed Forces Military Covenant. Despite formal consultation not being required, she referred to the extensive discussions with

officers, Members and wider stakeholders, as highlighted in the Cabinet report. The scrutiny process had addressed concerns regarding the adjudication of disabling injuries and she believed that the Cabinet had had sufficient regard to issues of the psychological as well as physical conditions which affected some armed forces veterans.

Upon advice the Chair confirmed that the option to refer the matter to the Council was not available.

It was moved by Councillor M McLaughlin and seconded by Councillor P Doughty –

“That Cabinet minute 37 – 7 July 2014 (Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure) be upheld”.

It was moved as an amendment by Councillor Blakeley and seconded by Councillor Mike Hornby –

“That this Committee, having heard evidence this evening, stands unconvinced that any potential saving (the achievement of which remains dubious) made by implementing the decision at paragraph 3 of the Cabinet report, outweighs the harm this decision will do to Wirral’s reputation as an Authority which takes seriously its duties under the Military Covenant and as an Authority that does all it can to actively uphold and advance the Covenant.

Therefore, this Committee urges the Cabinet to reconsider its decision and restore the free Leisure Passes to all the veterans of Her Majesty’s Armed Forces.”

The amendment was put and lost (6:9)

The Substantive Motion was put and carried (9:6)

Resolved (9:6) (Councillor Blakeley voting against) – That Cabinet minute 37 (7 July 2014) – Transformation of Leisure Services Sports and Leisure Facilities Pricing Structure, be upheld.

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Minority Report - Public Health Outcomes Fund (Healthy Homes & Forest Schools)

This 'Minority Report' seeks Council approval to disagree with the conclusions of the Co-ordinating Committee of 18th September 2014 and asks Cabinet to reconsider its decisions in relation to the Public Health Outcomes Fund reductions.

Background

The Public Health Outcomes Fund is a ring-fenced grant and is required to be spent on public health-related activity.

Assurance is required that spend contributes to indicators from the Department of Health's Public Health Outcomes Framework 2013-16.

Cabinet, at its meeting of 10th October 2013, approved a number of projects to be funded from a projected underspend in a Government Grant known as the Public Health Outcomes Fund

Cabinet resolved to:-

- *approve the reinvestment of the public health grant funding as outlined in Appendix 1.*
- *note that progress and spend will be monitored by Public Health on a regular basis.*
- *note that the proposals will be evaluated against their Public Health outcomes in May/June 2015.*

Link to report - Public Health Outcomes Fund – agreed at Cabinet 10th October 2013

<http://democracy.wirral.gov.uk/documents/s50014535/Public%20Health%20Outcomes%20Funding%20Report.pdf>

Link to Public Health Outcomes Fund appendix projects agreed at Cabinet 10th October 2013

<http://democracy.wirral.gov.uk/documents/s50014536/Appendix%201%20-%20Public%20Health%20Outcomes.pdf>

On 7th July 2014, Cabinet considered a budget monitoring report (month two) and resolved (inter alia)

- (v) *Cabinet notes the mitigation actions being undertaken, including capitalisation, reprofiling and use of public health budgets as per paragraph 3.5 (of Appendix A.*

This decision was called in and considered by the Co-ordinating Committee on 18th September 2014.

Reasons for Call In

To disagree with paragraph (5) of minute 27 (Cabinet 7th July 2014) - changes to Public Health grant funded projects identified in Annex 4 of Appendix A listed as "Health Outcomes Fund - Efficiencies and Stopping" Having regard to Cabinet's decision of 10th October 2013, which noted that progress and spend would be monitored by The Public Health Department on a regular basis, no information on the impact on the previously agreed outcomes for each project that it is proposed to curtail or stop was placed before Cabinet on the 7th July prior to making the decision. Particular areas of concern

- a. Forest Schools - The Forest Schools project has had 727 children from 14 schools attending so far with plans for 6 schools to take part from September. This decision will mean a reduction of participation of 50% of early years children able to take part and a reduction in

children able to attend from schools from 30 to 15 per class. This results in schools being treated differently part way through the programme.

- b. Healthy Homes - Fewer homes will be able to benefit from grant assistance in bringing houses up to acceptable healthy standards. The decision will mean, based on the average cost of cosyhomes grants processed to date of £2,564 a reduction in help for 21 households Cabinet should not therefore approve the changes to the projects identified in Annex 4 of Appendix A until Families and Wellbeing Policy and Performance Committee has had an opportunity to scrutinise in full the impact on the agreed outcomes for each project affected.

Monitoring information by the Public Health Department should be made available to the Families and Wellbeing Policy and Performance Committee to enable them to properly advise Cabinet, in due course, of the impact of the proposed reductions, to enable a fully informed decision to be taken about each project.

With regard to the funding for the Forest Schools and Healthy Homes projects, Cabinet is urged to reconsider its decisions and restore the original level of grant funding so that the projects can build on the levels of participation and uptake as originally envisaged.

Report

The outstanding success of both projects is not called into question, however impact of the reductions on participants in the projects remain valid namely:

- that the removal of the funding for Forest Schools would result in a reduction of participation of 50% of early years children able to take part and a reduction in children able to attend from schools from 30 to 15 per class.
- that the removal of the funding for Healthy Homes would result in a reduction in help for up to 21 households able to benefit from grant assistance in bringing houses up to acceptable healthy standards.

The argument was put that as the original targets set had been met early, then a reduction in funding was justified. It is this argument that the minority report seeks to challenge.

Conclusion

It was the view of The Liberal Democrat Group that:

1. the fact that targets had been met was no basis for discontinuing the excellent work of both projects; it was apparent that the targets set were, at best, 'guesstimates' of what might be achievable and the fact that they had been exceeded simply meant that more children and homes were able to benefit from the work.
2. there was an inherent unfairness in the reduction in funding to Forest Schools as schools that had participated earlier in the scheme were able to send more pupils than schools participating later who were asked to choose.
3. as the PHO Fund was part of a ring-fenced grant and could only be spent supporting public health outcomes, it was not clear where the money removed from these projects had gone to meet the aims of the ring-fenced grant.

Given these conclusions, the Movers of this Minority Report ask Council to refer the matter back to Cabinet for them to reconsider the issues involved and further asks the Families and Wellbeing Policy and Performance Committee to scrutinise the expenditure and outcomes of the Public Health Outcomes Fund.

SK / 02.10.14

POLICY AND PERFORMANCE COORDINATING COMMITTEE

Thursday, 18 September 2014

<u>Present:</u>	Councillor	M McLaughlin (Chair)	
	Councillors	P Doughty	M Sullivan
		P Brightmore	KJ Williams
		A Leech	J Williamson
		C Muspratt	W Clements
		W Smith	S Williams
<u>Deputies:</u>	Councillors	D Elderton (in place of C Blakeley)	
		B Berry (in place of T Anderson)	
		G Ellis (in place of M Hornby)	
		D Mitchell (in place of P Gilchrist)	

22 APOLOGIES FOR ABSENCE

The Chair welcomed everybody to the meeting and asked if there were any apologies. The Committee Services Officer informed the meeting that there were a number of deputies present for Committee Members who were absent. (See the list above).

23 CODE OF CONDUCT - DECLARATIONS OF INTEREST RELEVANT AUTHORITIES (DISCLOSABLE PECUNIARY INTERESTS) REGULATIONS 2012, INCLUDING PARTY WHIP DECLARATIONS

Members were asked to consider whether they had any disclosable pecuniary interests and/or any other relevant interest in connection with any item(s) on this agenda and, if so, to declare them and state the nature of the interest.

Members were reminded that they should also declare whether they were subject to a party whip in connection with any item(s) to be considered and, if so, to declare it and state the nature of the whipping arrangement.

No such declarations were made.

The Chair asked the Head of Legal and Member Services to give advice on the matter of signatories to the call-in notice sitting on the Committee.

The Head of Legal and Member Services informed the Committee that although being a signatory to a call-in notice did not preclude a Member from

sitting on the Committee hearing the call-in they would need to be mindful of pre-determination and bias. Simply supporting a call-in did not necessarily amount to a member accepting the reasons had been made out and proven. A call-in notice was essentially confirmation that there was a prima facie case to review how the Executive decision in question had been reached; and did not amount to the settled view of the member(s) supporting the call-in.

Councillor Mitchell informed the Committee that he was deputising on the Committee for Councillor Gilchrist and was there with a clear and open mind.

24 **CALL-IN OF A DELEGATED DECISION - CABINET MINUTE NO. 27 - FINANCIAL MONITORING 2014/15**

In accordance with the procedure previously agreed by the Committee, the Chair referred to the decision of the Cabinet relating to the Financial Monitoring Report 2014/15 Month 2 in respect of part 5 of the resolution (Cabinet Minute 27 (7/7/14) refers).

The decision had been called-in by Councillors S Kelly, C Carubia, P Gilchrist, P Williams, C Blakeley, D Mitchell and P Hayes on the following grounds:

“To disagree with paragraph (5) of minute 27 (Cabinet 7th July 2014) - changes to Public Health grant funded projects identified in Annex 4 of Appendix A listed as “Health Outcomes Fund - Efficiencies and Stopping” Having regard to Cabinet’s decision of 10th October 2013, which noted that progress and spend would be monitored by The Public Health Department on a regular basis, no information on the impact on the previously agreed outcomes for each project that it is proposed to curtail or stop was placed before Cabinet on the 7th July prior to making the decision. Particular areas of concern -

- (a) Forest Schools - The Forest Schools project has had 727 children from 14 schools attending so far with plans for 6 schools to take part from September. This decision will mean a reduction of participation of 50% of early years children able to take part and a reduction in children able to attend from schools from 30 to 15 per class. This results in schools being treated differently part way through the programme
- (b) Healthy Homes - Fewer homes will be able to benefit from grant assistance in bringing houses up to acceptable healthy standards. The decision will mean, based on the average cost of cosyhomes grants processed to date of £2,564 a reduction in help for 21 households Cabinet should not therefore approve the changes to the projects identified in Annex 4 of Appendix A until Families and Wellbeing Policy and Performance Committee has had an opportunity to scrutinise in full the impact on the agreed outcomes for each project affected.

Monitoring information by the Public Health Department should be made available to the Families and Wellbeing Policy and Performance Committee to enable them to properly advise Cabinet, in due course, of the impact of the proposed reductions to enable a fully informed decision to be taken about each project.

With regards to the funding for the Forest Schools and Healthy Homes projects Cabinet is urged to reconsider its decisions and restore the original level of grant funding so that the projects can build on the levels of participation and uptake as originally envisaged.”

The Committee was invited to consider the decision that had been made and determine, in the light of evidence to be presented, the most appropriate course of action. The Committee had no power to overturn a Cabinet decision, or to substitute its own decision in place of the original. The options open to the Committee in this case were:

- to take no further action, in which case the original decision shall take immediate effect and may be implemented;
- to refer the decision back to the Cabinet Member for reconsideration, setting out in writing the nature of the Committee’s concerns.

The Head of Legal and Member Services advised that the third option detailed within the call-in procedure was not applicable given the nature and arguments presented during the call-in.

Explanation of the Call-In by the Lead Signatory, Councillor Stuart Kelly

Councillor Kelly provided a brief explanation of the call-in, he stated that the Cabinet Member for Leisure, Tourism and Culture had reported on the success of Forest Schools in her report to Council on 14 July, 2014 and that two schools were making Forest Schools part of their intervention methodology after seeing the positive effects. The Cabinet Member for Neighbourhoods, Housing and Engagement had stated in his report to Council on 14 July, 2014, that the ‘Housing Standards Team were successful in securing Public Health Outcomes funding to extend the Healthy Homes project into the Community NHS Trust until 1 April 2015 to help reduce health inequalities.

He referred to an email from Lisa Newman on the impact of the Healthy Homes budget being cut and a reduction in help to up to 21 households assuming the average grant was given. Some of the Health Outcomes Fund had been capitalised and the Healthy Homes project was already in the capital programme so why not seek to capitalise revenue.

He expressed concern at the impact of the £35,000 cut to the Forest Schools programme and that schools were now being asked to select 15 children

rather than 30 per class. It was a matter of fairness because those going earlier in the programme would have been able to send 30 but now schools could only send 15.

Explanation of the Decision Taken by the Cabinet – Councillor Phil Davies – Leader of the Council

Councillor Phil Davies reminded the Committee that these were both time limited projects for 2013/14 and 2014/15. Both of which had to have public health outcomes. He outlined the selection process for all the projects which after having been agreed were reviewed to see whether a project still required all the funding. This was done at the time of making significant savings due to Government cuts and then the report was taken to Cabinet in July.

The Forest Schools project had exceeded its original target of 660 participants fairly early on with over 700 taking part by the end of year 1. Because it had started late and exceeded its target it was asked if money could be saved. Experience had also showed that the children got more out of the project if they were in smaller groups and that was why the reduction from 30 to 15 per group was made and he did not accept that the original objective of the project had been affected.

The Healthy Homes project had exceeded its target with over 220 healthy homes visits and a successful bid for £289,000 of capital funding, this project was effectively delivering all of its outcomes.

Both projects were delivering through prudent financial management without anybody losing out. It would be a real concern if the original budgets were restored as he was not confident that the projects could deliver anymore if the funding was restored. He requested that the Committee should confirm the decision of Cabinet.

The Chair then agreed that as two of the witnesses had been called by both the lead signatory of the call-in and the Cabinet Member they be called only once to provide evidence / information to the Committee.

Evidence from Call-In Witnesses

Mary Worrall, Senior Manager Parks and Countryside Services

Mary Worrall outlined the project to the Committee, which had started in November, 2013 as a pilot scheme. The original intention was to start the project in October, 2013, although approval had not been given until October. Up to now 727 children had taken part from 14 schools. Schools had aspirations for a whole class to take part though as the project had progressed it had become clear that children benefitted more on a one-to-one level and this was best achieved through a group with an optimum size of 15.

There had been an underspend in the first year of £18,000 and so this had been deducted for the second year.

The Committee then asked Ms Worrall some questions and her responses included the following comments:

- There had been input from the Rangers on the best size of a group to get the maximum benefit.
- Lessons had been learnt from the first year that smaller groups did benefit more.
- The early years team had supported two events for the project.
- She outlined the original intended outcomes and also the contributions made from schools which ranged from £200 for subsidised schools up to £1,650 when schools had sent more than 15 children.
- With a two year pilot the project was well on its way to achieving its objectives and she outlined the qualitative measures which also formed part of the outcomes.
- By the end of the two years up to 23 different classes would have been held.

Lisa Newman, Senior Manager Housing Strategy

Lisa Newman outlined the healthy homes project which had run for a number of years and which had secured public health outcomes funding up to April 2015. It was run as a single assessment process with the Housing Standards Team working alongside health partners.

The Committee then asked Ms Newman some questions and her responses included the following comments:

- Significant progress had been made working with partner agencies and they had made commitments as to the way referrals were undertaken.
- There were a wide range of household compositions accessing the grants from older people to younger people with mental health problems.
- She confirmed that the Housing Standards Team had been consulted on the proposed cut to funding in May 2014 and had been asked what the potential impact could be.
- The number of assessments carried out was ahead of the target.
- The Team could potentially achieve the higher target of providing up to 24 loans and grants.
- The capital programme funding would be sufficient to address any shortfall.
- There was £289,000 of funds unallocated with 72 people on the waiting list, although that was not to say there wouldn't be an increase in the number of applicants in the winter months.

- Forecasts of the numbers to be helped were based on figures for the previous years and even with the reduction in funding all those currently assessed would be able to receive loans / grants.
- If all the funding was used up other avenues of funding sources would be looked at and reported to Members.

Evidence from Cabinet Member's Witness

Kevin Adderley, Strategic Director Regeneration and Environment; Fiona Johnstone, Director of Public Health / Head of Policy and Performance

Kevin Adderley stated that the Cosy Homes scheme had been around a number of years and that the Forest Schools project was a relatively new initiative.

The Chief Executive Strategy Group had been reviewing all the Public Health Outcomes Funding because of the budget situation and what each project was trying to achieve. They had agreed that as there had been an £18,000 underspend on the Forest Schools project in the first year, funding could be reduced by a further £18,000 on the undertaking that there was no reduction in outcomes. The Cosy Homes or Healthy Homes project was funded through both the Public Health Outcomes Funding and the capital programme and the reduction was based on the fact that there were capital programme monies available. He was comfortable with both these projects that there would be no impact on what was trying to be achieved.

The Committee then asked Mr Adderley some questions and his responses included the following comments:

- Every Public Health Outcomes Funding project was reviewed, some were chosen to continue and others to stop.
- The recommendation was that these two projects should absolutely continue because of their excellent work and that they would be able to deal with a reduction in their funding.
- There was no need to capitalise the Cosy Homes fund because capital funding was available.
- They were all private sector homes that received grants and he was confident that all those that came forward and were suitably assessed could be helped.

Fiona Johnstone gave an outline of the Public Health Outcomes Funding and stated that a panel, consisting of the Portfolio Holder, Chief Executive and Director of Public Health, had met to review all the Public Health Outcomes Funding projects. Two questions were posed, 'Could we see a clear line of sight between the proposal and a public health outcome?' and 'Whether or not there was a good chance of feasibly delivering the project?' These recommendations had been put forward in October 2013 for a number of

schemes to be included. Projects were reviewed on an eight monthly basis by the Public Health team monitoring progress and financial expenditure.

A number of considerations were made at this review, including, whether there was an opportunity to fund through the capital programme, could efficiencies be made in delivering the project, had the project timing had any impact on the in year spend and were there any legal commitments.

All the projects would be evaluated in May / June 2015 on their outcomes.

The Committee then asked Ms Johnstone some questions and her responses included the following comments:

- No projects had been given extra funding.
- Every project had had a written assessment before any decision to reduce funding.
- The decision to reduce funding was taken if a project could be undertaken more efficiently and not as a way to change any outcomes.

Summary of the Lead Call-In Signatory, Councillor Stuart Kelly

Councillor Kelly, in summing up, stated that the ring-fenced grant ought to be spent on public health outcomes. Forest schools had been a victim of its own success. He suggested that if 15 was the optimum size for a class to benefit from the project then why not have two classes of 15. With regard to Healthy Homes, although the Housing Standards Team had been resourceful in finding funding there must be more homes in need of intervention. The reduction in funding had nothing to do with next year's budget but rather the stability of this year's budget.

Summary of the Cabinet Member, Councillor Phil Davies

Councillor Phil Davies, in summing up, stated that as these two projects had effectively achieved their original outcomes having underspent, it was sensible to make the savings. These decisions had been taken against the backdrop of savage Government cuts in the Council's budget. He did not believe that if the budgets were restored the funding could be spent by April 2015. He would like to see the two projects continue although the money should be forming part of the Council's mainstream budget.

The funding reductions were based on prudent financial management and he asked that the Committee endorse the Cabinet decision.

The Chair then opened the matter for debate.

A Member suggested that this was a classic example of officers working efficiently in difficult circumstances.

Other Members suggested that the public health money was not part of the Council's budget problem as it was ringfenced and should be left alone.

Having carefully considered the options open to the Committee it was moved by Councillor Doughty and seconded by the Chair, that –

“This Committee congratulates the officers on the successful implementation of these projects and their prudent financial management and that as a result of questions asked and evidence presented the decision of the Cabinet of 7 July, 2014 on Financial Monitoring 2014/15, be upheld.”

It was then moved as an amendment by Councillor Clements and seconded by Councillor Elderton, that –

“This Committee congratulates the officers on the successful implementation of these projects and their prudent financial management and that the Committee refers this matter back to Cabinet asking that this ring-fenced money be retained for the projects that need it.”

The amendment was put and lost (6:9)

The motion was put and carried (9:6)

Resolved (9:6) –

This Committee congratulates the officers on the successful implementation of these projects and their prudent financial management and that as a result of questions asked and evidence presented the decision of the Cabinet of 7 July, 2014 on Financial Monitoring 2014/15, be upheld.

Minority Report

This Minority Report is produced by Councillors Leah Fraser, Wendy Clements, Stephen Williams, Bruce Berry and Tom Anderson following a meeting of the Coordinating Committee on Thursday 2nd October 2014.

The Committee was convened following a call in of the Cabinet's decision on 04th September 2014 regarding closure of The Lyndale School. The Call In was led by Councillor Paul Hayes and the reasons given are repeated below: -

1. The Independent Consultant appointed to comment upon the options for Lyndale School was appointed unilaterally by the Local Authority, with no consultation with the Governors or Parent's of Lyndale School.

2. The Independent Consultant's report was not commissioned prior the consultation and was published once the consultation had closed, therefore not allowing any proper or adequate scrutiny of the aforementioned report.

3. Cabinet had prepared, prior to the meeting, a typed and printed recommendation which was moved by Cllr Tony Smith and agreed unanimously by attending members of the Cabinet. It would therefore seem that Cabinet's decision had insufficient regard to the presentations made at the Cabinet meeting, including the articulate and highly persuasive contributions from parent representative Zoe Anderson.

4. Education, Health and Care Plans are currently being drafted in respect of all pupils who attend the Lyndale School. In order for Cabinet, the Independent Consultant, or indeed the wider public, to have sufficient information to decide whether or not these pupils could continue their education at alternative schools the aforementioned plans should have been published prior to the opening of the consultation.

5. A series of questions raised by Governors and Parents of the Lyndale School to the Local Authority where not answered adequately or at all, so as to hinder the Governor's and parent's ability to fully respond to the consultation process.

6. The consultation meetings, although described as 'generous' by the Independent Consultant, where flawed, insofar as the Chair was an council officer and could not reasonably have been seen as independent given officers previous recommendations to Cabinet. Additionally no minutes of these meetings where published but rather 'high level notes' which were not conducive to the principle of a full and open consultation.

7. Owing to the above the Cabinet could not have made a properly informed decision as to whether the proposals met the SEN Improvement Test.

Cllr Hayes called the following witnesses: -

Zoe Anderson (Parent Governor at Lyndale School)

Dawn Hughes (Parent Governor at Lyndale School)

Emma Ledbetter (Parent Governor at Lyndale School / Lunchtime Assistant at Stanley School)

Nicola Kenny (Teaching Assistant at Lyndale School)
Tom Harney (Chair of Governors / Former Councillor for Eastham)
Ian Harrison (Accountant and Lyndale School Governor)
Christopher Locke (Lyndale School Fundraiser)
Emma Howlett (Former Parent of Lyndale School Pupil)

It should be noted that Cllr Hayes also called Alison McGovern MP as a witness however she was unable to attend.

Cllr Tony Smith (cabinet member) called the following witnesses: -

David Armstrong

Lynne Wright (Consultant commissioned by the Council, it should be noted Ms Wright was called by both Cllr Hayes and Cllr Smith)

Andrew Roberts

Cllr Phil Davies

Julia Hassall

During the debate we feel that the witnesses called by Cllr Hayes were articulate in expressing not only their emotional attachment to Lyndale as a fantastic school but also their reasoned case as to why the Cabinet's proposal did not meet the 'SEN Improvement Test' was, in our opinion, convincing. From the evidence we heard we have formed the opinion that the officer's view that this school is financially unsustainable is something that can and should be addressed by the council reviewing the funding bands in place and working with the School's Forum to ensure The Lyndale School remains open. Indeed we note that a review of the funding bands is due to take place and we believe that no plans for closure should be announced prior to the outcome of this review.

Following the debate it was moved –

"The committee having listened to evidence cannot agree with the Cabinet's decision to close the school.

The committee believe that due to the excellent job the Lyndale School does in caring for and educating their pupils, that the school should remain open."

We would also recommend that the cabinet re-considers its decision and asks the officers to work with the Wirral School's Forum to ensure reform of the current banding system that truly reflects the needs of each child."

The aforementioned motion was supported by all signatories of this Minority Report and Cllr Gilchrist, the motion was lost. The signatories of this Minority Report also supported a motion moved by Cllr Gilchrist but this was also lost.

The majority decision of the Committee was to endorse the decision of Cabinet and for the reasons aforesaid we cannot agree and have therefore submitted this Minority Report.

We are firmly of the view that the case for Wirral Council to retain such a unique and special school has been convincingly made.

Council – 20 October 2014

Motions

The following motions have been submitted in accordance with the notice required by Standing Order 7(1) and are listed in the order received.

1. HOMES THAT MEET OUR FUTURE NEEDS

Proposed by Councillor Phil Gilchrist

Seconded by Councillor Dave Mitchell

This Council welcomes the publication of 'Housing in later life' by Age UK.

Council notes that the report called on the Government to ensure that all new homes are built to the 'lifetime standard' so that they can be easily adapted as people age, with standards that allow older people with different care needs to live independently, for as long as possible.

<http://www.ageuk.org.uk/latest-press/lack-of-suitable-housing-costing-the-nhs-millions-every-year/>

Council notes that the document contained a number of observations and recommendations about re-ablement services, assessments of properties and commissioning strategies and future investment in extra care housing.

Council also recognises that the Government has introduced five core standards for housing.

These include new optional building regulations for accessible and adaptable mainstream housing to meet the needs of older and disabled people.

<https://www.gov.uk/government/consultations/housing-standards-review-technical-consultation>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/354091/02_140731_HSR_Supporting_Doc1_Access.pdf

Council requests that appropriate officers and Cabinet Members:

- (1) Review these publications and respond to the consultation.
- (2) Establish how the Council's current and emerging policies can reflect these suggestions, requests and changes.
- (3) Consider how new building projects in the Borough can be provided with hallways and doorways that enable adequate access in line with the outcome of the consultation and legislation.
- (4) Report back on their findings and on which matters they can take forward.

2. TOWNMEADOW STATION

Proposed by Councillor Steve Williams

Seconded by Councillor Bruce Berry

- (1) Council notes the investment in our railways, notably the £400 million for electrifying lines in the North West, including £160 million to electrify the line between Liverpool and Manchester.
- (2) Council welcomes the Long Term Rail Strategy, developed by Merseytravel and Network Rail, which outlines further ways in which investment in the local rail network can help to deliver additional benefits for the economy and local commuters, including:
 - Service improvements on the Bidston - Wrexham line, electrification and new stations.
 - New stations, including Townmeadow, on the Wirral Line
- (3) Council instructs the Chief Executive to make available all evidence held by the Council that can be used to support the business case for these improvements, including data on jobs, investment, travel and population in the areas affected.

3. 44 COUNCILLORS

Proposed by Councillor Jeff Green

Seconded by Councillor Leah Fraser

Council notes the recent decision taken by Knowsley Council to begin consulting its residents over reducing the number of councillors from 63 to 45.

This Council believes that instead of presenting the public with petty, vindictive, rehashed and previously rejected budget options including:

- pulling the plug on school crossing patrols
- introducing car parking charges at Wirral's Country Parks
- not filling grit bins
- removing Council Tax over 70s discount
- closing public conveniences
- increasing fees and charges for football pitches, allotments, bowling greens, burials and cremations

The Leader of the Council should be consulting the public over reducing the number of councillors.

In the absence of the Leader of the Council's willingness to act Council requests the Boundary Commission for England commence an inquiry into the number of councillors, and the electoral cycle, in Wirral, on Council's wish to reduce the number of councillors to 44.

Council therefore instructs the Chief Executive to invite the Boundary Commission for England to meet with representatives of all parties represented on the Council and agree a timetable for the inquiry.

4. SUPPORT FOR HS2

Proposed by Councillor Paul Hayes

Seconded by Councillor Tom Anderson

This Council, in recognising that High Speed Rail will do much to ensure that Wirral continues to benefit from our nation's growing economy, resolves to:

- (1) Fully support the '20 Miles More' campaign and the Liverpool Echo's 'Linking Liverpool' campaign which seeks to ensure that Liverpool is directly linked to the proposed High Speed Rail network.
- (2) Asks the Chief Executive to write to the Chancellor of the Exchequer expressing this Council's determined support for the campaign for Liverpool to have a direct connection to HS2 and furthermore our support for any HS3 East – West route to begin with Liverpool.

5. LABOUR'S FINANCIAL MISMANAGEMENT

Proposed by Councillor Jeff Green

Seconded by Councillor Lesley Rennie

Council is extremely disappointed to note the reported £260,000 spent with the V4 consultancy firm and believes this is yet another demonstration of Labour's lack of grasp of economic realities.

In addition, the Labour Administration has overseen –

£150,000 spent on 'illegal' vehicles

£100,000 spent on the old Town Hall lift

£26,000 spent on a new carpet for Wallasey Town Hall

£20,000 spent on upgrading toilets in Wallasey Town Hall

£1,000,000 spent on the so called 'Downtown Abbey' staircases

These warped financial decisions means the public is now faced with choosing whether to stop funding school crossing patrols and closing libraries in the latest budget consultation.

Council believes that hardworking Wirral residents have the absolute right to know exactly where their hard earned cash goes and therefore Council requests the Standards and Constitutional Oversight Committee urgently review the current scheme of delegation with a view to recommending that the scheme be altered so that all consultancy spend in excess of £50,000 is reported to Cabinet prior to authorisation being given.

6. DEVOLUTION TO CITY REGIONS AND LOCAL GOVERNMENT

Proposed by Councillor Phil Davies

Seconded by Councillor Ann McLachlan

This Council welcomes the result of the Scottish referendum and is pleased that the people of Scotland voted to stay within the United Kingdom.

Council notes that the coalition government has agreed to produce legislation by January 2015 to devolve additional powers and responsibilities to Scotland and the other constituent parts of the United Kingdom.

Council supports the principle that decisions on the needs of Wirral and the Liverpool City Region are best made by locally elected members rather than ministers and civil servants in Whitehall.

Council therefore believes that a key part of the proposed legislation should include measures to devolve more powers and funding from Whitehall to City Regions and local authorities in England.

Council urges the government to refuse to pander to right-wing Tory backbenchers who wish to use the result of the Scottish referendum for party political advantage.

Council therefore agrees to lobby the government for greater devolution to Wirral Council and the Liverpool City Region Combined Authority and to write to the four Wirral MPs to request them to support this stance.