



# Cabinet

<b>Date:</b>	<b>Monday, 24 June 2019</b>
<b>Time:</b>	<b>10.00 a.m.</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

This meeting will be webcast at  
<https://wirral.public-i.tv/core/portal/home>

**Contact Officer:** Patrick Sebastian  
**Tel:** 0151 691 8424  
**e-mail:** [patricksebastian@wirral.gov.uk](mailto:patricksebastian@wirral.gov.uk)  
**Website:** <http://www.wirral.gov.uk>

---

## AGENDA

### 1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST

Members of the Cabinet are asked to consider whether they have any disclosable pecuniary 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.

### 2. MINUTES

The minutes of the last meeting have been printed and published. Any matters called in will be reported at the meeting.

RECOMMENDATION: That the minutes be approved and adopted.

### LEADER'S UPDATE

### 3. EXECUTIVE KEY DECISIONS TAKEN UNDER DELEGATED POWERS (Pages 1 - 24)

**Key Decisions** – taken under delegated powers. Period 15 March 2019 (date of publication of last Cabinet agenda) to date.

- Capital Funding for Extra Care Housing Development. Leader Decision (Adult Care and Health Portfolio). Decision date: 18 March 2019. Effective: 26 March 2019.
- Application for Financial Assistance. Cabinet Member Jobs and Growth. Decision date: 5 April 2019. Effective: 13 April 2019.

- Highway Structural Maintenance Programme 2019/20 - Local (Unclassified) Roads Programme. Cabinet Member Highways and Transport. Decision date: 3 May 2019. Effective: 14 May 2019. (Supporting report and programme of works also attached).

**4. RECOMMENDATION FROM AUDIT AND RISK MANAGEMENT COMMITTEE (Pages 25 - 28)**

Cabinet is requested to consider the recommendation of the Audit and Risk Management Committee (24 April 2019) in respect of 'Verification of the Validity Supplier VAT Registration Numbers' and the 'Appointment / Employment of Agency Workers'. Minute No 73 refers (as attached).

**5. APPOINTMENT OF MEMBERS TO THE JOINT STRATEGIC COMMISSIONING BOARD**

Cabinet is requested to confirm Member appointments to the Joint Strategic Commissioning Board (Committee of Cabinet).

**6. EXECUTIVE DECISION MAKING PROCESS (Pages 29 - 52)**

**CABINET MEMBER REPORTS**

**7. WIRRAL'S LOCAL OFFER FOR CARE LEAVERS (Pages 53 - 90)**

**8. LOCAL GOVERNMENT OMBUDSMAN REPORT (MARCH 2019) (Pages 91 - 108)**

**9. EXEMPT INFORMATION - EXCLUSION OF THE PRESS AND PUBLIC**

The following items contain exempt information.

RECOMMENDATION: That, under section 100 (A) (4) of the Local Government Act 1972, the public be excluded from the meeting during consideration of the following items of business on the grounds that they involve the likely disclosure of exempt information as defined by paragraph 3 of Part I of Schedule 12A (as amended) to that Act. The Public Interest test has been applied and favours exclusion.

**10. APPLICATION FOR FINANCIAL ASSISTANCE - COMPANY NAMED IN REPORT (Pages 109 - 118)**

### ***Audio/Visual Recording of Meetings***

*Everyone is welcome to record meetings of the Council and its Committees using non-disruptive methods. For particular meetings we may identify a 'designated area' for you to record from. If you have any questions about this please contact Committee and Civic Services (members of the press please contact the Press Office). Please note that the Chair of the meeting has the discretion to halt any recording for a number of reasons, including disruption caused by the filming or the nature of the business being conducted.*

*Persons making recordings are requested not to put undue restrictions on the material produced so that it can be reused and edited by all local people and organisations on a non-commercial basis.*

This page is intentionally left blank

## LEADER DECISION FORM

### DECISION TO BE TAKEN BY:

Councillor Phil Davies, Leader of Wirral Council

**PORTFOLIOS AFFECTED:** Adult Care and Health

**WARDS AFFECTED:** All

---

**SUBJECT: Capital Funding for Extra Care Housing Development**

---

### 1. RECOMMENDATION:

- 1.1. It is recommended that the Council agree to capital payments of £439,530 to Alpha Living from the Council Extra Care Capital Programme.

### 2. REASONS FOR THE DECISION

- 2.1. This is in order for 78 units of extra care to be developed at Woodpecker Close. This will be a key development that contributes towards the planned additional 300 units required to achieve the Wirral Plan target, and to improve the range of housing choice for disabled people. It will specifically support older people with care and support needs. The Council will hold nomination rights, and appropriate legal agreements will be put in place.

### 3. STATEMENT OF COMPLIANCE

The recommendations are made further to legal advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been completed. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

#### 4. DECLARATION OF INTEREST

<p><b>Signed:</b> </p> <p><b>Executive Member:</b></p> <p><b>Date:</b> 14/03/2019</p> <p><b>Also present:</b></p>	<p><b>Signed:</b> </p> <p><b>Chief Officer: Graham Hodkinson</b></p> <p><b>Date: 23.01.19</b></p>
<p><b>Date of Senior Policy Team Meeting(s):</b></p>	

**A list of background papers on this issue is held with:**

Contact Officer: Simon Garner

Date: 09/01/2019

**Date of Publication: Not applicable**

**Date of Expiry of Call-In Period: Not applicable**

## EXECUTIVE MEMBER DECISION FORM

**DECISION TO BE TAKEN BY:** Cabinet Member Jobs & Growth

**KEY DECISION:** YES

**PORTFOLIO AREA:** Growth

**PORTFOLIOS AFFECTED:** GROWTH

**WARDS AFFECTED:** ALL WARDS

---

**SUBJECT: COMPANY NAMED IN THE REPORT – APPLICATION FOR FINANCIAL ASSISTANCE**

---

### **1. RECOMMENDATION:**

- 1.1. It is recommended that a) a grant of £180,000 be approved towards the business project being undertaken by the company named within this report, and b) that this grant is paid from the date of the signing of the legal agreement.
- 1.2. The Director of Governance and Assurance be authorised to draw up and sign a legal agreement between the Council and the business based on the content of this report and subject to the detailed contracting process.

### **2. REASONS FOR THE DECISION**

- 2.1 To enable the company named in this report to expand, create jobs, in line with the objectives of the Council's Business Investment Fund and Wirral Growth Plan.

### **3. STATEMENT OF COMPLIANCE**

- 3.1 The recommendations are made further to legal advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been completed. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

#### 4. DECLARATION OF INTEREST

4.1 Not Applicable.

<b>Signed:</b> A. Davies <b>Executive Member:</b> ANGELA DAVIES <b>Date:</b> 5.4.19 <b>Also present:</b>	<b>Signed:</b>  <b>Chief Officer:</b> Paul Senior <b>Date:</b> 5-4-19
<b>Date of Senior Policy Team Meeting(s):</b>	

**A list of background papers on this issue is held with:**

Contact Officer: Sally Shah  
Date: 02/04/2019

**Date of Publication:**

**Date of Expiry of Call-In Period:**

## EXECUTIVE MEMBER DECISION FORM

**DECISION TO BE TAKEN BY: CLLR STUART WHITTINGHAM**

**KEY DECISION: YES**

**PORTFOLIO AREA: HIGHWAYS & TRANSPORT**

**PORTFOLIOS AFFECTED: HIGHWAYS & TRANSPORT**

**WARDS AFFECTED: ALL WARDS**

---

**SUBJECT: HIGHWAY STRUCTURAL MAINTENANCE PROGRAMME  
2019/20 – LOCAL (UNCLASSIFIED) ROADS PROGRAMME**

---

### **1. RECOMMENDATIONS:**

That the Cabinet Member be requested to approve the detailed programme of Hot Rolled Asphalt, Dense Bitumen Macadam and Surface Treatment schemes for the maintenance of Local (Unclassified) Roads up to a value of £1,900,000 at locations as outlined in Appendices 1 and 2 of this report.

### **2. REASON/S FOR RECOMMENDATIONS:**

This investment in the maintenance of the highway network enables the Council to comply with its statutory duty to maintain the highway.

### **3. STATEMENT OF COMPLIANCE**

*The recommendations are made further to legal advice from the Deputy Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been completed. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.*

### **4. DECLARATION OF INTEREST**

There are no conflicts of interest.

<p><b>Signed:</b> </p> <p><b>Executive Member: Cllr Stuart Whittingham</b></p> <p><b>Date: 26 April 2019</b></p> <p><b>Also present:</b></p>	<p><b>Signed:</b> </p> <p><b>Chief Officer: Mark Smith</b></p> <p><b>Date: 26 April 2019</b></p>
<p><b>Date of Senior Policy Team Meeting(s):</b></p>	

**A list of background papers on this issue is held with:**

Contact Officer: Brian Smith  
Date: 25 April 2019

**Date of Publication:**

**Date of Expiry of Call-In Period:**

*Form Reference: Executive Member Decision Form May 2012 v 1.0*

<b>COUNCILLOR STUART WHITTINGHAM</b>  <b>CABINET MEMBER FOR HIGHWAYS &amp; TRANSPORT</b>	<b>CABINET MEMBER REPORT</b>  <b>26 APRIL 2019</b>  <b>HIGHWAY STRUCTURAL MAINTENANCE PROGRAMME 2019/20 – LOCAL (UNCLASSIFIED) ROADS PROGRAMME</b>
--------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------

### **REPORT SUMMARY**

At the Cabinet meeting on 25<sup>th</sup> March 2019 (Minute 71 refers), Members approved an overall allocation of £2,540,000 to be spent on the maintenance of Local (Unclassified) Roads and Footways.

This report now seeks approval for the detailed programme of Hot Rolled Asphalt, Dense Bitumen Macadam and Surface Treatment schemes to be funded from this allocation to a value of £1,900,000.

A further report covering the remainder of the allocation (£640,000) including the detailed programme for Footway Maintenance schemes will follow during summer 2019.

This programme will support the delivery of the Connecting Wirral Transport Strategy and the Wirral Plan Pledge to provide transport and technology infrastructure fit for the future, to ensure that Wirral has a safe, affordable, well-maintained and efficient transport network for residents to access community services, enjoy our leisure facilities and commute to work.

The maintenance of highways is a statutory duty for the Council under the Highways Act 1980 (as amended).

This is a Key Decision on the Council's Forward Plan and affects all Wards.

### **RECOMMENDATION/S**

That the Cabinet Member be requested to approve the detailed programme of Hot Rolled Asphalt, Dense Bitumen Macadam and Surface Treatment schemes for the maintenance of Local (Unclassified) Roads up to a value of £1,900,000 at locations as outlined in Appendices 1 and 2 of this report.

## SUPPORTING INFORMATION

### 1.0 REASON/S FOR RECOMMENDATION/S

This investment in the maintenance of the highway network enables the Council to comply with its statutory duty to maintain the highway.

### 2.0 OTHER OPTIONS CONSIDERED

None. The programme is based on meeting the highest priority needs within the funding available against condition and assessment criteria.

### 3.0 BACKGROUND INFORMATION

3.1 At the Cabinet meeting on 25<sup>th</sup> March 2019 (Minute 71 refers), Members approved an overall allocation of £2,540,000 to be spent on the maintenance of Local (Unclassified) Roads and Footways.

3.2 This report now seeks approval for the detailed programme of Hot Rolled Asphalt, Dense Bitumen Macadam and Surface Treatment schemes to be funded from this allocation to a value of £1,900,000.

3.3 An overview of these treatments is as follows:

#### 3.3.1 Hot Rolled Asphalt

##### Material:

- Hot Rolled Asphalt (HRA) is a dense mixture of mineral aggregate; sand filler and bitumen.
- The sand filler reduces voids on compaction, the bitumen provides strength.
- The bitumen binder is a mixture of petroleum and polymer modified produced to a high technical specification.
- A hard stone pre-coated aggregate stone (chipping) is applied to provide skid resistance.

##### Application:

- The material is usually laid by machine and is very hot between 120 to 180°C on a bitumen Bond Coat.
- The material is laid with a stone chipping following immediately after and rolled compacted.

##### Process:

- The original road surface is removed by milling (planing) to a depth of 50mm. Any damaged iron work is replaced or adjusted.
- The Bond coat is applied.
- The material is applied by a machine commonly known as a Barber Green.

- The chippings are applied by the use of a calibrated spreader to provide the correct rate of spread.
- The material is then compacted with two 10 tonne dead weight rollers.

Use:

- The material is highly durable, provides high strength and is used on all main and commercial routes and has a design life of 10 to 20 years depending on location.

### 3.3.2 Dense Bitumen Macadam

Material:

- This product is a mixture of aggregates of various sizes (grading) all measured from a coarse 20mm to a fine 3mm aggregate size.

Application:

- This is mixed with a hot bitumen which binds the material together and prevents water ingress.
- Depending on the material design (based on the use of the road) will depend the size of the aggregate used and the strength of the bitumen, this is known as its penetration which also shows in the viscosity (the measure of how flow able the bitumen is).
- The material obtains most of its strength from the interlocking action of the aggregates.

Process:

- The process of laying the material is the same as Hot Rolled Asphalt, except the depth will usually be 30 to 40 mm.

Use:

- As a surface material to restore the profile on local roads, but due to its limited strength is not suitable for commercial routes.
- The design life can vary due to the location and use of the road, but it usually ranges from 8 to 16 years, but given the issues with planning can prove very expensive as additional material is usually needed.

### 3.3.3 Surface Treatments

The programme includes two types as follows:

#### Micro Asphalt

- This surface treatment is a cold applied polymer modified binder bituminous material which overlays an existing surface which can fill in ruts, treats cracks, seals porous surfaces and can restore minor to moderate loss of carriageway profile.
- The material has a fast machine application, trafficking possible within 5 to 20 minutes, depending on ambient temperature. The material is suitable for a variety of surfaces and most classes of road.
- The Micro asphalt provides a pleasing finish, no ravelling or bleeding. Requires no rolling action as traffic use consolidates surface.

- The material has a design life of 10 years and has been used on Wirral since the late eighties with very low site problems and depending on road use can achieve double its design life.
- As this product does not remove the existing surface it can by the overlay provide some strength and has the ability to restore a certain amount of profile making it a very cost effective treatment and has environment advantages because there is no waste, makes this the material of choice for most of our unclassified roads.

### Surface Dressing

#### Material:

- A hot bitumen binder of various strengths depending on the location and existing road surface material.
- A dry washed chipping aggregate hard stone of various sizes from 6mm to 10mm or a combination is used depending on location and use of the road.

#### Process:

- Surface dressing involves spraying the bitumen binder (a sticky tar like substance) on a dry, clear road surface over which the stone is spread.
- The surface is rolled with a light roller to embed the stones; some loose stones will remain.
- Vehicle action is used to fully embed the stone and the surface is swept about a week after being laid.
- The material requires warm dry weather and for this reason work is carried out between May and August.

#### Use:

- This material has been in use for over 90 years and is the most widely used material to extend the life of a carriageway.
- Given the various design features it can be used on any road however the chipping loss has seen its use limited and high stressed areas (junctions) can reduce its life.
- The process provides a waterproof surface, improved anti-skid and extends the life of a surface by 10 to 20 years depending on location.

The programme of Hot Rolled Asphalt and Dense Bitumen Macadam locations is **set out in Appendix 1.**

The programme of Surface Treatment locations is **set out in Appendix 2.**

A further report covering the remainder of the allocation (£640,000) including the detailed programme for Footway Maintenance schemes will follow during summer 2019.

#### **4.0 FINANCIAL IMPLICATIONS**

The financial resources for this programme come from a combination of the Liverpool City Region Combined Authority, the Department for Transport and the Council's own Capital Programme as outlined in the previous report to Cabinet of 25<sup>th</sup> March 2019.

#### **5.0 LEGAL IMPLICATIONS**

Section 41 of the Highways Act 1980 imposes a duty on the Council, as Highway Authority, to maintain highways at the public expense.

#### **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

Existing staff resources will be used for the detailed investigation, design and monitoring of these schemes. Maintenance activity will be carried out through the Highways Service or discrete contracts as appropriate.

Preventative maintenance to highway assets will increase their residual life and asset value, and spending is targeted to maintain carriageway condition indicators.

#### **7.0 RELEVANT RISKS**

The highway network is constantly deteriorating hence without a structural maintenance programme to address the highest priority locations, the network will deteriorate further, the asset value will decrease and the cost of carrying out much greater maintenance at a later date will be disproportionately higher.

Withdrawal of funding would lead to deterioration of the network which would have an adverse effect on the number of substantiated claims received by the authority for slips, trips and falls together with road traffic accidents.

#### **8.0 ENGAGEMENT/CONSULTATION**

Local Ward Councillors have had the opportunity to suggest locations for inclusion in this Programme.

#### **9.0 EQUALITY IMPLICATIONS**

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/communities-and-neighbourhoods/equality-impact-assessments/equality-impact-assessments-2017>

**REPORT AUTHOR: Mark Smith**  
**Interim Director – Highways & Streetscene**  
telephone: (0151) 606 2103  
email: marksmith@wirral.gov.uk

## **APPENDICES**

Appendix 1 – HRA and DBM Programme  
Appendix 2 – Surface Treatment Programme

## **BACKGROUND PAPERS**

United Kingdom Pavement Management Systems (UKPMS) Survey Condition Data held by the report author

Single Data List Items (Former National Indicators N.I.168, N.I.169 and former BVPI 224b.) held by the report author.

DfT Guidance on the benefits of highway maintenance:

<https://www.gov.uk/government/publications/local-highways-maintenance-economic-costs-and-benefits-tool>

[http://liverpoolcityregion-ca.gov.uk/uploadedfiles/meetings/LCRCA\\_Agenda\\_020218](http://liverpoolcityregion-ca.gov.uk/uploadedfiles/meetings/LCRCA_Agenda_020218)

## **SUBJECT HISTORY (last 3 years)**

<b>Council Meeting</b>	<b>Date</b>
Cabinet – Highway Structural Maintenance Programme 2019/20	25 March 2019

ROAD NAME	LIMITS	WARD	OTHER PRIORITIES	ESTIMATE	FUNDING	WORKS DESCRIPTION	Proposed Year	Classification	Area	Rate	CONSTITUENCY	KRN
GREENWAY ROAD	DIAL ROAD TO WALLORY ROAD / MANOR HILL	PRENTON / BIRKENHEAD & TRANMERE	C	£79,981	COMBINED AUTHORITY ALLOCATION	HOT ROLLED ASPHALT	2019/20	UNCLASSIFIED	3761	£21.00	BIRKENHEAD	NO
PARK ROAD WEST	ROUNDABOUT ASHVILLE ROAD / MANOR HILL	CLAUGHTON		£34,776	COMBINED AUTHORITY ALLOCATION	HOT ROLLED ASPHALT	2019/20	UNCLASSIFIED	1666	£21.00	BIRKENHEAD	NO
BROMBOROUGH ROAD	QUARRY ROAD TO BROMBOROUGH CAR SALES	CLATTERBRIDGE / BROMBOROUGH	C	£26,460	COMBINED AUTHORITY ALLOCATION	HOT ROLLED ASPHALT	2019/20	UNCLASSIFIED	1260	£21.00	WIRRAL SOUTH	NO
MARKET STREET / HAMILTON STREET	CHESTER STREET TO HAMILTON STREET	BIRKENHEAD & TRANMERE	C	£66,528	COMBINED AUTHORITY ALLOCATION	HOT ROLLED ASPHALT	2019/20	UNCLASSIFIED	3,168	£21.00	BIRKENHEAD	NO
STATION ROAD	THE QUADRANT TO CARR LANE	HOYLAKE & MEOLS		£65,100	COMBINED AUTHORITY ALLOCATION	HOT ROLLED ASPHALT	2019/20	UNCLASSIFIED	3,100	£21.00	WIRRAL WEST	NO
VICTORIA ROAD	ROWSON STREET TO BELMONT ROAD	NEW BRIGHTON	C	£58,800	COMBINED AUTHORITY ALLOCATION	HOT ROLLED ASPHALT	2019/20	UNCLASSIFIED	2,800	£21.00	WALLASEY	NO
VICTORIA ROAD	PORTLAND STREET TO ROWSON STREET	NEW BRIGHTON	C	£84,000	COMBINED AUTHORITY ALLOCATION	HOT ROLLED ASPHALT	2019/20	UNCLASSIFIED	4,000	£21.00	WALLASEY	NO
POULTON HALL ROAD	ALL	CLATTERBRIDGE	C	£35,920	COMBINED AUTHORITY ALLOCATION	DBM	2019/20	UNCLASSIFIED	3592	£10.00	WIRRAL SOUTH	YES



ROAD NAME	LIMITS	WARD	ESTIMATE	WORKS DESCRIPTION	CLASSIFICATION	CONSTITUENCY
ALDER ROAD	JCT HEATHER ROAD TO CEDAR AVENUE	BEBINGTON	£4,402.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
BRAMLEY AVENUE		BEBINGTON	£7,781.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
KINGS CLOSE	MOUNT ROAD TO MOUNT PARK	BEBINGTON	£1,457.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
PULFORD ROAD	JCT HIGHER BEBINGTON ROAD TO HEATH ROAD	BEBINGTON	£8,184.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
STANTON ROAD	PARK AREA	BEBINGTON	£12,400.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
THE RIDGEWAY	JCT REGENTS WAY	BEBINGTON	£2,170.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
TUDORVILLE ROAD		BEBINGTON	£11,098.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
CASTLE STREET		BIRKENHEAD & TRANMERE	£3,689.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
HARLAND ROAD		BIRKENHEAD & TRANMERE	£5,022.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
HORNBY STREET		BIRKENHEAD & TRANMERE	£2,759.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
LIVERSIDGE STREET		BIRKENHEAD & TRANMERE	£5,332.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
MAYBANK STREET		BIRKENHEAD & TRANMERE	£8,680.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
REDMOND STREET		BIRKENHEAD & TRANMERE	£1,178.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
VICTORIA ROAD		BIRKENHEAD & TRANMERE	£1,922.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
WATER STREET		BIRKENHEAD & TRANMERE	£4,402.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD

ROAD NAME	LIMITS	WARD	ESTIMATE	WORKS DESCRIPTION	CLASSIFICATION	CONSTITUENCY
WHITFIELD STREET		BIRKENHEAD & TRANMERE	£5,363.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
ACRE LANE	MAINWARING ROAD TO ALLPORT LANE	BROMBOROUGH	£7,440.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
BEECHWOOD ROAD	ACRE LANE TO THE RAKE	BROMBOROUGH	£15,190.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
MILL ROAD	ALL	BROMBOROUGH	£10,329.20	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
OTELEY AVENUE	ALL	BROMBOROUGH	£14,756.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
PALANTINE ROAD		BROMBOROUGH	£17,081.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
QUARRY ROAD EAST	SELECTED AREAS	BROMBOROUGH	£17,012.80	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
UPLANDS ROAD		BROMBOROUGH	£7,378.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
DIBBINS HEY	ALL	CLATTERBRIDGE	£48,558.40	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
KENT CLOSE		CLATTERBRIDGE	£4,030.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
LINKS CLOSE		CLATTERBRIDGE	£3,069.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
ASHVILLE ROAD	ALL	CLAUGHTON	£50,133.20	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
CAVENDISH ROAD	ALL	CLAUGHTON	£21,625.60	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
EASTVIEW CLOSE	ALL	CLAUGHTON	£6,572.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
FRANCIS AVENUE	ALL	CLAUGHTON	£3,596.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD

**HIGHWAY STRUCTURAL MAINTENANCE PROGRAMME  
2019/20  
UNCLASSIFIED ROADS**

Wirral Council  
Delivery Services  
Highways and Streetscene

ROAD NAME	LIMITS	WARD	ESTIMATE	WORKS DESCRIPTION	CLASSIFICATION	CONSTITUENCY
HAWARDEN AVENUE	ALL	CLAUGHTON	£3,658.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
HELTON CLOSE	ALL	CLAUGHTON	£6,727.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
MOORFIELDS AVENUE	ALL	CLAUGHTON	£7,192.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
PAGEWOOD CLOSE	ALL	CLAUGHTON	£5,301.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
FERRY ROAD	NEAR CAR PARKS	EASTHAM	£6,200.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
LOWFIELDS AVENUE	FULL LENGTH	EASTHAM	£19,034.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
CORTSWAY	BROADWAY TO GREASBY ROAD	GREASBY, FRANKBY & IRBY	£14,452.20	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
LYNWOOD DRIVE		GREASBY, FRANKBY & IRBY	£2,821.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
SANDY LANE		GREASBY, FRANKBY & IRBY	£14,570.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
BARCOMBE ROAD	JCT BROOKLET ROAD TO NORTHWAY	HESWALL	£10,726.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
BUSH WAY	ALL	HESWALL	£3,255.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
CIRCULAR DRIVE	ALL	HESWALL	£5,890.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
GAYTON PARKWAY	BOATHOUSE LANE TO OAKSWAY	HESWALL	£17,422.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
GROVE AVENUE		HESWALL	£4,495.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
LAUREL AVENUE		HESWALL	£2,914.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH

ROAD NAME	LIMITS	WARD	ESTIMATE	WORKS DESCRIPTION	CLASSIFICATION	CONSTITUENCY
MAY ROAD	ALL	HESWALL	£6,820.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
PIPERS LANE	SANDFIELD PARK TO END	HESWALL	£15,934.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
THE LYDIATE		HESWALL	£4,842.20	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
WELL LANE	TOP SECTION FROM TELEGRAPH ROAD RAB TO DAWSTONE ROAD	HESWALL	£9,448.80	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL SOUTH
ACACIA GROVE	ALL	HOYLAKE & MEOLS	£3,348.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
BENNETTS LANE	ALL ADOPTED AREA	HOYLAKE & MEOLS	£13,888.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
DOVEPOINT ROAD		HOYLAKE & MEOLS	£20,522.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
BLACKHEATH DRIVE		LEASOWE & MORETON EAST	£7,471.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
WAKEFIELD DRIVE	LEASOWE ROAD TO BLACKHEATH DRIVE	LEASOWE & MORETON EAST	£12,245.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
ARNOLD STREET		LISCARD	£930.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
BISLEY STREET		LISCARD	£1,953.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
CECIL ROAD		LISCARD	£2,511.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
EGERTON GROVE		LISCARD	£3,596.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
FAIRVIEW AVENUE		LISCARD	£3,968.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY

**Wirral Council  
Delivery Services  
Highways and Streetscene**

**HIGHWAY STRUCTURAL MAINTENANCE PROGRAMME  
2019/20  
UNCLASSIFIED ROADS**

ROAD NAME	LIMITS	WARD	ESTIMATE	WORKS DESCRIPTION	CLASSIFICATION	CONSTITUENCY
LYMINGTON ROAD		LISCARD	£10,013.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
LYNWOOD AVENUE		LISCARD	£4,712.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
RICE LANE	FROM KING STREET TO END	LISCARD	£9,176.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
SEAVIEW AVENUE		LISCARD	£7,781.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
WESTMINSTER ROAD	ALL	LISCARD	£5,195.60	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
WIMBLEDON STREET		LISCARD	£3,627.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
COBHAM ROAD		MORETON WEST & SAUGHALL MASSIE	£21,650.40	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
GARDEN HEY ROAD		MORETON WEST & SAUGHALL MASSIE	£26,939.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
SAUGHALL MASSIE ROAD	188-202B PLUS OPPOSITE SIDE	MORETON WEST & SAUGHALL MASSIE	£6,200.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
SYCAMORE AVENUE		MORETON WEST & SAUGHALL MASSIE	£12,617.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
WINSTON GROVE		MORETON WEST & SAUGHALL MASSIE	£4,185.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
CAITHNESS DRIVE		NEW BRIGHTON	£9,486.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
ELGIN DRIVE		NEW BRIGHTON	£9,734.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
GROSVENOR ROAD		NEW BRIGHTON	£9,027.20	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
LINCOLN DRIVE		NEW BRIGHTON	£14,880.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY

ROAD NAME	LIMITS	WARD	ESTIMATE	WORKS DESCRIPTION	CLASSIFICATION	CONSTITUENCY
SEYMOUR PLACE WEST		NEW BRIGHTON	£2,480.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
SEYMOUR STREET		NEW BRIGHTON	£2,356.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
ARNO ROAD	ADOPTED HALF	OXTON	£4,960.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
DEVONSHIRE ROAD	PALM GROVE TO SLATEY ROAD	OXTON	£9,262.80	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
ROSEMOUNT		OXTON	£20,137.60	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
SHREWSBURY ROAD	BERESFORD ROAD TO TOLLEMACHE ROAD	OXTON	£34,806.80	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
WEXFORD ROAD	BEND BY BUDWORTH ROAD	OXTON	£3,100.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
WILLAN STREET		OXTON	£3,596.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
AXHOLME ROAD		PENSBY, THINGWALL & IRBY	£8,122.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
BEECH AVENUE		PENSBY, THINGWALL & IRBY	£1,798.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
BRIAN AVENUE		PENSBY, THINGWALL & IRBY	£2,232.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
OLD MEADOW ROAD		PENSBY, THINGWALL & IRBY	£4,991.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
OLD WOOD ROAD		PENSBY, THINGWALL & IRBY	£17,112.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
ELM ROAD		PRENTON	£6,231.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
IRVINE ROAD		PRENTON	£7,843.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD

ROAD NAME	LIMITS	WARD	ESTIMATE	WORKS DESCRIPTION	CLASSIFICATION	CONSTITUENCY
PRENTON DELL ROAD	SELECTED AREAS	PRENTON	£20,001.20	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
PRENTON PARK ROAD		PRENTON	£8,308.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
PRENTON VILLAGE ROAD	FROM PRENTON DELL RD TO PRENTON HALL RD O/S HOUSES 2 – 10	PRENTON	£5,815.60	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
STANLEY AVENUE		PRENTON	£26,505.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
WATERPARK ROAD / STORETON ROAD	JUNCTION OF WATERPARK ROAD	PRENTON	£620.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
BEDFORD PLACE		ROCK FERRY	£6,138.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
GROVE ROAD	SELECTED AREAS	ROCK FERRY	£10,850.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
HELMINGHAM GROVE		ROCK FERRY	£3,379.00	MICROASPHALT TREATMENT	UNCLASSIFIED	BIRKENHEAD
ADDINGTON STREET		SEACOMBE	£2,046.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
BRIDLE AVENUE		SEACOMBE	£1,612.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
CLAYTON LANE		SEACOMBE	£3,286.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
GENEVA ROAD		SEACOMBE	£5,828.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
ILCHESTER ROAD		SEACOMBE	£4,464.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
OAKDALE ROAD	ASHVILLE TO WHEATLAND	SEACOMBE	£13,702.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY

ROAD NAME	LIMITS	WARD	ESTIMATE	WORKS DESCRIPTION	CLASSIFICATION	CONSTITUENCY
PERCY ROAD		SEACOMBE	£7,223.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
RANKIN STREET		SEACOMBE	£4,929.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
ROKER AVENUE		SEACOMBE	£1,953.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
SHERLOCK LANE	BOTH SIDES OF TUNNEL	SEACOMBE	£7,409.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
ACKERS ROAD	RAB TO JCT WOODCHURCH ROAD	UPTON	£12,238.80	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
CHILDWALL GREEN		UPTON	£15,066.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
HOME FARM ROAD	SELECTED AREAS	UPTON	£20,001.20	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
MEADWAY		UPTON	£12,741.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
NEW HEY ROAD	SELECTED AREAS	UPTON	£20,001.20	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
ROYDEN ROAD		UPTON	£26,387.20	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
UPLAND ROAD		UPTON	£16,864.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
WARWICK ROAD		UPTON	£16,702.80	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
BOWDEN ROAD		WALLASEY	£3,441.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
FARNDON AVENUE		WALLASEY	£1,984.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
HALTON ROAD		WALLASEY	£3,100.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY

ROAD NAME	LIMITS	WARD	ESTIMATE	WORKS DESCRIPTION	CLASSIFICATION	CONSTITUENCY
KNOWSLEY ROAD		WALLASEY	£4,898.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
MAYFIELD ROAD		WALLASEY	£5,983.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
MERE LANE		WALLASEY	£2,046.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
PARKWAY		WALLASEY	£2,170.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
STUDLEY ROAD		WALLASEY	£7,688.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
THE AUBYNES		WALLASEY	£1,798.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
THE LEAS		WALLASEY	£2,480.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
THE WILLOWS		WALLASEY	£3,038.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WALLASEY
BROXTON AVENUE		WEST KIRBY	£7,161.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
CHINA FARM LANE		WEST KIRBY	£17,670.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
GRANGE CROSS LANE		WEST KIRBY	£19,406.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
HILLSIDE ROAD		WEST KIRBY	£32,054.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
MADELEY DRIVE		WEST KIRBY	£5,673.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
ST BRIDGETS LANE		WEST KIRBY	£2,635.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
TANSLEY CLOSE		WEST KIRBY	£2,325.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST

UNCLASSIFIED ROADS

ROAD NAME	LIMITS	WARD	ESTIMATE	WORKS DESCRIPTION	CLASSIFICATION	CONSTITUENCY
THE KIRKLANDS		WEST KIRBY	£2,666.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST
THE OATLANDS		WEST KIRBY	£2,666.00	MICROASPHALT TREATMENT	UNCLASSIFIED	WIRRAL WEST

## MINUTE EXTRACT

### AUDIT AND RISK MANAGEMENT COMMITTEE

24 APRIL 2019

73 **INTERNAL AUDIT REVIEWS: VERIFICATION OF VALIDITY OF SUPPLIER VAT REGISTRATION NUMBERS; APPOINTMENT OF AGENCY WORKERS**

Mark Niblock, Chief Internal Auditor introduced his report that provided Members of the Committee with the outcome from two Internal Audit reviews undertaken into the effectiveness of systems in operation at the Council for the 'Verification of the Validity Supplier VAT Registration Numbers' and the 'Appointment / Employment of Agency Workers'.

The Audit and Risk Management Committee was apprised that in February 2019 the Director of Governance and Assurance had commissioned Internal Audit to undertake detailed reviews, to provide management with assurances regarding the efficiency and effectiveness of the systems in operation at the Council in the area detailed in the Chief Internal Auditors report.

The Chief Internal Auditor informed that the review relating to the verification of the validity of supplier VAT registration numbers had been completed and the key findings were that:

- The Council had a system in place for inputting VAT registration numbers that satisfied the requirements of HMRC;
- The system in operation at the Council was consistent with the approach adopted by the majority of Councils across the North West of England and advice and guidance provided by professional bodies and organisations;
- Testing undertaken during the audit review identified a number of potentially incorrect VAT Registration Numbers that required further investigation by the Council and possible reporting to HMRC, pending the outcome; and
- A number of actions for consideration by senior managers had been identified that would further strengthen arrangements in this area for the future.

The Chief Internal Auditor further informed that the review relating to appointment/employment of agency staff had been completed and the key findings were that the Council should undertake the following:

- Ensure that a more robust procedure/process was in place when considering and appointing agency staff;
- Strengthen controls for monitoring and managing agency / interim workers;

- Improve Contract Procedure Rules compliance when appointing agency/interim workers outside of the corporate contract;
- Ensure that an agreement (in the form of a contract or service level agreement) was always in place when appointing an agency / interim worker outside of the corporate contract;
- Strengthen controls over determining and communicating IR35 status when the corporate contract had not been utilised; and
- Improve the process of raising purchase orders and subsequent payment of invoices, for agency workers appointed outside of the corporate contract.

Members noted that the Chief Internal Auditor's report had resulted in recommendations to improve and develop systems of control currently in operation.

Members stated that this matter continued to be of extreme public interest and questioned the Director of Finance and Investment and the Head of Human Resources on concerns regarding issues raised in the Chief Internal Auditors report, namely:

- Issues of confusion arising from combining discussion on the employment of key people i.e. consultants, and the use of agency workers – these elements needed to be disentangled to allow clarity.
- Extreme concern over the use of consultants paid in excess of £500 per day, Members expressed a wish that before such appointments were made there should be Member oversight either via a Cabinet Member Decision or the Employment and Appointments Committee, and such decisions should not be taken by Council Officers only.
- Concern that it appeared that general experience of IR35 (fundamentally introduced to ensure consultants pay the relevant tax, identified via a series of tests / questions) had led to the establishment of 'Umbrella Companies' to circumvent this. As a public body, the Council should not employ people in such a way – it was inappropriate.
- Ideally, the Council should operate on the basis of no IR35 arrangements and pay all people via the payroll. A Member stated that he had been assured (in the past) that all people brought in were on the payroll, and how at the previous meeting of the Audit and Risk Management Committee when this had been suggested as an option, there appeared some hostility to this idea.

The Director of Finance and Investment responded to a number of the points raised, informing that when using agency workers – all of whom were employed via 'Matrix' (an umbrella organisation for a collective of temporary worker employment agencies) - the payroll function was administered by Matrix who deducted all the relevant tax and NI contributions. She added that use of Council payroll was not feasible, given that agency staff were used when, for example, there had been a failure to appoint to a post via direct recruitment.

The Director of Finance further informed that consultants had been used when it was not possible to recruit and/or use agency staff.

The Head of Human Resources then provided additional information to the Committee on how the introduction of Matrix assisted by acting as a single point of contact, in a similar fashion to the role of an Insurance Broker, and that the Council paid Matrix (umbrella co) who then paid the workers. He added that for each arrangement an IR35 test was undertaken. This was the 'default position', and further review work had been undertaken by Human Resources on the use of IR35.

A Member thanked the Officers and welcomed the assurance that Tax and NI deductions were managed effectively under the Matrix arrangements, and that for 'general' recruitment to fill vacant positions Matrix arrangements appeared to be working well. However, where it hadn't, the Member requested that the Audit and Risk Management Committee be provided with some oversight and information as to why certain positions could not be filled - particularly when it had resulted in individuals being employed on >£500 per day.

The Head of Human Resources assured Members that in all cases there was still a requirement to make an assessment under IR35 and it was fairly exceptional for any arrangements to be made outside of Matrix and IR35.

A Member expressed concern on a particular employee of 2 years 2 months having received payments totalling £400k. Another Member questioned who decided such contract levels payments and who was responsible for the authorisations.

The Head of Human Resources informed that agency / interim workers generally tended to be employed for 12 week 'blocks' with the aim to appoint to a vacant post in 3 to 4 months (through continued advertisement, or conversion of the agency worker to permanent employee). After the initial 12 weeks period for project based, maternity or sickness cover, the line Manager would make a decision regarding extension of the period of contracted employment.

The Head of Human Resources added that the Internal Audit Action Plans contained in the Chief Internal Auditor's report had highlighted the need for review of controls for monitoring and managing agency / interim workers.

He further informed that in terms of executive interim arrangements – these varied and employment / rates were matched to the roles required.

Following a short discussion, and on a motion moved by Councillor Jeff Green and seconded by Councillor Ron Abbey, with the addition of a further recommendation on the matter of intellectual property rights, it was -

**Resolved (7:0) One abstention (Chair)**

**That the Internal Audit Reports 'Verification of the Validity Supplier VAT Registration Numbers' and the 'Appointment / Employment of Agency Workers' be noted; and**

**it be recommended to Cabinet, that:**

- 1) any Company / Contractor recruited at a rate in excess of £250 per day should be reported to the relevant Cabinet Member for political oversight prior to employment;**
- 2) in the case of employment at a rate of in excess of £250 per day, verification is also sought via Internal Audit to ensure that the IR35 assessment by the relevant service manager has been undertaken and is accurate;**
- 3) where a situation exists that a Contractor has been taken on for over 2 years (or 2 contract extensions / continuations) there should be a formal review led by Human Resources Department; and**
- 4) clarity be sought regarding contractual arrangements regarding ownership of intellectual property rights of the Council and Contractors working for the Council.**



 <p><b>COUNCILLOR PAT HACKETT</b></p>	<p><b>CABINET</b></p> <p><b>24 JUNE 2019</b></p> <p><b>EXECUTIVE DECISION MAKING PROCESS</b></p>
----------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------

**Councillor Pat Hackett, said:**

“Ensuring good governance, openness and transparency in all decision making, is vital. These principles will underpin how this new Administration works. I believe the proposals within this report serve to increase oversight and visibility of every decision the Cabinet and Council makes, making sure all Members and every resident can hold us to account.”

**REPORT SUMMARY**

This report provides details of amendments made by the Leader of the Council to their Scheme of Delegation of Executive Functions, effective immediately in and from 1<sup>st</sup> September 2019.

**RECOMMENDATION/S**

Cabinet is requested to

- (1) note the amended Leader’s Scheme of Delegation and Procedure which is of immediate effect, except the provisions relating to executive decisions taken by officers (paragraphs 6.4 and 6.5 of the Scheme and Procedure), which will not be implemented until September 2019, and
- (2) inform the meeting of Council on 15 July 2019.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 The Leader is required to:
  - (a) appoint members of Cabinet, including a Deputy Leader; and
  - (b) maintain a Scheme of Delegation of executive functions.
- 1.2 In doing so, the Leader has expressed a desire to increase participation of Members outside of the Cabinet in decision making and to increase transparency in the process and reporting of decisions by Cabinet members and by officers.
- 1.3 Part of the Scheme's associated procedure (paragraphs 6.4 and 6.5) will require additional time for implementation, training and embedding in the Council's processes.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 The amendments to the Leader's Scheme of Delegation, provided they are lawful in accordance with the Local Government Act 2000 (as amended), are required to be published and implemented.

### **3.0 BACKGROUND INFORMATION**

- 3.1 The Council has adopted a Leader and Cabinet executive form of governance. Following the end of term of office of the Member holding the position of Leader (every fourth year or less), the Council elects the Leader of the Council at its Annual Meeting. At the most recent Annual Meeting of Council, Councillor Pat Hackett was newly elected as Leader for the period ending with the Annual meeting of May 2023 (subject to the provisions of the Constitution and any change in Council's governance arrangements that may affect that).
- 3.2 The Leader must appoint a Deputy Leader and up to eight other members to form the Executive, in respect of which Wirral Council uses the term 'Cabinet'.
- 3.3 Article 7.06 (The Cabinet) of Part 2 of the Council's Constitution concerns the responsibility for functions. This provides that:
  - “(i) The Leader may discharge any executive function, or
  - (ii) may arrange for the discharge of any of those functions –
    - (a) by the Cabinet;
    - (b) by any Cabinet Member;
    - (c) by a committee of the Cabinet;
    - (d) by area committee; or
    - (e) by an officer of the authority.”
- 3.4 The means by which these functions are allocated are set out in a Leader's Scheme of Delegation. The current Scheme is published as Table 3 of Part 3 of the Council's Constitution, together with a schedule of delegation of

functions to individual cabinet members (3k - Schedule 5) and to individual officers (3j - Schedule 4B).

- 3.5 Appended is a replacement Leader's Scheme of Delegation and Procedure.
- 3.6 This includes, at Appendix C, the named appointments of Deputy Leader and remaining members of Cabinet and a description of their Portfolios of responsibility. This is of immediate effect.
- 3.7 The key changes between the existing Scheme and this are:
- (a) The introduction of a clear hierarchy of decision making through the setting of financial limits to delegated decisions, which in summary is that
- (i) officers may only take decisions up to a financial value of £1.5M; beyond which
  - (ii) individual Cabinet members may only take decisions up to a financial value of £5M; and
- all other decisions beyond that must be taken by Cabinet as a collective meeting.
- (b) Individual Cabinet member decisions are to be subject to a set of rules regarding how and when they may take those decisions, including what advice and material must be before the Cabinet member at that time. Existing rules concerning the reporting of those decisions, including that all such decisions are normally subject to call-in, are included for ease of reference.
- (c) Cabinet decisions are likewise subject to those rules, but additionally will include the intention of the Leader to request the establishment of:
- all-party policy advisory groups; and
  - Member workshops
- by which the Cabinet can approach Members outside of the Cabinet to help it develop major policies and the budget and in making decisions on major projects.
- (d) Officer executive decisions made at a lower level than at present will be subject to a requirement to publish that decision, and their reasons for making it, on the Council's website. This will apply to all decisions, other than ordinary business such as the provision of children's and social care packages, of a value above £250,000. Whilst these will not be subject to call-in, any key decision made by an officer will be subject to the same rules as for Cabinet member decisions and will be subject to call-in.
- 3.8 The Scheme is of immediate effect. This is with the exception of the final provisions above (paragraphs 6.4 and 6.5 of the Scheme and Procedure), which will not be implemented until September 2019 to allow for implementation and training.

3.9 It is normal practice for the Leader to give notice of amendments to their Scheme of Delegation to the proper officer, the Director of Governance and Assurance, for the changes to be included in the Constitution and for the changes to also then be reported to a meeting of Cabinet, and Council.

#### **4.0 FINANCIAL AND RESOURCE IMPLICATIONS**

4.1 The changes concerning reporting and publication of decisions will require an increased officer input.

#### **5.0 LEGAL**

5.1 The Local Government Act 2000 (as amended) sets out requirements of the Council in operating under an executive form of governance and a Leader and Cabinet form of executive arrangements.

5.2 The Act also requires the Council to adopt a Constitution. The contents of the associated Regulations and Direction under the Act require the Council to set out its executive arrangements. A form of those executive arrangements applying to the Cabinet (also known as cabinet standing orders or executive procedure rules) are included in the Scheme of Delegation and Procedures appended to this report.

#### **6.0 RELEVANT RISKS**

6.1 The changes concerning reporting and publication of decisions will create a risk of challenge should those procedures fail to be complied with when decisions are made.

6.2 This is balanced by the decrease in risk associated with a better audit trail, increased transparency and the application of greater quality control associated with implementing those procedures.

#### **7.0 EQUALITY IMPLICATIONS**

7.1 There are no equalities implications

**REPORT AUTHOR:** Philip McCourt,  
Director of Governance & Assurance

**APPENDED** Leaders Scheme of Delegation and Procedures

**WIRRAL BOROUGH COUNCIL**

**LEADER'S SCHEME OF DELEGATION & PROCEDURE**

**(To be included as Section 3 in Part 3 of the Council's Constitution)**

This document sets out how executive decisions are taken at Wirral Council.

**CONTENT**

**THE EXECUTIVE DECISION-MAKING PROCESS**

1. Summary of the executive decision making process
2. Executive decisions
3. Cabinet decision making
4. Cabinet committee decision making
5. Individual cabinet member decision making
6. Officer decision making

**Appendix**

- A CABINET DECISION MAKING**
- B CABINET COMMITTEES**
- C CABINET MEMBER PORTFOLIOS**
- D OFFICER DELEGATIONS**

## **THE EXECUTIVE DECISION-MAKING PROCESS**

The Council's decision making process is under greater scrutiny than ever before, both from elected Members and members of the public, and it is important that we have robust recording procedures in place.

This document sets out a new procedural framework for documenting and publishing executive decisions taken by Members or an officer under delegated powers.

### **1. SUMMARY OF THE EXECUTIVE DECISION MAKING PROCESS**

1.1 The Leader of the Council has overall responsibility for the executive functions of the Council.

1.2 To deliver those executive functions, the Leader has

- appointed a Cabinet comprising the Leader and up to nine further elected Members of the Council and has determined which delegated executive functions shall be the responsibility of the Cabinet;
- appointed one of those Members as Deputy Leader of the Council to act in the absence of the Leader;
- allocated a Portfolio of responsibility to each of the Cabinet Members, including a Portfolio of matters to be the responsibility of the Leader, and has determined a Scheme of Delegation to Individual Cabinet Members that sets out the decisions that each Cabinet member may take;
- established and appointed to a Cabinet Committee as the Joint Strategic Commissioning Board and has determined which delegated decisions that Committee may take;
- determined which delegated executive functions shall be the responsibility of Council officers and has determined a Scheme of Executive Delegation to officers that sets out the decisions that officers may take;
- confirmed the responsibility of the Head of Paid Service and Directors (chief officers) for the general management of the authority and for day to day operation for functions and services of the Council; AND
- determined the process and circumstances in which those decisions must be made.

### **2. EXECUTIVE DECISIONS**

2.1 An "executive decision" is one made in connection with the discharge of a function which is the responsibility of the executive, i.e., the Leader and Cabinet.

2.2 Certain executive decisions are defined in law as 'Key Decisions'. The Council's adopted definition of a key decision is –

- (a) any decision of the Cabinet incurring expenditure or making savings in excess of **10% of the relevant budget head or £500,000**, whichever is the smaller, unless
  - the specific expenditure or saving has previously been agreed in full Council; or
  - it is a decision taken in accordance with the Council's Treasury Management Policy; or
- (b) any decision of the Cabinet which is significant in terms of its effect on communities living or working in an area comprising two or more wards in the Borough (and which in the absence of Statutory Guidance will be guided by the view of the Leader in respect of a prospective decision likely to have a significant effect on a significant number of people).

In addition to the above, and for the avoidance of doubt, any decision approving proposals for the making of a plan or budget which requires the approval of full Council shall be treated as a key decision.

2.3 A key decision differs from other kinds of decisions because, where a decision maker intends to make a key decision, they must first publish a document containing publicity requirements about the decision and (subject to certain exception and urgency provisions) they cannot make the decision until at least 28 clear days the document, known as the 'Forward Plan, has been made available for inspection by the public. Further information on this can be found in Part 4 the Council's Constitution.

2.4 An Executive Decision taken by Cabinet, Cabinet Members and officers are referred to as non-key decisions, but they are still to be recorded. A non-key Executive Decision is -

- (a) A decision that directly relates to the development of the Budget and Policy Framework, comprising:
  - (i) decisions to approve a draft document or proposal and to commence formal consultation on that document or proposal; or
  - (ii) decisions to recommend to Council the adoption of the Budget or a policy within the Policy Framework following consideration of the outcome of the formal consultation;
- (b) any decision taken by the Cabinet, a committee of Cabinet or by the Leader or another individual Cabinet Member;
- (c) decisions taken by an officer in specific consultation with the Cabinet, a Cabinet Committee or an individual Cabinet Member; and

- (d) a decision taken by an officer that would otherwise be taken by the Cabinet, a Cabinet Committee or an individual Cabinet Member but has been made under delegated powers from one of those decision-making bodies:
  - (i) under a specific express authorisation; or
  - (ii) under a general authorisation to officers to take such decisions and the effect of the decision is to—
    - (1) grant a permission or licence;
    - (2) affect the rights of an individual; or
    - (3) award a contract or incur expenditure which, in either case, materially affects the Council's financial position, for which purposes is taken to be a financial saving or expenditure of **more than £250,000** (and less than £500,000).

2.5 All Key Decisions and those non-key decisions taken by Cabinet, a Cabinet Committee or a Cabinet Member are subject to the Council's call-in process.

2.6 Many administrative and operational decisions to be taken by officers relate to their general management role in conducting the Council's business and how they deal with their day to day work. This may amount to sums greater than that referred to above, particularly in relation to decisions taken on expenditure on individual children's or adult social care packages. These decisions are not to be regarded as executive decisions and, as such, they will not need to be recorded and published in the way described here.

### 3. CABINET DECISION MAKING

3.1 The Cabinet makes all executive decisions that are not otherwise delegated to the Cabinet Committee, an individual Cabinet Member or an officer of the Council.

3.2 Any executive functions or matters may additionally be referred by the Leader, Cabinet Member or Director to Cabinet for consideration, determination and decision. Examples of matters that should normally be referred to Cabinet rather than be taken as a delegated decision are those that fall into one or more of the following categories:

- (a) the matter under consideration is a high profile matter;
- (b) the decision has a significant budgetary impact;
- (c) there is a need or it is considered prudent to engage the public and/or raise public awareness; and/or
- (d) the function/matter provides important performance management information.

- 3.3 Decisions of the Cabinet will be taken at a meeting convened in accordance with the Council's Access to Information Procedure Rules (set out in part 4B of this Constitution and which set out the requirements covering public meetings).
- 3.4 The order of business will be as set out in **Appendix A** unless the Leader determines otherwise for reasons to be given at the meeting and recorded.
- 3.5 The quorum for a meeting of the executive (meeting collectively as the Cabinet) shall be two and shall be chaired by the Leader if present.
- 3.6 An executive decision shall be taken by Cabinet only on consideration of a full report by the relevant officer(s), published in accordance with the Council's Access to Information Procedure Rules, which shall contain as a minimum:
- (a) a recommended decision;
  - (b) a presentation of reasons for the recommendation being put forward
  - (c) details of any other options considered and why those options were rejected;
  - (d) details of any consultation undertaken or proposed including, in respect of consultation undertaken, the nature and extent of the consultation undertaken with stakeholders and the overview and scrutiny committees and the outcome of that consultation;
  - (e) a consideration of the financial and legal issues pertaining to the matter, and such other matters as governance chief officers (the head of paid service, s.151 officer or monitoring officer) may require, including risk, staffing or equalities implications; plus
  - (f) a list compiled of any Background Papers to the report, meaning those documents other than published works that, in the opinion of the proper officer, relate to the subject matter of the report or, as the case may be, the part of the report; and
    - (i) disclose any facts or matters on which the report or an important part of the report is based; and
    - (ii) were relied on to a material extent in preparing the report;
- together with any additional comments the Cabinet member with portfolio wished to add to the report.
- 3.7 The minutes of the meeting must, as a minimum, contain:
- (a) a record of the decision;
  - (b) the date the decision was taken;
  - (c) a record of the reasons for the decision;
  - (d) details of any alternative options considered and rejected by the Cabinet at the meeting at which the decision was made;

- (e) a record of any declaration of interest and, in respect of decision making by elected members, a note of any dispensation granted; and
  - (f) a record of any conflict of interest relating to the matter decided which is declared by any member of the Cabinet which made the decision and where applicable, a note of dispensation granted (by the Standards Committee); and
  - (g) where appropriate, a statement of urgency and that the decision is exempted from call-in.
- 3.8 The decisions taken by Cabinet are subject to the Council's procedures for delayed implementation and call- in.

#### **4. CABINET COMMITTEE DECISION MAKING**

- 4.1 Where executive decisions are delegated to a Committee of the Cabinet the Procedures relating to Cabinet meetings and consideration of business as shown at paragraph 3.3 to 3.7 above apply also to Cabinet Committee meetings, subject to any member of the Cabinet being read as any member of the Committee.
- 4.2 The Leader has established and appointed to a Committee of Cabinet, the composition and terms of reference of which is set out at **Appendix B**.

#### **5. INDIVIDUAL CABINET MEMBER DECISION MAKING**

- 5.1 The Leader of the Council has allocated a Portfolio of responsibility to each Cabinet Member, which is set out as **Appendix C**. An individual Cabinet Member may take executive decisions within the scope of their portfolio subject to the conditions set out in this Scheme of Delegation and related procedures as detailed below.
- 5.2 A Cabinet Member may then take a decision **only**:
- (a) where it is considered on the basis of a written report prepared in accordance with paragraphs 3.6 above;
  - (b) at a time and place that will be agreed with the relevant Director (or nominee) and the relevant Director (or nominee) is in attendance when the decision is taken;
  - (c) after the Leader has been given at least 3 clear days' prior notice that the decision is proposed to be taken by the Cabinet Member and the Leader has not decided that the proposed decision is to be referred to the Cabinet, Cabinet Committee or take the decision him/herself; and
  - (d) the decision is not otherwise reserved to Cabinet (under 5.3 below).
- 5.3 Where a proposed executive decision concerns:

- (a) the appointment of consultants over the value of **£50,000**;
- (b) the extension of contracts for any period greater than two years or where an extension was not an option in the original contract;
- (c) the commencement of a procurement exercise over the value of **£5,000,000**;
- (d) the acceptance of tenders and award of a contract over the value of **£5,000,000** or where the tender value exceeds the figure set out in the relevant budget; or
- (e) additional or replacement items for the current year's Capital Programme where the amount of the estimate exceeds **£5,000,000** or increases the overall total of the Departmental Capital Programme;

the matter must be referred to Cabinet.

5.4 The Cabinet Member shall ensure that a '**Cabinet Member Decision Notice**' is prepared as a written record of their decision, that it contains:

- a) a record of the names and titles of the decision taker and, where appropriate, the officer(s) in attendance;
- b) a record of the decision;
- c) the date the decision was taken;
- d) a statement of the reasons for the decision;
- e) details of any alternative options considered and rejected by the Cabinet Member when making the decision;
- f) a record of any declaration of interest and, in respect of decision making by elected members, a note of any dispensation granted;
- g) where appropriate, a statement of urgency and that the decision is exempted from call-in

and is counter-signed by the relevant Director (or nominee).

5.5 The Cabinet Member Decision Notice shall be delivered it to the Director of Governance and Assurance (via the Committee Services Team) who shall publish the Decision Notice and accompanying report in accordance with the Constitution.

5.6 The decisions taken by a Cabinet Member are subject to the Council's procedures for delayed implementation and call- in.

5.7 Cabinet Member decisions will be reported to Cabinet.

## 6. OFFICER DECISION MAKING

- 6.1 The Leader has determined a specified Scheme of Delegation to Officers, which is set out as **Appendix D**. An individual officer may take an Executive Decision, as defined at paragraph 2.4 above, that is within the scope of their management portfolio, subject to the conditions set out in this Scheme of Delegation and related procedures as detailed below.
- 6.2 A Key Decision may then be taken by an officer **only**:
- (a) where it is considered on the basis of a written report prepared in accordance with paragraphs 3.6 above; and
  - (b) when the relevant report author (or nominee) is in attendance when the decision is taken.
- 6.3 An Executive Decision may then be taken by an officer only where:
- (a) the proposed decision concerns the award of contract or otherwise materially affects the Council's financial position, by a financial saving or expenditure, of **no more than £1,500,000**;
  - (b) the item of business has not been previously requested by a Cabinet Member to be referred to the cabinet or a Cabinet member; or
  - (c) the officer concerned is not of the opinion that, due to its sensitive or high profile nature, the item of business is to be referred to a Cabinet member or the Cabinet for determination (but shall not do so if any third party rights would be adversely affected solely as a result of the officer declining to exercise their delegated power).
- 6.4 An officer who takes an Executive Decision shall ensure that an 'Officer Decision Notice' is prepared as a written record of their decision and that it contains:
- a) a record of the names and titles of the decision taker and, where appropriate, the other officer(s) in attendance;
  - b) a record of the decision including the date it was made;
  - c) a statement of the reasons for the decision;
  - d) details of any alternative options considered and rejected by the officer when making the decision;
  - e) a record of any statement made by any Cabinet Member who is consulted by the officer, including any conflict of interest declared by that Cabinet Member which relates to the decision; and
  - f) in respect of any declared conflict of interest, a note of dispensation granted by the relevant local authority's head of paid service; and

- g) in respect of a Key Decision, a statement of urgency and that the decision is exempted from call-in where appropriate.
- 6.5 The Officer Decision Notice shall be delivered it to the Director of Governance and Assurance (via the Committee Services Team), together with the supporting report where a Key Decision, who shall publish the Decision Notice.
- 6.6 Any report or papers relied upon to reach the decision must also be provided to be made available for inspection by members of the public.
- 6.6 Officer decisions are not eligible for call-in unless the decision is a Key Decision.

## Appendix A

### **CABINET DECISION MAKING**

#### 1. INTRODUCTION – WAY OF WORKING

1.1 The Council currently has no set procedure for the conduct of the meeting of the Cabinet. This is set out below, which includes new provision for access to speak to Cabinet decision making by other Members of the Council.

1.2 In addition to this procedure, a number of decisions throughout the year will be informed, in addition to consultation with Overview and Scrutiny Committees and stakeholders in the normal way, by:

Policy Advisory Groups: All party groups (to include a Group Leaders' meeting and a Local Plan Group) will be invited to meet to regularly discuss and be brief on major projects and issues. These will be chaired by the Leader or relevant Cabinet Member with Portfolio and their intention is to involve the other political groups and to inform the Cabinet and Cabinet member in their decision making. These meetings are held in private and the papers exempt unless otherwise stated.

and

Member Workshops: Private meetings open to relevant Overview and Scrutiny Committees members (or all Members as the Overview and Scrutiny Committees may feel appropriate), which will explore major and potentially controversial matters in depth throughout a day, half-day or full evening before a decision comes to a formal meeting of an Overview and Scrutiny Committee and then Cabinet.

#### 2. MEETINGS OF CABINET - HOW CABINET MEETINGS ARE TO BE CONDUCTED

2.1 Who presides?

The Leader will preside at any meeting of the Cabinet or its committees at which they are present, or may appoint another Cabinet member to do so or if no such appointment has been made, then the committee will elect one of its members to preside.

2.2 Who may attend?

Any member of the press and public can attend Cabinet meetings as per the details set out in the Access to Information Rules in part 4 of this constitution.

### 2.3 What business?

At each meeting of the Cabinet the following business will be conducted:

- (i) declarations of interest, if any;
- (ii) matters referred to the Cabinet (whether by an Overview and Scrutiny Committee or by the full Council) for reconsideration by the Cabinet in accordance with the provisions contained in the Overview and Scrutiny Procedure Rules or the Budget and Policy Framework Procedure Rules set out in Part 4 of the constitution;
- (iii) consideration of reports from Overview and Scrutiny Committees, the Committee Chair or their nominee has the right to speak to give the view of a committee when making a referral (without the need to give notice); and
- (iv) matters set out in the agenda for the meeting, and which shall indicate which are key decisions and which are not in accordance with the Access to Information Procedure Rules set out in Part 4 of the Constitution.

### 2.4 Consultation

All reports to the Cabinet from any member of the Cabinet or an officer on proposals relating to the budget and policy framework must contain details of the nature and extent of consultation with stakeholders and relevant Overview and Scrutiny Committees, and the outcome of that consultation. Reports about other matters will set out the details and outcome of consultation as appropriate. The level of consultation required will be appropriate to the nature of the matter under consideration.

### 2.5 Who can put items on the Cabinet agenda?

The Leader will decide upon the schedule for the meetings of the Cabinet. The Leader may put on the agenda of any Cabinet meeting any matter which they wish, whether or not authority has been delegated to the Cabinet, a committee of Cabinet or any Cabinet member or officer in respect of that matter. The proper officer will comply with requests by the Leader in this respect.

- (1) Any member of the Cabinet may require the proper officer to make sure that an item is placed on the agenda of the next available meeting of the Cabinet for consideration. If they receive such a request the proper officer will comply.
- (2) The proper officer will make sure that an item is placed on the agenda of a meeting of the Cabinet as soon as is practicable (dependent on production and publication of reports) following a resolution of a relevant Overview and Scrutiny Committee or of the full Council that an item be considered by the Cabinet.

- (3) The head of paid service, monitoring officer and/or the s.151 (chief finance) officer may include an item for consideration on the agenda of a Cabinet meeting and may require the proper officer to call a special meeting in pursuance of their statutory duties. In other circumstances, where any two of the head of paid service, chief finance officer and monitoring officer/proper officer are of the opinion that a meeting of the Cabinet needs to be called to consider a matter that requires a decision, they may jointly include an item on the agenda of an Cabinet meeting. If there is no meeting of the Cabinet soon enough to deal with the issue in question, then the person(s) entitled to include an item on the agenda may also require that a meeting be convened at which the matter will be considered.

## **Appendix B**

### **Cabinet Committees**

The Leader has established and appointed to a Committee of Cabinet, to be known as the Joint Strategic Commissioning Board. The composition and terms of reference of the cabinet Committee are as follows.

#### **Primary Purpose**

Meeting as a 'committee in common' alongside a body as shall be determined by the Wirral Clinical Commissioning Group Governing Body, the Committee's purpose is to consider matters relating to the joint commissioning of health and social care services with Wirral Clinical Commissioning Group.

#### **Membership**

Three members of Cabinet as determined by the Leader.

#### **Terms of Reference**

The Joint Strategic Commissioning Board (JSCB) Committee of Cabinet is established to focus on the commissioning, strategic design and performance management of health and care services on Wirral, including the outcomes and quality of those services. The Board will oversee the development of population based commissioning.

The JSCB Cabinet Committee, which will meet at the same time and with the same agenda as the Wirral Clinical Commissioning Group JSCB, will undertake the following duties and responsibilities, exercising delegated powers of the WBC Executive and formulating recommendations for adoption by the WBC Cabinet and / or the CCG Governing Body, as the case may be, that seek –

- To promote the integration of health and social services generally across WBC and WCCG;
- To approve integrated health and care commissioning strategies;
- To approve large scale health and care transformation programmes;
- To approve and maintain oversight of plans and oversight of delivery for specific areas such as:
  - Better Care Fund Schemes
  - Urgent Care Transformation o Commissioning Prospectus
  - Learning Disabilities Plan;

- To ensure effective stewardship of Section 75 pooled monies and address any issues of concern;
- To maintain oversight of health and care system performance and address any issues of concern;
- To ensure the implementation of integrated health and care commissioning strategies and transformation programmes.

## Appendix C

### CABINET MEMBER PORTFOLIOS

<b>PORTFOLIO</b>	<b>LEADER</b>
	<b>Cllr Pat Hackett</b>
<b>BRIEF</b>	Provide strategic direction for the organisation and leadership for the place. Represent Wirral at regional, national and international level.

<b>PORTFOLIO</b>	<b>Finance &amp; Resources</b>
	<b>Cllr Janette Williamson</b>
<b>BRIEF</b>	Ensures Wirral is a well-run organisation. Provides financial stability and oversees all areas of Governance. Leads on the implementation of the People Strategy.

<b>PORTFOLIO</b>	<b>Children, Families and Education</b>
	<b>Cllr Tom Usher</b>
<b>BRIEF</b>	Delivering improved outcomes for children and families. Clear focus on safeguarding and keeping families safe in their homes and communities.

<b>PORTFOLIO</b>	<b>Care, Health and Wellbeing</b>
	<b>Cllr Chris Jones</b>
<b>BRIEF</b>	Delivering better outcomes for adults. Providing tailored, integrated services to disabled, vulnerable people to help them live healthier lives

<b>PORTFOLIO</b>	<b>Housing &amp; Planning</b>
	<b>Cllr Stuart Whittingham</b>
<b>BRIEF</b>	The housing offer – now and into the future – meets the needs of Wirral communities.

<b>PORTFOLIO</b>	<b>Community Services</b>
	<b>Cllr Julie McManus</b>
<b>BRIEF</b>	Everyday, universal services provided and commissioned by the Council, which every resident relies on are provided efficiently and effectively.

<b>PORTFOLIO</b>	<b>Environment and Climate Change</b>
	<b>Cllr Liz Grey</b>
<b>BRIEF</b>	Wirral's local environment is protected and enhanced. We redouble our efforts to reduce our carbon footprint and support climate change efforts.

<b>PORTFOLIO</b>	<b>The Local Plan</b>
	<b>Cllr Anita Leech</b>
<b>BRIEF</b>	Wirral delivers a robust, appropriate Local Plan which meets the needs of our residents.

<b>PORTFOLIO</b>	<b>Culture and Tourism</b>
	<b>Cllr Christine Spriggs</b>
<b>BRIEF</b>	Wirral residents enjoy a wide range of cultural and sporting opportunities. Our visitor economy continues to grow.

<b>PORTFOLIO</b>	<b>Regeneration and Growth</b>
	<b>Cllr Tony Jones</b>
<b>BRIEF</b>	The Council takes the driving seat in creating jobs and regeneration for Wirral residents and communities.

## Appendix D

### OFFICER DELEGATIONS

#### 1. Summary of the functions to be discharged by the Directors

##### 1.1 Head of Paid Service

To the extent permitted by law, any function may be exercised by the Head of Paid Service notwithstanding its delegation to the Cabinet, Cabinet Member or another Director where, in the opinion of the Head of Paid Service it is necessary and expedient in the circumstances to do so.

##### 1.2 Directorates

The Head of Paid Service, Corporate Directors and Directors are hereby authorised to take all lawful action consistent with overall Council policy to deliver the agreed strategy, plans and priorities within their area of responsibility and within approved budgets on the basis set out at 2. and 3. below.

##### 1.3 The Council's Management Structure forms Part 7 of the Council's Constitution and is published on the Council's website as "[Who we are and what we do](#)"

(<https://www.wirral.gov.uk/about-council/freedom-information-and-data-protection/publication-scheme/who-we-are-and-what-we-do> ).

#### 2. Delegation of functions to officers

##### 2.1 The Leader authorises the Head of Paid Service and Directors to exercise any of the executive functions of the Council insofar as these relate to the general management of the authority and the day to day delivery of Council services and which are not otherwise delegated or reserved to the Cabinet, a Cabinet Committee, an individual Cabinet Member or an individual officer under this Scheme of Delegation and Procedure.

##### 2.2 An officer shall be entitled to discharge functions allocated to the Director described in section 1 above, for which they are the delegated officer, subject to the general provisions governing delegations contained in section 3 below.

##### 2.3 In deciding whether or not to exercise such delegated powers, the Head of Paid Service and Directors should consider whether it is appropriate to consult the Leader or appropriate Cabinet Member with Portfolio and have regard to their views. Officers shall always be entitled to refer matters for decision to the Cabinet where they consider it expedient to do so.

2.4 Specific delegations are made as follows:

- (a) The officer occupying the post of Director of Finance and Investment (S.151 Officer), and the team under their direction, is authorised to do all things necessary in the performance of financial services and insurance arrangements and in connection with the discharge of functions delegated under this section and Articles 12 and 14 of the Council's Constitution.
- (b) The officer occupying the post of Director of Governance and Assurance (Monitoring Officer), and members of the team under their direction, is authorised to do all things necessary to perform legal services and in connection with the discharge of functions delegated under this section and Articles 12, 14 and 15 of the Council's Constitution.

(For the avoidance of doubt the conferring of the function on the officer occupying the post of Director of Governance and Assurance is not to intend or remove the power of any authorised officer engaged in investigation to obtain or seek from a Justice of the Peace, or the court, a warrant of entry, Order under RIPA 2000 or other process ancillary to the investigation he or she is engaged in.)

- (c) In addition to any other delegation to an officer contained in this section of the constitution, each council officer may discharge any function as is necessary for them to perform such of the duties as are set out in their job description as they are required to undertake by the officer or officers responsible for their management and subject to the general provisions governing delegations contained in section 3 below.
- (d) The officers specified in this paragraph may institute criminal proceedings at designated police stations by requesting the custody officer to charge a suspect on the Council's behalf, but only:
  - (i) in connection with offences the council has power to enforce; and
  - (ii) following consultation with the Director of Governance and Assurance, the Head of Legal Services or an appropriate member of their team, except when the officer is acting outside of normal Council business hours.

2.5 In cases of doubt, anything which is not covered by this scheme, including the appointment of a proper officer for the purpose of any statutory function, will be determined by the Head of Paid Service.

2.6 Whilst decisions and actions taken in pursuance of the general management of the authority and the day to day delivery of Council services are not eligible for call-in, an Overview and Scrutiny Committee may require the attendance of an Officer to

explain a particular decision or services of decisions or a course of action undertaken.

### **3. General provisions governing delegations to officers**

- 3.1 The conferring of a delegated power is not intended to and does not in fact supersede or replace any statutory requirement or override any provision of the Council's articles, contract standing orders, financial regulations and any other provision of the Constitution.
- 3.2 Accordingly decision makers acting under delegated powers must do so in accordance with any such provision and having due regard to any relevant Council Policy or Government Guidance.
- 3.3 Reference to any Act, Order or Regulation etc. is deemed to be a reference to any modification or re-enactment thereof.
- 3.4 Where there is a clear and pressing need for a Key Decision to be taken and it is not reasonably practicable, for any reason, for that decision to be taken by the Cabinet, Leader or Cabinet Member then each Director shall be taken to hold specific authority under this provision to take Key Decisions within their Directorate. The provisions concerning officers taking and reporting key decisions are set out in Section 6 of the main Leader's Scheme of delegation and procedures. Any decision taken under this delegation will be reported to the Leader at the next meeting of Cabinet.
- 3.5 It is recognised that delegated officers cannot personally undertake the discharge of every function conferred upon them. Delegated officers are accordingly entitled to arrange for the discharge by their subordinate officers of functions allocated to them provided that the delegated officer remains responsible for and accountable to the Cabinet and Council for the exercise of their delegated powers and puts in place such measures as the delegated officer considers appropriate to ensure that those officers assisting them in the discharge of functions do so in accordance with the provisions of this delegation and do not exceed the limits of any authorisation made to them by the delegated officer to assist them in this task.
- 3.6 For the avoidance of doubt, any reference in this part to the discharge of any functions includes a reference to the doing of anything which is calculated to facilitate, or is conducive or incidental to, the discharge of those functions.
- 3.7 If any delegated officer receives any statutory notice which if contravened would give rise to a risk of prosecution, they shall immediately refer it to the Director of Governance and Assurance (Monitoring Officer) and to the Leader, who shall be entitled to call for a report on the matter to themselves and as necessary, to the Cabinet.

- 3.8 For the avoidance of doubt, an officer seized of the power to make a decision, may, where they consider it necessary in the particular circumstances, refer the matter for decision by the Leader or relevant Cabinet Member with portfolio;
- 3.9 The Leader or relevant Cabinet Member with portfolio may also request an officer not to exercise their delegated power in any particular case and to instead bring a report to Cabinet.
- 3.10 All delegated officers should seek and obtain appropriate professional advice from those employed or otherwise engaged by the Council for that purpose in connection with a matter under consideration for determination. The making of Key Decisions requires such advice to be in writing in accordance with the main Scheme of Delegation and Procedure.



**COUNCILLOR  
TOM USHER**

**CABINET  
MONDAY 24 JUNE 2019**

**WIRRAL'S LOCAL OFFER FOR CARE  
LEAVERS**

**Councillor Tom Usher said:**

“We’re committed to making sure vulnerable young people get the best possible support. Protecting the vulnerable is our biggest and most important responsibility.

“The Local Offer for care leavers is about making sure every person who leaves our care knows exactly what support is available to them. They know what they can get, and where they can get it, and they’re encouraged to take advantage of the help that is there for them.

“Making sure these young people are supported is vital. They deserve the best start in life, and the best possible chance to build a career and achieve their ambitions.”

**REPORT SUMMARY**

Section 2 of the Children and Social Work Act 2017 requires Wirral to consult on and publish a local offer for our care leavers. The local offer should provide information about all the services and support that is available to care leavers from the local authority, including information about both their statutory entitlements as well as any discretionary support that a local authority chooses to provide.

During 2018; with the involvement of the Wirral Children in Care and Care Leavers Council; a working group consisting of Wirral Leaving Care Service staff, the Young People’s Involvement Service and the Learning Skills and Education Team met regularly to discuss Wirral’s Local Offer for Care Leavers.

This groundwork led to a very successful Conference in November 2018 at the Floral Pavilion, New Brighton focusing on Wirral's Local Offer for Care Leavers. The Conference was hosted and attended by Wirral Care Leavers, staff from across Wirral Council, its partner agencies, Health, Education, Housing, the charity sector and business. The emphasis was very much on what can Wirral as a whole community do to support Wirral Care Leavers. The Conference included presentations from young people and other contributors; and ended with people being asked to make a pledge about how they might improve the lived experience, opportunities and support for Wirral Care Leavers.

Since the conference Wirral's first Local Offer for Care Leavers has been drafted and been shared with the Wirral Children in Care and Care Leaver's Council; and is now being presented to Cabinet for consideration and permission to publish.

The decision supports the children pledges in the Wirral Plan 2020 with specific focus on supporting vulnerable children.

This matter affects all Wards within the Borough and is a Key decision.

## **RECOMMENDATION/S**

It is recommended that Cabinet:

- Accept and authorise publication of the Wirral Local Offer for Care Leavers.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 Section 2 of the Children and Social Work Act 2017 requires Wirral to consult on and publish a local offer for care leavers.
- 1.2 The document with this report as an appendix outlines to Wirral Care Leavers, and other relevant parties, what Care Leavers are entitled to and what type of support will be available to them.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 The offer is a requirement for the local authority so there is no option not to have an offer. The options as to what the offer contains were considered during the engagement process.

### **3.0 BACKGROUND INFORMATION**

- 3.1 Section 2 of the Children and Social Work Act 2017 requires Wirral to consult on and publish a local offer for our care leavers. The local offer should provide information about all the services and support that is available to care leavers from the local authority, including information about both their statutory entitlements as well as any discretionary support that a local authority chooses to provide.
- 3.2 Section 1 of the Children and Social Work Act 2017 requires Wirral to have regard to seven corporate parenting principles when discharging their functions in relation to looked-after children and care leavers. The local offer should set out what support all local authority departments will provide (not just Children's Services), having regard to the corporate parenting principles.
- 3.3 The Wirral Local Offer for Care Leavers attached as an appendix includes details of the services and support that may assist care leavers in, or moving to, adulthood and independent living that the local authority provides in relation to:

- Health and wellbeing:

This will include services that teach about, support and enable good health and wellbeing. It should include links to, or information about, universal health services that might be particularly relevant to care leavers, as well as specific health and wellbeing services targeted at them.

- Relationships:

Having strong and supportive relationships is crucially important for care leavers as they move to independent adult life. The Local Offer document considers the services and support that is available to help care leavers develop and maintain positive social networks and to understand what positive relationships look like.

- Education and training:

Care leavers should be supported to access appropriate education or training that will enable them to fulfil their goals. This includes the statutory support available to care leavers, such as the £2,000 bursary for care leavers in Higher Education, as well as any other support from the local authority; and signpost to universal information such as careers advice and financial support for young people.

- Employment:

This includes information to care leavers about general employment support, such as careers support and links to local Job Centre Plus. Local authorities should also include any other employment support that they or partners deliver that is specifically available to care leavers, for example, any apprenticeships that the local authority offers, in particular where such opportunities are ring-fenced for care leavers.

- Accommodation:

Care leavers should be supported to access appropriate and suitable accommodation. The Wirral Local Offer for Care Leavers includes relevant information about their Staying Put policy, the support available from Housing Services and any other assistance that is available to care leavers, such as advice on maintaining a tenancy.

- Participation in society:

This includes links to and information about activities, events or volunteering opportunities available in the local area that care leavers can get involved in.

3.4 In developing the Wirral local offer, there has been consultation with relevant persons, which means care leavers and organisations or people that represent care leavers. Work has been undertaken with their care leavers to co-produce a local offer that is meaningful and reflects the needs, views and wishes of the care leavers they are responsible for. Personal Advisers have also been seeking the views and ideas of the care leavers that they support and work with on a regular basis.

3.5 The local offer will be easily available and accessible to all care leavers in the local authority area. It may be made available in a number of formats including printed hard copies, online digital copies and in different languages as appropriate. It is also expected that Personal Advisers will share and promote the local offer with the care leavers they work with and to make sure they are aware of it and the services they are entitled to. It will also be important to consider how the local offer is made available to, and is easily understood by, care leavers with additional needs.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 Wirral Council's Local Offer for Care Leavers has been developed by staff within their existing posts at no additional staffing cost.

4.2 Wirral Council's Local Offer for Care Leavers Conference 2018 cost approximately £1,200.00

- 4.3 All services and financial support contained within the Wirral Local Offer for Care Leavers are currently agreed and funded.

This report does not seek any new funding.

Publication of Wirral Council's Local Offer for Care Leavers will be mainly electronic with limited hard copies as required. It is anticipated this will incur only minimal reproduction costs.

## **5.0 LEGAL IMPLICATIONS**

- 5.1 By publishing Wirral's Local Offer for Care Leavers, Wirral Council will comply with its duty under Section 2 of the Children and Social Work Act 2017.

## **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- 6.1 No additional costs.

## **7.0 RELEVANT RISKS**

- 7.1 Ofsted have requested a copy of Wirral's Local Offer for Care Leavers.

Publication has taken longer than anticipated but Wirral has staged a successful consultation event.

## **8.0 ENGAGEMENT/CONSULTATION**

- 8.1 Wirral Children in Care and Care Leavers Council have been consulted throughout the development of the Local Offer for Care Leavers. In November 2018 Wirral facilitated a Conference to consult on the Local Offer for Care Leavers; which was hosted and attended by Wirral Care Leavers. Staff and organisations from throughout Wirral and beyond, from both the public, charity and private sector attended. This was a very successful event which helped to clarify thinking around what Wirral Local Offer Care Leavers should include.

## **9.0 EQUALITY IMPLICATIONS**

Wirral Council's Local Offer for Care Leavers seeks to be positively inclusive and treat all young people with dignity and respect.

**REPORT AUTHOR: Chris Pentecost**  
Acting Team Manager  
telephone: (0151 606 2799)  
email: [chrispentecost@wirral.gov.uk](mailto:chrispentecost@wirral.gov.uk)

## **APPENDICES**

**Wirral Local Offer for Care Leavers**

**REFERENCE MATERIAL**

- 1) Children & Social Work Act 2017
- 2) Local Offer Guidance – Guidance for Local Authorities - DfE
- 3) A Local Offer for Care Leavers – The Children’s Society
- 4) Applying Corporate Parenting Principles to Looked After Children & Care Leavers - DfE

**SUBJECT HISTORY (last 3 years)**

Council Meeting	Date

**The Right Side  
of Care**

Wirral Council's Local Offer for  
**Care Leavers**

## Contents

Are you a Care Leaver?	3	Council Tax	17
Wirral Care Leavers' Charter	5	Employment, Education and Training	18
Your Rights	8	Work Experience, Apprenticeships & Employment	19
Care Leaver Participation & Engagement	9	Financial Support	24
How does being a Care Leaver actually work?	10	Health and Wellbeing	29
Personal Advisor 'PA'	11	Birth Certificates, Bank Accounts, Passports & Provisional Driving Licenses	30
Advice and Support	12	Anything we have missed?	31
Accommodation: Where you live	14		

**Wirral Council's Local Offer for Care Leavers, with the involvement of Care Leavers, the Leaving Care Service and all parts of Wirral Council, its partner agencies and other stakeholders, seeks to provide an outstanding service for Wirral Care Leavers.**

It aspires to be innovative and adapt the Local Offer for Care Leavers to the ever-changing and evolving world that young people live in.

It also seeks to challenge and improve existing services, responses and resources and develop new ways of supporting Care Leavers to achieve their full potential as well-rounded positive young adults for the future good of themselves and society.

Wirral Council's Local Offer for Care Leavers will continue to develop and evolve over time.

# Are you a Care Leaver?

If you have ever been looked after by someone other than your parents or by Social Services, or through Education or the Health Service; or remanded in custody as a child or young person, you may be a Care Leaver and entitled to services and support; in some cases up to your 25th birthday.

Some rules apply and it can be a bit complicated.

**If you aren't sure whether you are a Care Leaver contact the Wirral Leaving Care Service to check:**

■ Tel: **0151 666 3777** (1pm-4pm, Monday to Fridays)

If you aren't a Care Leaver, the Local Offer for Care Leavers does not apply to you, however;

**If you are under 18 and need help you can still contact Children's Social Care to discuss your situation:**

■ Monday to Friday, 9am to 5pm - Tel: **0151 606 2008**

■ Outside of these hours - Tel: **0151 677 6557**

■ Email: [ifd@wirral.gcsx.gov.uk](mailto:ifd@wirral.gcsx.gov.uk)

## **Legal definitions of Care Leaver status**

It's important to know which Care Leaver definition applies to you, as the type of support and services you are entitled to will depend on this. Your age and circumstances are also relevant.

### **Eligible Young Person**

If you are a young person aged 16 or 17 and have been looked after for a total of at least 13 weeks since the age of 14 and you are over 16; and have been looked after for at least 1 day since your 16th birthday.

### **Relevant Young Person**

If you are a young person aged 16 or 17 and have been looked after for a total of at least 13 weeks since the age of 14 and you are over 16 and have been looked after for at least 1 day since your 16th birthday but have stopped being looked after 'left care' before your 18th birthday.

### **Former Relevant Young Person**

If you were an Eligible or Relevant Young Person and have reached the age of 18, you will continue to be offered support up to your 21st birthday. It is your choice if you want your support to continue after this; or you can come back any time; until your 25th birthday.

### **Qualifying Care Leaver (Any of the following)**

- If you have ever been the subject of a Special Guardianship Order and were looked after immediately before the making of the order.
- If you were already a Care Leaver but returned to the care of someone who has Parental Responsibility or has been given Parental Responsibility for you via a Court Order and then lived with them for at least 6 months before your 18th birthday.
- You don't meet the 13 week criteria for being a Care Leaver but were looked after for at least 1 day since your 16th birthday.
- You were privately fostered with registered private foster carers.
- You were accommodated for at least 3 months via either Education or Health Service.
- You have had 'Short Breaks'

If you meet any of the above you are a Qualifying Care Leaver. If you are a Qualifying Care Leaver we must assess your need if you require this and can offer you appropriate advice, guidance and assistance. Support for Qualifying Care Leavers ends at their 21st birthday unless they are in education in which case it may continue up to their 25th birthday.

# Wirral Care Leavers' Charter

**We want to make sure that every Care Leaver has the opportunity and support to achieve their full potential and goals in life.**

This is a set of principles and promises that Care Leavers want the staff of Wirral Childrens Services to make. This will help in the decisions made about young peoples' lives. It does not replace any laws but gives guidance to show how laws are designed to be interpreted.

Wirral's Care Leavers' Charter is designed to raise expectations, understanding and the aspirations of what care leavers need and want from a good Corporate Parent.

## To Respect You

- We will support you and what you choose to believe in.
- We will respect your uniqueness and support you to express this positively to others. We will value and support relationships that are important to you.
- We will respect how you feel and help you.

## To Believe in You

- We will value you as an individual and encourage you to meet your goals and reach your potential, always looking for the best in you and not judging you on your past.
- We will be understanding and offer you any emotional support you want to help you move forward.
- We will support you and make sure that you receive the care you want and not the care we think you need.

### To Listen to You

- ☞ We will respect what you have to say and won't rush you when we are talking.
- ☞ We will not interrupt you and not forget what you say to us.
- ☞ We will always try to understand where you are coming from and take your past into account, reflecting on what you tell us and acting on it when we need to.
- ☞ If we should disagree with anything you say, we will always explain why and do this in a kind and understanding way.

### To Inform You

- ☞ We will inform you of what takes place at any of your meetings that you do not attend and keep you updated on your rights and entitlements.
- ☞ We will inform you about what has happened and what's going to happen during your time in care and let you know straight away about any changes.
- ☞ We will inform you who is responsible for making these decisions and inform you how this information is being recorded.
- ☞ We will also inform you about how your information is shared with others and ask you what information you would like or not like to be shared with your siblings.
- ☞ We will inform you how we are making sure that your voice is heard in everything that we do.
- ☞ We will provide you with all the contact details you need.

### To Support You

- ☞ We will support you through the good and bad, not bringing up any of your past mistakes.
- ☞ We will not judge you, pity you or view you only as a case number.
- ☞ We will ask you what you would like support with and help you with this.
- ☞ We will not presume to know when, how or why you need certain support but will always be there to help you when you need it.

- We will always let you know about other groups or organisations that may also be able to help.
- We will come and see you and your siblings separately, always offering each of you the same level of support.

### **To Find a Home**

- We will work with you to find you a home that you want and is right for you in your preferred area.
- We will do our best to support you until you decide you don't need our support anymore.
- We will help prepare you for independent living so that when you do decide to live on your own, you are ready and understand how to manage day to day tasks.
- We will do everything in our power to ensure your happiness.

### **To be a Lifelong Champion**

- We will do our best to help you with everything that you need help with, from housing, health and finances to college, university, employment and training.
- We will treat you with respect and good manners. Even when you feel you don't need us anymore, we will still be here for you up to your 25th birthday.
- We will help you to understand how and why certain decisions are made for and about you and we will support not just you, but also the rest of your family.
- We want you to trust us and we will do everything we can so this can be achieved. We will walk alongside you and do our best for you at all times.

# Your Rights

Everyone has Rights and a responsibility to respect the Rights of others.

Laws such as the Children Act 1989, Children (Leaving Care) Act 2000, & the Children & Social Work Act 2017 make sure that you are treated properly and fairly, wherever you are living.

## Your Rights include:

- The right to be helped by the Children and Young People's Department if you are in need of help or support
- The right to health care
- The right to education
- The right to be protected if you are or have been mistreated or harmed
- The right to see what is written about you
- The right to have contact with family and friends
- The right to be treated fairly by the Children and Young People's Department
- The right to complain and be given help to sort out your problems
- The right to have your wishes and feelings taken into account

We believe and promote your right to be heard and will involve you in all decisions made about your care experience, Pathway Planning and arrangements for Leaving Care.

# Care Leaver Participation & Engagement

Care Leavers have the opportunity to have their voices heard both via their own individual Pathway Plans but also in a wider sense that can influence and shape how services for Care Leavers develop in Wirral. This can happen in a variety of ways and is facilitated by staff employed to support Care Leavers do this:

- Care Leavers Council 16 to 21
- Care Leavers Council 21 Plus
- Young Inspectors
- Care Leavers Week
- Annual Care Leavers Conference
- Surveys & Questionnaires
- Annual Celebration Events
- Meeting with Senior Staff & Councillors
- Participation in National Care Leaver Events
- Representation at the Wirral Corporate Parenting Board
- Interviewing potential new staff
- Influencing new policies and procedures

# How does being a Care Leaver actually work?

Anytime from when you are 15 ½ years old your Social Worker should start to talk about your Pathway Plan Assessment. This will normally take several meetings with you. When this has been completed they will write your Pathway Plan with you. This is your plan for the next few years and it really important that you work on the plan with your Social Worker because it's your plan and it's about your future.

The Pathway Plan should record your strengths and achievements and any things you feel you need help with. The Social Worker does have to include anything they are worried about but should also include your opinion about it.

**Don't worry, your Pathway Plan isn't fixed in stone as it must be updated as things change and your views and wishes change as you get older.**

By the time you are 16 ¼ years old your Social Worker should have completed your Pathway Plan Assessment and Pathway Plan with you. (Your Independent Reviewing Officer will ask them if they have.) You should have been fully involved and know exactly what is in your Pathway Plan.

Your Pathway Plan is all about you - all the great things about you; your strengths and achievements and where you want to go and what you want to do and what you want to be. It may also include anything that you or anyone else is worried about, but only so we can sort it out.

Your Pathway Plan should be clearly written, and you should be able to understand everything in it. It should have your views, opinions, ideas, and wishes written down and dated as part of the Pathway Plan. It should be very clear and tell you exactly what you plan is. It's like a map from here to where you want to get to. It should cover all different part of what you want to do, how you are going to be helped and supported, and by whom.

# Personal Advisor 'PA'

If you are a Care Leaver, we will make sure you have a Leaving Care Personal Advisor to support you. It is their job to keep in touch with you, check that you are alright, help you get what you need, ensure your accommodation is suitable and encourage and support you in your education, training or employment.

Your personal advisor is there to help and advise you with your plans and make sure you have support while you move from being a young person to a young adult.

## **We will:**

Allocate a 'Personal Advisor' to support you from your 16th birthday or shortly after.

Your PA will work with you and your Social Worker to ensure your Pathway Plan covers all aspects of you and your plans for the future; how you are going to get there, who is going to help; anything you or your workers are worried about and how this is going to be sorted out.

Your PA will continue working with you until you are 21, and if you wish at any time after this up to your 25th birthday.

We will try not to change your PA unless you want this. (Sometimes things happen that are beyond our control.) In theory you might have the same PA for 9 years!

Your PA will keep in touch with you as agreed with you; but at least once every 56 days until you are 21 but more often if needed. After 21 you can decide and agree how often your PA contacts you.

# Advice and Support

Your Social Worker and PA are there to work with you as a team to help you prepare for being a successful and capable young adult. They can help and advise you with anything you need and if they can't they will find someone who can. They will talk a lot about your Pathway Plan as this is central to ensuring everything you need is addressed, sorted out and planned for in a clear way that you understand.

For your Pathway Plan to be effective and help you as much as possible, it needs to be based on an up-to-date assessment of your strengths, what you want and what you or anyone helping you is concerned about. The Pathway Plan then needs to set out how we get from where you are now to where you want to be for each part of the Plan. It needs to include exactly what needs to happen, who exactly will do it, when it should be done by, how we know when it has been achieved and what should happen if it doesn't or doesn't work as well as planned. You should be fully involved in the development of your Pathway Plan and you will be offered support by your Social Worker and Personal Adviser to express your wishes and views. **It's really important that you are involved!**

With your agreement, we may need to seek the views of other people and agencies when completing your Pathway Plan. This may include individual or organisations dealing with things like Housing, Education, Training and Employment, Benefits Agency, Health Service, Youth Offending Services and Transitions / Adult Social Care to ensure you get the best possible support.

Your PA will work with you from when you are 16 and focus on helping to prepare you for independent living so that when you do decide to live with less support or completely on your own, you are ready and well prepared. Doing this early makes the process easier and can give you more options and 'open doors' for you if you can show you are ready to move on.

Advice and Support is also available from other services and professionals. Your Social Worker or PA can signpost you to these, or is happy to support you to get in touch or actually attend with you if you wish:

### **These include:**

- Health: GP Doctors, Practice Nurses, Teenage Looked After Young People's Nurses, Dentist & Opticians; and other specialist help like CAMHS, and Sexual Health & Contraception advice.
- Learning, Skills & Employment Service
- Participation and Engagement Service
- Advocacy and Independent Visitors
- Safeguarding: Independent Reviewing Officer (IRO)
- Many others, just ask your Social Worker or PA

### **You can also get information and advice from;**

- **The Leaving Care Leaflets** (which covers all aspects of Leaving Care support)
- **'Right Side of Care' packs & 'Right Side of Care' website** (This contains lots of useful information; including a section on Leaving Care; and is well worth looking at: [www.therightsideofcare.com/leaving-care](http://www.therightsideofcare.com/leaving-care))
- **Pathway Hub** - Personal Advisors are available every afternoon to deal with any issue you may need support with. Address: **19 Argyle St, Birkenhead CH41 1AD**  
Tel: **0151 666 3777**  
Open 1pm-4pm, Monday to Friday. No appointment required.

# Accommodation: Where you live

We are trying to improve systems and processes and increase the range of accommodation options available you. We want to make it simpler, quicker and provide more choice of accommodation for Care Leavers.

**We will support you to find somewhere to live when you are ready to move, based on:**

- ☐ Your views and wishes
- ☑ Your age, maturity and what independence skills you have or may still need to develop to live independently safely.
- ☐ What accommodation options are available to you in the area you want to live?
- ☑ How much you can afford for accommodation based on your income or benefit entitlement?

**Common types of accommodation:**

## **Staying Put**

- ☐ Lodging with your former Foster Carer if you both want this to happen and it is the best option from age 18-21.

## **Supported Semi-independent Living**

- ☑ Accommodation with staff supporting you either part or full-time; either visiting your accommodation or based on-site.

## **Foyers or Hostels Accommodation via 'Mainstay' process**

### **Social Housing**

- ☐ Provided by a Housing Associations via 'Property Pool Plus' or direct applications.

## **Privately Rented accommodation owned privately by a Landlord / House Shares**

- PA will advise and support you with the various accommodation options; the pros & cons, the good points and bad points; the criteria and how to apply.
- PAs will continue to support you through the process of applying for accommodation as the time it takes to get an offer of accommodation can vary.
- We may be able to support you with agency fees, deposits and rent in advance depending on individual circumstances.

### **Your options based on age:**

**16 year-old Care Leavers** - We would encourage you to remain in your residential placement, Foster placement or semi-Independent living placement, whilst we continue to support you to prepare for Independent living. Your Social Worker, PA & IRO need to feel you are ready and it is safe for you to move on.

**If you are 17 years old** - We would help you to consider the most appropriate housing solution for you. This will probably be some form of supported accommodation via the 'Mainstay' process.

**If you are 18-25 years old** - We will support you to look at the whole range of housing options dependent on your wishes and individual needs.

From 18 we won't directly provide or fund your accommodation but will support you with finding accommodation you can afford and help you claim benefits to pay for it.

**All Wirral Care Leavers are entitled to a 'B' Priority status under the 'Property Pool Plus' system.**

### **When you have been offered accommodation:**

You will be offered advice and support about holding down a tenancy, including avoiding rent or Council Tax arrears, paying bills and budgeting. We know it can be very hard having your own place for the first time.

### **Your PAs will help you with:**

- Applying for benefits
- Ensuring your rent will be paid
- Registering with Gas, Electric & Water
- Registering to Vote
- Helping you set a weekly budget
- Arranging for you to get help moving in
- Help with setting up your new home.

Wirral provides a 'First Home Grant' of £2,000 to cover the essential items necessary to set up your new home.

You will need to write a list of things you need, and their approximate cost with your PA. They will have a lot of experience with this having done it with other young people.

We do have limited amounts for certain items.

Your PA will then discuss this with the Leaving Care Service Manager. Occasionally we will ask you to look at an item again.

We strongly advise not using all of your grant at once.

If you don't use all your First Home Grant you won't lose it.

Your PA will support you if you have a housing crisis, including help if you are threatened with, or actually lose your accommodation.

### **Homelessness**

Care leavers aged 18-20 have a legal priority need in homelessness legislation.

If as a Care Leaver over 18 and find yourself without any accommodation, your PA will support you to find accommodation and engage with the Wirral Council Housing Options Team in an emergency to find immediate accommodation whilst longer-term accommodation is identified.

# Council Tax

If you are a Wirral Care Leaver living in Wirral you do not have to pay Wirral Council Tax if you are under 25.

## **If you get a Council Tax bill don't ignore it!**

Please let the Wirral Council Tax Department know if you are a Wirral Care Leaver which we will confirm.

Tell your PA if you are under 21 or still have a PA if you are aged 21-25.

If you are a Wirral Care Leaver aged 21-25 who does not have a PA please contact us on **0151 666 3777** between 1pm to 4pm, Monday to Fridays.

# Employment, Education and Training

We are trying to provide the best possible support for education, training and employment for you so that you are able to access the best possible vocational, academic or employment opportunities and fulfil your full potential.

We are delighted to tell you that we have a specialist team called the Learning, Skills and Employment Service; dedicated to identifying, promoting and supporting education, training and employment opportunities for young people who are looked after and Care Leavers up to the age of 21.

This team; who will work very closely with you and your PA will help and support you intensively with all aspects of employment, education and training. As well as your PA you will have a personal 'Employability Coach' who will work with you until the age of 21. This includes CV writing, application form support, job search skills, interview techniques, college and university visits, career guidance, supporting individual work placements, and running our own preparation for employment course with a residential trip in the Lake District.

You may be entitled to financial help with travel, lunches, and a weekly incentive payment if you are undertaking education, training or employment; depending on your individual circumstances.

We will pay for any essential work clothing, safety boots and equipment, provided that your course, placement or employer requires this.

# Work Experience, Apprenticeships & Employment

We offer an expanding number of opportunities to Care Leavers for work experience, apprenticeships and employment within Wirral Council, its key partners and contract holders, and other Wirral businesses.

## **Apprenticeships**

To get your career started you usually need a combination of experience and qualifications. An apprenticeship gives you both by combining on the job training with study (usually one day a week) meaning you can earn while you learn. With some apprenticeships you can even get a degree.

It usually takes between one and four years to complete an apprenticeship depending on which level you take. Apprenticeships are available across a wide range of industries and many high-quality, prestigious companies offer them.

For more information and to apply for apprenticeships:

[www.gov.uk/apply-apprenticeship](http://www.gov.uk/apply-apprenticeship)

[www.apprenticeshiphub.org.uk](http://www.apprenticeshiphub.org.uk)

You can also explore local opportunities and events through the Liverpool City Region Apprenticeship Hub.

Wirral Council offers internal apprenticeships in a range of areas and as part of our Corporate Parent Responsibility we ring-fence several opportunities each year for our Care Leavers.

Wirral Council delivers The Wirral Apprentice Programme, which offers local employers a grant to recruit a young person as an apprentice. Participants have to be Not in Education Employment or Training, aged 16-24 and be a Wirral resident. A select number of these opportunities are ring-fenced for our Care Leavers, and employers can claim an enhanced grant offer for recruiting a care-experienced young person.

For more information contact Gareth Jones on **0151 666 5233** or **[garethjones@wirral.gov.uk](mailto:garethjones@wirral.gov.uk)**

### **Traineeships**

A traineeship is an education and training programme with work experience that unlocks the great potential of young people and prepares them for their future careers by helping them to become 'work ready'.

Designed to help young people aged 16 to 24 who don't yet have the appropriate skills or experience, traineeships provide the essential work preparation training, English, maths and work experience needed to secure an apprenticeship or employment.

For more information and to apply for Traineeships:  
**[www.gov.uk/find-traineeship](http://www.gov.uk/find-traineeship)**

### **Study Programme**

Let's take a look at what employers want from the perfect candidate. Will they assess you based on great exam results and solid technical skills? Of course this is a factor, but whilst these are key requirements of the job, employers know that young people can be moulded and taught technical skills.

Skills such as communication, attitude, and workplace etiquette and general likability are much harder skills to teach. When given the choice, an employer may be more likely to hire someone who has a well-rounded skillset and is keen to learn, than someone who is very technically gifted and obviously capable but is let down by poor employability skills.

This is where the study programme format comes in. Participants will be taught these vital skills as well as your chosen technical and professional skills to bolster your job prospects, improve your employability and help you to land a job after their course. You'll now have the chance to engage in personal and professional development as well as brushing up on your English and maths as part of your qualification.

### **Mapped Out - Local Directory**

Mapped Out is an online directory of Apprenticeships and other training opportunities for young people aged 16 to 18 on Merseyside, including Traineeships, Study Programmes and Employability Programmes. You can search by provider, location, programme or sector.

For more information and to search for opportunities:

[www.gmlpf.net/mappedout](http://www.gmlpf.net/mappedout)

### **Further Education**

Wirral has several schools which offer 6th Forms, an independent 6th Form College and a dedicated Further Education college. Provision covers a range of subjects at a range of levels to meet all academic and vocational needs.

<https://wmc.ac.uk>

<https://www.bsfc.ac.uk>

### **For more information FE provision:**

[www.ucas.com/?schemes=16-18\\_Choices&theme=all\\_stages](http://www.ucas.com/?schemes=16-18_Choices&theme=all_stages)

### **Supported Employment**

The Intermediate Labour Market Programme is a Liverpool City Region initiative funded by European Social Fund to help support some of those most vulnerable to enter the job market. This is done by offering a wage subsidy to employers to support them to recruit a young person with a view to an offer of sustainable employment after the subsidy period.

For more information contact Joanne Smith at

[joannesmith@wirral.gov.uk](mailto:joannesmith@wirral.gov.uk)

## **Mersey Interactive Portal**

Mersey Interactive is an online portal which provides information to young people and parents. Here you'll find a world of learning and employment information that will help you to plan the best future for you.

Click on the Apps, these will take you to resources and organisations to help you understand your education, career options and tips, personal support needs, such as financial, travel and childcare.

You can find more information at:

<http://www.merseyinteractive.com/Default.aspx>

## **Higher Education**

We are delighted to support your success and aspirations if you choose to go to university. More and more Care Leavers are choosing to go on to Higher Education.

Wirral is located within reach of some of the country's best universities including Liverpool University, John Moores University, Liverpool Hope University, Edge Hill University and Chester University.

For more information on Higher Education and to search for courses go to:

[wwwucas.com/?schemes=16-18\\_Choices&theme=all\\_stages](http://wwwucas.com/?schemes=16-18_Choices&theme=all_stages)

Your PA and the Learning, Skills & Employment Service will assist and support you with choosing the right course and university that matches your talents and interests if you wish.

Your PA will support you with all aspects of application processes, applying for Student Grants & Loans, and help with securing and paying deposits for student accommodation.

They will also advise you on what packages different universities offer to Care Leavers. They do vary enormously from none, to being very generous at some universities.

Some universities offer 365 day a year accommodation, whilst most offer term time accommodation.

There are schemes nationally that offer free accommodation for Care Leavers at a limited number of universities, and your PA will have information about this.

Up to £500 is available to Wirral Care Leavers for a new laptop at the start of your degree course.

Wirral Council offers a £2,000 **Higher Education Bursary** that we will pay to you, spread over the duration of your course in an agreed way.

We will also pay for your travel to-and-from university at the start and end of each term.

We will help you with the cost of accommodation during holidays, up to £60 per week.

We will also pay you a personal allowance during holiday periods if you have no other income.

When you graduate we will be delighted to recognise your achievement with a graduation gift of £100.

# Financial Support

If you are a Care Leaver you can access different types of financial support, but this does depend on what type of Care Leaver you are, your age, where you are living, your benefit entitlements and your individual circumstances. Your PA will help you to understand what types of financial support you may be entitled to and how much you are able to get.

Your PA will help you to create a budget to see what you can afford, which helps you understand your options; like where you can afford to live, and what you can afford to do?

Sorting out and managing your money is a challenge whatever you age, but particularly if you are just starting for the first time. **It's important to understand what money you have coming in each week and what things you will need to pay from this.** You may not have enough money for everything you need to pay for, so you will need to make some decisions and decide on priorities.

Your PA will help you with this and with making a budget, which will make things much clearer.

## **Things you may not have had to think about before;**

- The cost of your accommodation (rent).
- Council Tax (good news; Wirral Care Leavers are exempt from paying Wirral Council Tax until 25 but some rules do apply so discuss with your PA especially if you get a Council Tax bill).
- Paying for Gas, Electric, Water, TV License & Internet
- Buying your weekly food and other stuff that you need like toiletries; washing liquid and clo rolls.
- Setting aside money for clothes

- Getting to work or college and the cost of travel generally (Care Leavers may get some help with this for a time, depending on the circumstances, so please discuss with your PA).
- Affording any hobbies or sports and seeing friends
- Paying for costs associated with socialising
- Other costs

If you think you may be entitled to claim any benefits please discuss this with your PA who will advise and support you with this.

If you are aged 16 or 17 and being looked after then you will need to discuss what money you get with your Foster Carer, Residential Workers, or your Social Worker and PA.

If you are a Care Leaver aged 16 or 17 and no longer looked after we will pay you a weekly allowance equivalent to the national benefit rate (Currently £58.10) as you won't be able to claim benefits until your 18th birthday. We will also give you an additional £60 every 3 months towards clothing provided you have shown receipts previously for clothing grants.

### **Birthdays**

When you are 19 & 20 you will receive a gift card for £50. When you are 18 & 21 we recognize these as special birthdays and you will receive a gift card for £100.

### **Christmas and other Religious Festivals**

All Care Leavers receive a gift card for £20 at Christmas or at another time relating to a significant religious festival depending on what religion you choose to identify yourself as.

### **Individual Savings Accounts**

If you are a Care Leaver; depending on your age; the Government may have set up an Individual Savings Account. Usually there will be £200-£300 in it depending on whether any additional deposits have been made since it was set up.

If you have got one, you manage it from when you are 16 but only make withdrawals from it once you reach the age of 18.

Talk to your PA and they will help you to find out if you have one, discuss what you want to do with it, how to manage it from 16, and how to make withdrawals from it from when you are 18, if you wish.

### **Education, Training & Employment Cost**

We do offer some financial help depending on your individual circumstances - **Please see the section on Education, Employment & Training**

### **Care Leaver Parents**

If you are a parent or have a disability your Social Worker or Personal Advisor will support you to claim any benefits to which you may be entitled.

### **Maternity Grant**

If you are a parent (female or male), you can claim a Maternity Grant of up to £150 from 3 months before the birth to 3 months after the birth. This money must be spent directly on things for the baby, agreed with your PA, and this must be evidenced by receipts.

### **Driving Lessons**

Wirral Care Leaver are able to access the cost of one provisional driving license, one theory test, one practical test and 15 driving lessons.

In order to qualify for this incentive Care Leavers must be positively engaging with their worker and in settled pattern of education, training or employment.

Some behaviour, medical conditions, non-compliance with prescribed medication or alcohol or substance abuse will temporarily exclude Care Leavers from accessing driving lessons until the issue is resolved.

## **Custody**

In the highly unlikely event that you find yourself either remanded or sentenced to custody, your Social Worker and PA will continue to visit you and work with you to ensure you are okay, and make the best plans we can for your discharge via your Pathway Plan by working with you, your family, anyone else important to you and professionals involved in your case.

If you are 16 or 17 we will also pay you a monthly allowance of £20 so you can buy extra items from the prison canteen / shop.

## **Accommodation**

Financial assistance with setting up your first home -  
**Please see Accommodation Section.**

## **Financial assistance when claiming Universal Credit and other benefits**

We recognise that the way that the assessment of some benefits is administered does create hardship due to a built-in delay of up to 5 weeks. Due to this, Care Leavers may be offered some material or financial assistance based on their individual circumstance to avoid severe hardship during the period that their claim is being processed. This does not mean that the equivalent of full-benefit rates will be paid for any or all the period. To be considered for this type of support the Care Leaver must have done everything possible to progress their claim as soon as possible.

## **Internet Access - Benefit claims & job searches**

You can access the Internet at all Wirral Libraries free of charge.

If you are having difficulty, your PA will support you to access the Internet for specific tasks such as making a benefit claim or updating your benefit log.

## **Financial assistance in a crisis**

We do understand that sometimes with the best will in the world people genuinely run out of money before their next payments are due. Sometimes this is due to poor decisions or poor budgeting which your PA will want to support you with to avoid similar difficulties in the future.

The responsibility for financial support rest primarily with the DWP and Job Centre Plus and this should be the first place to approach if you are experiencing financial difficulties. Your PA or the Duty PA are available to discuss your situation, support you and offer any additional support we can.

### **Where it is not possible to access financial assistance, your PA or the Duty PA may be able to assist you with the following:**

- 🗨️ Access to the Response Young People's Food Banks for up to 72 hours of food.
- 🗨️ Your PA or the Duty PA can arrange a food shop at the Neo Café Supermarket.
- 🗨️ In very exceptional circumstances your PA or the Duty PA may request a small sum of financial assistance to be considered by a Leaving Care Service Team Manager based on individual circumstances and individual history.
- 🗨️ Your PA will want to help you address any issues that have led to your financial hardship in order to avoid it happening again.

# Health and Wellbeing

It is extremely important to us that Wirral Care Leavers have the best possible health and mental wellbeing.

We are trying to ensure that all our Care Leavers get quick access to any Health Assessment they require and then the best treatment they need as soon as possible.

Social Workers & PAs will ensure that all Care Leavers are registered with a GP, Dentist, and Optician; and support them with any issues relating to accessing any type of health care.

Any health issues will be covered in the Pathway Plan with a detailed plan of how this is being addressed, by whom, and by when. If health issues are not being addressed in a timely fashion, there should be a contingency plan and escalation process.

Care Leavers in Wirral are supported up to the age of 18 by Specialist Teenage Looked After Nurses who are able to support, facilitate and signpost in respect of all aspects of health care.

The Specialist Teenage Looked After Nurses are currently in the process of rolling out **Health Passports** to all Care Leavers aged 16 & 17.

All Care Leavers up to 18 will be offered the opportunity to meet with their Specialist Teenage Looked After Nurse to discuss or ask questions about any aspects of their health. This is not a medical but a health discussion.

# Birth Certificates, Bank Accounts, Passports & Provisional Driving Licenses

We will ensure that all Care Leavers have a copy of their birth certificate, their National Insurance number and a passport. All Care Leavers will also be supported to open up their own bank account if they have not already done so.

Care Leavers can also ask their PA for support with a free provisional driving license as a form of I.D. even if they are not currently learning to drive.

As a Care Leaver you can ask to see the records that Wirral hold on you. Wirral have to provide these records and support you with looking at them within 30 days of your written request.

**Your Social Worker and PA are available to support you with anything you want to discuss or need support with, or they will help find someone else for you to speak to if appropriate.**

# Anything we have missed?

No **Local Offer for Care Leavers** can cover every possible eventuality and situation. While we can't promise to solve every issue confronting Wirral Care Leavers we strive to have a culture such that we will try to work alongside our young people to address issues in a positive and supportive way, with the aim of finding an answer or some help with resolving the issues, and supporting the Care Leaver as far as possible.

## **Suggestions & Comments:**

We welcome any comments and suggestions, which should be made via the Duty PA:  
1pm - 4pm, Monday to Friday  
on Tel: **0151 666 3777**.

# Some useful contact numbers

## **Childline**

Tel: 0800 1111  
[www.childline.org.uk](http://www.childline.org.uk)

## **Childrens Commissioner for England**

Tel: 020 7783 8330  
[www.childrenscommissioner.gov.uk](http://www.childrenscommissioner.gov.uk)

## **Childrens and Young People's Participation and Engagement Team**

Tel: 0151 678 1936  
Mobile: 07799 861 764

## **Childrens Complaints Officer**

Tel: 0151 666 5677

## **Bullybusters**

Tel: 0800 169 6928  
[www.bullybusters.org.uk](http://www.bullybusters.org.uk)

## **Ofsted**

Tel: 0300 123 1231  
[enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)

## **Wirral Council Central Advice and Duty Team (CADT)**

Tel: 0151 606 1008

## **Wirral Council Emergency Duty Team**

Tel: 0151 677 6557

 <p><b>COUNCILLOR CHRISTINE JONES</b></p>	<p><b>CABINET MONDAY 24 JUNE 2019</b></p> <p><b>Local Government Ombudsman Report (March 2019)</b></p>
--------------------------------------------------------------------------------------------------------------------------------	----------------------------------------------------------------------------------------------------------------

**Councillor Chris Jones said:**

“We have offered our fullest apologies to this family. The Council has accepted the findings of the report and is implementing all the recommendations made by the Ombudsman.

“We have since significantly improved the way domiciliary care is managed and kept under review to accommodate changes in circumstances and ensure care packages meet people's needs as they change over time, and the level of care commissioned is appropriate to the needs of each individual who receives this care.

“The Council's aim is to ensure each of those who receive domiciliary care have their needs fully met by a care package which works flexibly to meet their specific needs, and that if there are complaints these are dealt with quickly and fairly. We accept that in the case highlighted by the Ombudsman this did not happen. We apologise for this and can reassure residents we have comprehensively reviewed and improved our complaint handling procedures.

“In light of the issues raised by the Ombudsman's investigation the Council has also worked closely with care providers who work on our behalf to ensure staff are fully trained in safeguarding and administering medication to ensure that now and in the future these issues are dealt with promptly and appropriately.”

## **REPORT SUMMARY**

The Local Government Ombudsman (LGO) has investigated a complaint made to the Council and found the Council at fault. It has made a number of recommendations that have been accepted in full. The Ombudsman has made the decision that the report would be published. The recommendations include that arrangements should be made for the report to be considered at full Council, Cabinet or another Committee with delegated authority.

This report seeks to set out the action that has been taken, or will take, to avoid similar faults in future and to meet the recommendations of the report in full which have been accepted. The findings and recommendations were specific to the case that was investigated.

This report relates to two of the Wirral Plan pledges: older people live well, and people with disabilities live independently.

The decision is not a key decision. The findings do relate to all wards as some responses to the Ombudsman's recommendations will apply to all wards.

The report refers to Mr X as the son of the former service user, and for ease of reference the same approach has been taken in this report.

## **RECOMMENDATION/S**

Members are asked to note the report and actions that have been or will be taken, in response to the Local Government Ombudsman's recommendations.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 Each case which comes to the Ombudsman takes account of the individual needs and circumstances of the person complaining when recommendations are made to remedy injustice caused by fault.
- 1.2 The Ombudsman has no legal power to force councils to follow recommendations, but they almost always do. Some of the things a council may be asked to do include issuing an apology, paying a financial remedy or improving its procedures so similar problems don't happen again.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 The Ombudsman's recommendations have already been accepted in full.

### **3.0 BACKGROUND INFORMATION**

- 3.1 Mr Y had health conditions and disabilities which caused him significant difficulty with mobility and completing daily living tasks. He lived on the ground floor of his home because he was not able to safely use the first floor. His son, Mr Z, lived on the first floor with his partner. They helped Mr Y with household tasks, although they found this difficult because of Mr Z's own health issues.
- 3.2 The Council arranged a package of care and support at home for Mr Y, for which he paid the full cost. The Council paid the care provider, and invoiced Mr Y. By the time of the events relating to the original complaint arising, the package consisted of four calls each day with two carers at each call as carers had to hoist Mr Y for all transfers. The support included help with personal care, meal preparation and medication.
- 3.3 His other son, Mr X, lived over 200 miles away and had a third-party mandate to access Mr Y's bank account.
- 3.4 Safeguarding issues were raised that firstly went unnoticed then, having been delayed for over one month, were not investigated adequately. The safeguarding enquiry was closed without being completed.
- 3.5 The Council's intention to focus on meeting needs rather than timed tasks is not an issue in itself; to some degree support should be flexible. However, the Council commissioned support based on the time it believed it should take to meet Mr Y's needs. With 59% of calls providing less than 75% of the time commissioned, it either commissioned far too much time, or the support fell far short of that planned. Whether Mr Y paid the full cost of his care, or a contribution, he should not pay for support he did not receive, and his care should have been reviewed when it was clear that the amount of time was commissioned was not being provided.
- 3.6 The Council was also at fault in the way it dealt with Mr X's complaint. Had the Council dealt properly with Mr X's complaint, it should have picked up on these other problems sooner and acted to protect him

#### 4.0 Action taken which addresses the concerns from the LGO report

4.1 To remedy the injustice identified in their report the Ombudsman made a number of recommendations which Wirral have taken steps to remedy or have plans to remedy.

1. Apologise to Mr X detailing the faults identified above and the action it has taken, or will take, to avoid similar faults in future	This action has been completed
2. Waive 50% of Mr Y's care fees to remedy the financial loss it caused	There is a revised invoice being processed which will be sent to Mr X
3. Pay Mr X £200 to remedy the frustration and stress it caused him	This action has been completed.
4. Refer this case to the local safeguarding board for review	This action has been completed.
5. Ensure all relevant complaints and assessment staff receive appropriate safeguarding training to ensure safeguarding issues are dealt with promptly and appropriately	This action has been completed.
6. Review the complaint handling in this case and develop an action plan to ensure that there is an improved service in future.	This action has been completed

4.2 In 2018 the Council ensured Social Work staff undertook a 2 day Safeguarding Training programme presented by an Independent Lecturer from the University.

4.3 The Council has worked with the Trust to be part of a national pilot of the Making Safeguarding Personal outcome questions. These support the development of safeguarding practice locally that is person centred.

4.4 The Council has since significantly improved the way domiciliary care is managed and kept under review, to accommodate changes in circumstances and ensure care packages meet people's needs as they change over time. These steps support how the Council avoids similar faults in future. The level of care commissioned is appropriate to the needs of each individual who receives this care.

4.5 The Council's aim is to ensure each of those who receive domiciliary care have their needs fully met by a care package which works flexibly to meet their specific needs, and that if there are complaints these are dealt with quickly and fairly. The following sections outline the steps that have been taken to support these improvements.

## Trusted Assessor Process

- 4.6 In order to improve the customer journey within domiciliary care, Wirral Health and Care Commissioning (WHCC) has worked closely with Wirral NHS Community Foundation Trust in developing and embedding a business process to allow trusted assessment and review of domiciliary care packages in the community in order to allow Domiciliary Care Providers ('the Provider') to be able to make adjustments to care packages of care in a very responsive and timely fashion
- 4.7 This new system was piloted for 6 months from Jan 2017 and following a very successful review, a decision was made to roll this out to all Tier 1 and 2 Providers in Wirral
- 4.8 Under the Trusted Assessor process, the Provider completes a review of the care package being provided; inclusive of risk assessment and will include any family or significant person reviews and a reminder re potential for changes to charging. The provider continues to keep the case under review over the lifetime of the package of care to ensure that services delivered continue to meet needs and also that people are able to live to their maximum independence level. Under the new care and support at home contract, providers must:
- supply a caring, compassionate workforce of staff that are skilled, have access to training and provide a timely responsive, proactive approach in supporting people and their families. (see training requirements below)
  - adapt a Trusted Assessor approach by working collaboratively with key partners to promote independence, reduce dependency and work collaboratively on streamlined business processes
  - support early intervention and chronic condition management, preventing the escalation of conditions and individuals entering acute settings inappropriately and minimising the disruption and number of professional interventions in an individual's daily life. Services are to be rooted in asset-based approaches, embedding different conversation and community connections into the support plan and the care delivered on a day to day basis
  - ensure that care and support packages meet individual needs, focusing on personalised care and outcomes for individuals. Their staff will value and respect the individual's home and their personal possessions, demonstrating empathy and sensitivity in the care and support that they provide, acting upon specific cultural or religious requirements requested by the individual and their family
  - work with partners to develop and embed the innovative use of a wide range of technology to support, efficient and effective care and Support at home, particularly telehealth and telecare, and within the lifetime of the contract be considered as prescribers of equipment to ensure effective capacity and flow, and right time response for people as required.
  - Work with all partners to ensure that support is scheduled so that care workers are not rushed; have the time to talk and meet Customers' needs and to ensure that they get to their next visit on
  - have robust contingency plans in place to ensure the safe, reliable and effective delivery of Care and Support at Home to Wirral residents, where unexpected or unplanned events occur.

## **Staff Training/Induction**

- 4.9 The Provider must ensure that all staff employed after March 2015 achieve the Care Certificate (as defined by the Department of Health, Skills for Care England and the Care Quality Commission)
- 4.10 All Managers responsible for the service must receive an induction commensurate with Skills for Care's Management Induction Standards completed within the first 12 weeks of employment.
- 4.11 In order to demonstrate their compliance with Contractual obligations, the Provider must:
- submit a monthly Service Quality Performance Report, cover a whole range of Performance Management requirements
  - prepare for and attend quarterly monitoring meetings with the Council in order to discuss the information submitted in the Service Quality Performance Report

The Council has increased the staffing resource available to the complaints team. The team have undertaken safeguarding training. The team have established robust procedures for monitoring its performance.

## **5.0 FINANCIAL IMPLICATIONS**

- 5.1 The Council has agreed to pay £200 as a gesture of goodwill and would waive 50% of the care costs amounting to £13,700.

## **6.0 LEGAL IMPLICATIONS**

- 6.1 The recommendations have no legal implications as the Ombudsman has not made findings or recommendations in relation to policy.

## **7.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

- 7.1 The resource implications are financial largely.

## **8.0 RELEVANT RISKS**

- 8.1 The risks are around a similar issue recurring and the mitigation is the action we are taking and proposing to take to prevent this.

## **9.0 ENGAGEMENT/CONSULTATION**

- 9.1 There is none planned in relation to this report.

## 10.0 EQUALITY IMPLICATIONS

10.1 N/A.

**REPORT AUTHOR:** *Simon Garner*  
*Lead Commissioner for All Age Independence*  
telephone: (0151) 666 3726  
email: [simongarner@wirral.gov.uk](mailto:simongarner@wirral.gov.uk)

**APPENDICES:** LGO Report

## REFERENCE MATERIAL

### SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
<b>Standards and Constitutional Oversight Committee</b>	<b>11 June 2019</b>

This page is intentionally left blank

**Report by the Local Government and Social Care  
Ombudsman**

**Investigation into a complaint against  
Wirral Metropolitan Borough Council  
(reference number: 17 020 182)**

**28 March 2019**

---

## The Ombudsman's role

For 40 years the Ombudsman has independently and impartially investigated complaints. We effectively resolve disputes about councils and other bodies in our jurisdiction by recommending redress which is proportionate, appropriate and reasonable based on all the facts of the complaint. Our service is free of charge.

Each case which comes to the Ombudsman is different and we take the individual needs and circumstances of the person complaining to us into account when we make recommendations to remedy injustice caused by fault.

We have no legal power to force councils to follow our recommendations, but they almost always do. Some of the things we might ask a council to do are:

- > apologise
- > pay a financial remedy
- > improve its procedures so similar problems don't happen again.

Section 30 of the 1974 Local Government Act says that a report should not normally name or identify any person. The people involved in this complaint are referred to by a letter or job role.

### Key to names used

Mr X	The complainant, and Mr Y's son
Mr Y	His father
Mr Z	Mr Y's other son

---

## **Report summary**

### **Adult social care (home care)**

Mr X complains that the Council provided his late father, Mr Y, with a home care service which was not adequate, and charged him for a service he did not receive. When he complained, he says the Council failed to deal with his complaints properly or take effective safeguarding action.

### **Finding**

Fault found causing injustice and recommendations made.

### **Recommendations**

To remedy the injustice caused, we recommend the Council:

- apologise to Mr X detailing the faults identified and the action it has taken, or will take, to avoid similar faults in future;
- waive 50% of Mr Y's care fees to remedy the financial loss it caused;
- pay Mr X £200 to remedy the frustration and stress it caused him;
- refer this case to the local safeguarding board for review;
- ensure all relevant complaints and assessment staff receive appropriate safeguarding training to ensure safeguarding issues are dealt with promptly and appropriately; and
- review the complaint handling in this case and develop an action plan to ensure an improved service in future.

---

## The complaint

1. The complainant, whom I shall refer to as Mr X, complains that the Council provided his late father, Mr Y, with a home care service which was not adequate. He says it:
  - provided fewer hours than it was contracted to deliver;
  - kept inadequate records;
  - issued inaccurate bills;
  - failed to carry out effective safeguarding investigations; and
  - handled his complaints about these issues poorly.
2. Mr X says he spent a lot of time trying to get the right care for Mr Y. The problems caused Mr Y disappointment and distress because of the shortfalls. He could not raise the issues with the Council himself.
3. Mr X also says he does not have a problem with paying for care which was properly provided and invoiced. He does not agree that Mr Y should pay for care he did not receive or which was not properly invoiced.

## Legal and administrative background

### The Ombudsman's role

4. We investigate complaints about 'maladministration' and 'service failure'. In this report, we have used the word 'fault' to refer to these. We must also consider whether any fault has had an adverse impact on the person making the complaint. We refer to this as 'injustice'. If there has been fault which has caused an injustice, we may suggest a remedy. (*Local Government Act 1974, sections 26(1) and 26A(1), as amended*)
5. We cannot investigate late complaints unless we decide there are good reasons. Late complaints are when someone takes more than 12 months to complain to us about something a council has done. (*Local Government Act 1974, sections 26B and 34D, as amended*).

In this case, Mr X first raised some of the issues in 2016 and formally complained to the Council in January 2017. The Council provided Mr X with its final response in March 2018 and he then came to us. For this reason, we have exercised discretion to consider the issues back to 2016.

6. We may investigate a complaint on behalf of someone who has died or who cannot authorise someone to act for them. The complaint may be made by:
  - their personal representative (if they have one), or
  - someone we consider to be suitable.(*Local Government Act 1974, section 26A(2), as amended*)
7. In this case, we decided Mr X was a suitable person to complain on Mr Y's behalf.

### Safeguarding

8. A council must make necessary enquiries if it has reason to think a person may be at risk of abuse or neglect and has needs for care and support which mean he or she cannot protect himself or herself. It must also decide whether it or another

---

person or agency should take any action to protect the person from abuse or risk.  
(*section 42, Care Act 2014*)

9. The Wirral Multi Agency Adult Safeguarding Procedure says:
  - “A principle of no delay applies to all safeguarding adults work” (p23).
  - “Ideally an investigation should be concluded within 28 days” (p23).
  - “The most important element in determining when a safeguarding enquiry can be concluded will be whether the individual is as safe as they can be and that risk has been appropriately identified and mitigating actions taken where possible” (pp23/24).
  - “The initial enquiries will begin on the day of receipt of referral, to ascertain whether the criterion is met, and to check the immediate safety of the adult has been ensured” (p24).

## **How we considered this complaint**

10. We produced this report after examining relevant documents and interviewing the complainant and relevant employees of the Council.
11. We gave the complainant and the Council a confidential draft of this report and invited their comments. The comments received were taken into account before the report was finalised.

## **What we found**

### **What happened**

12. Mr Y had health conditions and disabilities which caused him significant difficulty with mobility and completing daily living tasks. He lived on the ground floor of his home because he was not able to safely use the first floor. Another son, Mr Z, lived on the first floor with his partner. They helped Mr Y with household tasks, although they found this difficult because of Mr Z's own health issues.
13. The Council arranged a package of care and support at home for Mr Y, for which he paid the full cost. The Council paid the care provider, and invoiced Mr Y. By the time of these events, the package consisted of four calls each day with two carers at each call as carers had to hoist Mr Y for all transfers. The support included help with personal care, meal preparation and medication.
14. Mr X lived over 200 miles away and had a third party mandate to access Mr Y's bank account.
15. In July 2016, the Council wrote to Mr Y about outstanding invoices.
16. In August, Mr X emailed the Council because he had found invoices at Mr Y's home and needed more detail before he could arrange payment. He asked the Council to send him copies of invoices by email in future so that he could pay them. He said it was difficult for Mr Y to deal with in his current state of health.
17. The Council completed a review of Mr Y's care package to ensure it was meeting his needs. The review identified that carers had not been using his hoist and sling for transfers and the assessor had concerns that the methods they used were not safe. An occupational therapist (OT) visited with the assessor a few days later and agreed with this view. The OT updated the records in Mr Y 's home and advised the Care Provider that two carers should use the hoist and sling for all transfers.

- 
18. The Council asked the Care Provider about the time it spent on the morning call. The Care Provider advised it had been asked to provide a 45 minute call when it took over, and two carers had always completed the tasks within that time.
  19. In early autumn Mr Y's care provider changed.
  20. The chronology of the assessment documentation is difficult to follow but it appears the Council carried out an assessment in September. It notes that Mr X would support Mr Y with finances if required, but he didn't hold powers of attorney.
  21. In November, Mr X emailed the Council and copied in the Care Provider because he still had not received a response to his August email.
  22. In January 2017, Mr X wrote to the Assistant Director Health and Care Outcomes, thanking him for responding to a message he had left. Mr X said he had not received any response to either his August email, or his November email. He said again that he needed to see invoices to make payment. Also, that he was happy to pay "any relevant, appropriate and justified bills for care services" but did need to see what had been provided. He said Mr Y was "disabled, depressed and not in a fit state to deal with the Council about payment of services". He said Mr Y's funds would not last long with care bills of £1,500 per calendar month and asked whether the Council could provide any support. He also listed five issues which had arisen with the Care Provider since it had taken over the care package.
    - Mr Y's eye drops not administered.
    - Mr Y not strapped into his wheelchair creating a fall risk.
    - Carers not washing up after meals and dirty dishes left in the sink.
    - Carer kicking soiled bedding into the kitchen and used pads/underwear left in open bins in the kitchen.
    - Carers putting heavily soiled clothes in the washing machine without soaking.
  23. The Assistant Director responded five days later. He said he had passed the complaint on and put a hold on any automatic letters chasing unpaid invoices while the complaint was investigated.
  24. On 19 January 2017, the Council wrote to Mr X confirming who would investigate. The deadline for completion was 28 February.
  25. On 27 February, one of the Council's internal emails shows the complaint had not yet been considered. A manager decided some of the issues should have been addressed through safeguarding procedures. The officer dealing with his complaint wrote to Mr X to advise it would not be able to complete the investigation by 28 February but expected to respond by 7 March.
  26. On 1 March, the Council began the safeguarding process.
  27. On 15 March, a Council officer visited Mr Y who confirmed the complaints and raised some new issues. He said the hoist had fallen over with him in it two days previously, and there had been problems with his medication. Mr Y said he was not hurt. The officer found no record of the incident with the hoist but found evidence of discrepancies with medication which had caused an increased risk of seizures. She reported these additional safeguarding concerns. Further enquiries revealed discrepancies with the carers' completion of the communication log and medication not administered although signed for. The carers denied the incident

- 
- with the hoist. The officer advised that laundry was not part of the care package and carers had been doing this in their “spare time”.
28. On 17 March 2017, the officer met with the Care Provider. When the Council investigated Mr X’s complaint, it did not find any notes from the meeting and the officer could not recall what specific issues they discussed. The Care Provider believed they had focussed on concerns about the hoist and medication.
  29. On 28 March, the officer met with Mr Z. He felt heavily soiled laundry should be soaked before putting in the washing machine. The officer said she was waiting for feedback on this from the Care Provider. When the Council investigated Mr X’s complaint, it did not find any further contact on this matter which remained unaddressed. The Council closed the original safeguarding case about the five issues raised in Mr X’s original complaint letter of January.
  30. In April, Council records note that visit duration had not improved. It chased the Care Provider who interviewed carer A, one of the regular carers. Carer A had signed for medication he had not given and was on duty when Mr Y said he had fallen in the hoist. Carer A denied the fall from the hoist. He said he could not have picked Mr Y up if he had fallen and said Mr Y made stories up.
  31. On 19 April, the Council wrote to Mr X to advise that some of the issues he had raised were being addressed under safeguarding procedures. It said it would need more time to address the invoice issues.
  32. In May, Mr X wrote to the Council stating he had not heard from the Council since February. He said Mr Y was still receiving letters threatening recovery by the Head of Legal Services if payment was not made within seven days. Fortunately, these had been intercepted by Mr Z as Mr Y was in hospital again. Mr X asked the Council to stop sending threatening letters, to communicate with him by email and treat him as Mr Y’s representative.
  33. The Council wrote back and said although it had put a hold on recovery action, it had a duty to send invoices so people are aware of the financial situation. It said it would not send reminders but would continue to send invoices to Mr Y. It also said it does not have a record that Mr Y lacked capacity to deal with his finances and no record of a power of attorney, so wanted a letter of authority from Mr Y. Mr X replied saying he was content for the bill to go to Mr Y as long as he would not be sent threatening letters, and that he would receive a copy by email.
  34. In June 2017, a district nurse visited Mr Y at home and found he was in his wheelchair without the lap belt and at risk of falling out. Also, the hoist sling was upside down. She called an auxiliary nurse and the Care Provider. When the auxiliary nurse arrived, the nurses made Mr Y safe. The carers who arrived said they had not been trained in hoisting.
  35. A social worker visited Mr Y with a district nurse. Mr Y said carer A had been put out because Mr Y told him about moving the bed quickly and disconnecting the lifeline alert. Mr Z also reported that carer A and carer B, who usually attended with carer A, had been unpleasant about the house and family. Professionals met to discuss the issues and agreed that carers A and B should no longer support Mr Y.
  36. In March 2018, the Council sent its final response to Mr X’s complaint.  
In relation to the standard of care issues it found:
    - significant delay sharing the issues with the social work team, identifying safeguarding issues and beginning the safeguarding process; and

- 
- it had failed to properly consider the safeguarding concerns, and had not considered some issues at all. It apologised for this.

In relation to the care charges and short visits it found:

- 59% of calls provided less than 75% of the time commissioned;
- a shortfall of 579 hours 19 minutes; and
- a small proportion of calls exceeded the commissioned time; it gave no information about how much extra.

The Council said “the focus is very much on completing the tasks required to meet the need. If that means the calls take longer than the scheduled time or less, that is acceptable”. It pays for care in 15 minute blocks so would round up a call to the nearest 15 minutes. It says the amount charged has been calculated correctly.

In relation to the delays and poor complaint handling it found:

- it did not respond to Mr X’s complaint within the set timescales;
- the response letter contained incorrect information including the date; and
- it had found a clear failing in the service.

It apologised that the complaint had not been managed in an acceptable way and enclosed a cheque for £200 as a gesture of goodwill. It advised that Mr Y’s outstanding balance exceeded £26,000.

37. The Council said, in response to our draft report, that Mr Y cancelled or cut short many calls but the Care Provider has not recorded this information. It also says the Care Provider took on a lot of additional work for the Council at a time of great pressure and this affected its recording.

## Conclusions

38. The Council has acknowledged several faults in its response to Mr X’s complaint. Some of these faults were serious, particularly around the way it dealt with the complaint which contained safeguarding issues.
39. We are concerned that these safeguarding issues firstly went unnoticed, then having been delayed for over one month, were not investigated adequately. The safeguarding enquiry was closed without being completed; this is unacceptable. We know from later incidents that carers continued to put Mr Y at a greater risk of harm than he was already. When the Council did follow up on the issues, it asked the Care Provider to interview staff and took its word about Mr Y’s allegation that the hoist fell over with him in it. We found the Council was at fault here in the way it dealt with the safeguarding which was contrary to its own procedure.
40. The Council said it was acceptable for care calls to be shorter than commissioned if the person’s needs are met safely, but Mr Y’s needs were not being met safely. Carers moved the bed too quickly and disconnected the lifeline alert, were not trained in hoisting and did not strap Mr Y in his wheelchair. They also did not complete records adequately and signed for medication they did not give, putting Mr Y at an increased risk of seizures. These are all serious concerns which put Mr Y at a significant and avoidable risk of harm over at least 18 months. Unfortunately, we cannot now put this right for Mr Y as he has since died.
41. The Council’s intention to focus on meeting needs rather than timed tasks is not an issue in itself; to some degree support should be flexible. However, the

---

Council commissioned support based on the time it believed it should take to meet Mr Y's needs. With 59% of calls providing less than 75% of the time commissioned, it either commissioned far too much time, or the support fell far short of that planned. Whether Mr Y paid the full cost of his care, or a contribution, he should not pay for support he did not receive. The Council has provided some reasons why recording was deficient but we cannot say Mr Y should pay for a service which records suggest he did not receive. The Council was at fault here, and caused Mr Y a significant financial loss.

42. The Council was also at fault in the way it dealt with Mr X's complaint. Had the Council dealt properly with Mr X's complaint, it should have picked up on these other problems sooner and acted to protect him. The repeated delays and lack of response to Mr X's communication, caused Mr X significant and avoidable frustration and stress. Mr Y had told the Council that Mr X would support him with finances if required during his assessment in September 2016. Although there was no legal authority for Mr X to act on his behalf beyond his bank account, the Council does not appear to have had concerns about Mr X's intentions. If it did, it should have taken protective action. Under these circumstances, it could have been more pragmatic about this. Mr X clearly obtained invoices when he visited and it was in Mr Y's interests for Mr X to pay his care bills rather than risk legal action. The Council did not need to treat Mr X as a legal representative; this would be wrong. It just needed to provide Mr X, whom Mr Y had authorised to use his bank account, with copies of the invoices. We found the Council was at fault here and caused Mr X significant and avoidable frustration and stress.

## **Recommendations**

43. To remedy the injustice identified in this report we recommend the Council:
- apologise to Mr X detailing the faults identified above and the action it has taken, or will take, to avoid similar faults in future;
  - waive 50% of Mr Y's care fees to remedy the financial loss it caused;
  - pay Mr X £200 to remedy the frustration and stress it caused him;
  - refer this case to the local safeguarding board for review;
  - ensure all relevant complaints and assessment staff receive appropriate safeguarding training to ensure safeguarding issues are dealt with promptly and appropriately; and
  - review the complaint handling in this case and develop an action plan to ensure an improved service in future.
44. The Council must consider the report and confirm within three months the action it has taken or proposes to take. The Council should consider the report at its full Council, Cabinet or other appropriately delegated committee of elected members and we will require evidence of this. (*Local Government Act 1974, section 31(2), as amended*)

## **Decision**

45. We have completed our investigation into this complaint. There was fault by the Council which caused injustice to Mr Y and Mr X. The Council should take the action identified in paragraphs 43 to 44 to remedy that injustice

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank