

# Public Document Pack

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Head of Legal and Democratic Services  
Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr Carol Ellis (Chair)

CS/NG

Councillors: Marion Bateman, Peter Curtis,  
Adele Davies-Cooke, David Evans, Veronica Gay,  
Cindy Hinds, Stella Jones, Brian Lloyd, Mike Lowe,  
Dave Mackie, Hilary McGuill, Gareth Roberts,  
Ian Smith and David Wisinger

21 February 2013

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Dear Sir / Madam

A meeting of the **SOCIAL & HEALTH CARE OVERVIEW & SCRUTINY COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **THURSDAY, 28TH FEBRUARY, 2013** at **2.00 PM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

## **A G E N D A**

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 3 **MINUTES** (Pages 1 - 8)

To confirm as a correct record the minutes of the meeting held on 24 January, 2013 (copy enclosed).

- 4 **WELFARE REFORM ACT - OVERVIEW, IMPACTS AND MITIGATION'**

A presentation will be provided to Members.

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The Council welcomes correspondence in Welsh or English  
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

- 5 **PUBLIC LAW OUTLINE AND ASSOCIATED MATTERS** (Pages 9 - 26)  
Report of Director of Community Services enclosed.
- 6 **REGIONAL COMMISSIONING HUB** (Pages 27 - 34)  
Report of Director of Community Services enclosed.
- 7 **MENTAL HEALTH MEASURE UPDATE** (Pages 35 - 40)  
Report of Director of Community Services enclosed.
- 8 **SOCIAL & HEALTH CARE FORWARD WORK PROGRAMME** (Pages 41 - 48)  
Report of Overview & Scrutiny Facilitator enclosed.

## **SOCIAL AND HEALTH CARE OVERVIEW AND SCRUTINY COMMITTEE** **24 JANUARY 2013**

Minutes of the meeting of the Social and Health Care Overview and Scrutiny Committee of the Flintshire County Council held at County Hall, Mold on Thursday, 24 January 2013

### **PRESENT: Councillor C.A. Ellis (Chair)**

Councillors: M. Bateman, P.J. Curtis, V. Gay, S. Jones, R.B. Lloyd, D.I. Mackie, and D.E. Wisinger

### **APOLOGIES:**

Councillors: D. Evans, C. Hinds, H.J. McGuill, H.G. Roberts and I. Smith

### **CONTRIBUTORS:**

Cabinet Member for Social Services, Director of Community Services, Head of Youth Justice Service, Operations Manager Prevention, Fieldwork Manager and Management Information Officer

### **IN ATTENDANCE:**

Learning and Social Care Overview and Scrutiny Facilitator and Committee Officer

## **55. DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

No declarations of interest were made.

## **56. MINUTES**

The minutes of the meeting held on the 17 December, 2012 had been circulated to Members with the agenda.

### **Matters Arising**

The Chair commented on minutes number 51 and reported that the figures previously requested for Children in Need, such as numbers assessed and waiting for a social worker would be provided within the Quarter 3 Service Performance report which would be submitted to the Committee on the 11 April, 2013.

### **RESOLVED:**

That the minutes be approved as a correct record and signed by the Chair.

## **57. VARIATION IN ORDER OF AGENDA**

The Chair announced that there would be change in the order of the agenda and that agenda item 5 – Safeguarding and Child Protection would be considered after agenda item 7 – Integrated Family Support Service.

## **58. YOUNG PERSONS DRUG & ALCOHOL TEAM**

The Head of Youth Justice Service introduced a report to provide an update on the developments within Flintshire “Sorted” – Young People’s Drug and Alcohol Team (YPDAT) and an overview of the changes in regional funding arrangements.

The YPDAT had established a Young Person’s Steering Group which worked in partnership with the team and had recently renamed the service as Flintshire Sorted, the aim being to de-stigmatise services and to establish a ‘brand’ across Flintshire. Details of Flintshire Sorted initiatives were outlined within the report.

In response to a question about growing cannabis for personal use, the Chair advised that cannabis was an illegal substance and any concerns Members had should be reported to the Police.

Councillor S. Jones asked if the YPDAT met with the Police on a regular basis. The Head of Youth Justice Service explained that a Police Officer was employed within the Youth Justice Team and that regular meetings were held with the Police to discuss issues around Anti-Social Behaviour. He also explained that Members could make referrals through the out-reach programme seeking a member of the YPDAT to visit areas across Flintshire where there were concerns around drug and alcohol misuse. Councillor S. Jones asked if the contact details of the YPDAT could be sent to her following the meeting.

Councillor M. Bateman suggested that a representative of North Wales Police be invited to a future meeting of the Committee. The Chair explained that the Committee could recommend to the Community Profile and Partnerships Overview and Scrutiny Committee that a representative of North Wales Police attends one of their meetings to provide an overview of their role in tackling drug and alcohol misuse.

Councillor P.J. Curtis commented on the number of establishments across Flintshire who had been granted licences to sell alcohol and asked about the possibility of removing licences where establishments had been found to be selling alcohol to under age persons. He also asked whether advice and support was made available to older people to educate them on drug and alcohol misuse.

The Operations Manager Prevention explained that through the wider Community Safety Partnership the YPDAT worked closely with the Police and Trading Standards targeting areas where instances of establishments selling alcohol to young people had been reported. This had resulted in a number of prosecutions taking place. Advice and support was available to older people but only for those already receiving treatment for drug and/or alcohol misuse. Funding had been made available to enable officers to visit colleges to educate young people over the age of 18 on the affects of drug and alcohol misuse but further work needed to be carried out on this area.

Councillor V. Gay asked whether consideration had been given to introducing a scheme where the Police could remove intoxicated young people to be placed in a safe environment while waiting for their parents to collect them. The Head of Youth Justice Service explained that a similar scheme had previously been piloted by North Wales Police but this had been unsuccessful. The Operations Manager Prevention explained that once the YPDAT had been informed that alcohol had been confiscated from a young person a member of the team would contact their parents to offer support. A home visit may be necessary if a pattern emerged of regular alcohol misuse.

The Chair praised the production of an alcohol education DVD resource pack which had been written, acted, filmed and edited by Flintshire Sorted. She said that this was an excellent DVD and suggested that a copy be provided to all Members of the Committee. The Chair also congratulated the work of the team and her comments were echoed by the Committee.

The Director of Community Services thanked the Head of Youth Justice Service and Operations Manager Prevention for presenting the report to the Committee. He praised the work of the YPDAT but referred the Committee to the financial implications outlined within the report which would need to be continually monitored to ensure no reduction in grant funding in the future. The Cabinet Member for Social Services endorsed the comments of the Director and thanked the YPDAT for their hard work.

The Chair suggested that any changes to the Welsh Government Grant which funds the YPDAT be reported to the Committee. The Committee supported this suggestion.

**RESOLVED:**

- (a) That the report be noted; and
- (b) That any changes to the Welsh Government Grant which funds the Young Persons Drug and Alcohol Team be reported to the Committee.

**59. CSSIW INSPECTION (ASSESSMENT & CARE MANAGEMENT) 2012: UPDATE REPORT**

The Fieldwork Manager introduced a report to enable Members to receive a progress report on the CSSIW Inspection of Assessment and Care Management Action Plan originally reported to the Committee on the 26 July, 2012.

Following the CSSIW inspection the areas for improvement were identified alongside named persons who were to complete tasks or provide updates. Details of the tasks were outlined within the report showing that they were all on track to be completed within the proposed timescale.

The Chair congratulated the directorate on the outcome of the inspection and on the progress being made against areas highlighted for improvement. These comments were echoed by the Committee.

The Director of Community Services said that he would formally feedback the thanks of the Committee to the staff for their hard work.

**RESOLVED:**

That the report be noted.

**60. INTERGRATED FAMILY SUPPORT SERVICE**

The Fieldwork Manager introduced a report to report to Members on the Local Authority's response to the Welsh Government (WG) requirement that they set up an Integrated Family Support Service (IFSS) during 2013.

The WG had requested information from all Local Authorities in Wales on how they intend to roll out the IFSS model in their area during 2013, including information on governance and operational considerations. Wrexham already had an established team in keeping with the IFSS guidance and following consultation, it had been proposed that an integrated team be established across the two counties hosted by Flintshire.

Councillors P.J. Curtis and S. Jones both welcomed the report with Councillor Curtis commenting positively on the recent television advertisements to highlight mental health issues. Councillor Jones asked how referrals would be presented to the IFSS.

The Fieldwork Manager explained that referrals could be made via General Practitioners who would refer patients to the Duty and Assessment Team before being referred to the IFSS. The team were currently working on producing exit strategies for the Service.

Councillor D.E. Wisinger raised concerns on welfare reform, specifically the introducing of a bedroom tax, which could impact disabled people who had empty bedrooms to enable carers to stay with them.

The Cabinet Member for Social Services explained that Paul Neave, Team Manager Advice & Homeless Services was undertaking work to identify how the welfare reform proposals would impact carers. The Chair suggested that Paul Neave be asked to provide a briefing note on the possible impact of welfare reform on service users to the Committee.

The Director of Community Services commented on the IT systems which would need to be put in place to enable data to be collated across the border parameters for the purposes of WG reporting. He thanked the Committee for their supportive comments and advised that the report would be submitted to Cabinet for approval.

The Chair asked that an update report on the IFSS be provided to the Committee in September 2013 together with an update on exit strategies.

**RESOLVED:**

- (a) That the Committee support the proposals as set out in the report, including that of Flintshire as the host Authority;
- (b) That the Committee support the development of information protocols, to include cross county confidentiality, data protection, referral criteria and allocation from each Authority to be drawn up and agreed and an extension to the existing Section 58(1) agreement which Wrexham have in place be negotiated with the relevant agencies involved;
- (c) That the Committee support the setting up of an Integrated Family Support Service during 2013 and make recommendations to Cabinet for approval;
- (d) That an update report on the IFSS be provided to the Committee in September 2013 together with an update on exit strategies.

**61. SAFEGUARDING AND CHILD PROTECTION (JOINT REPORT FROM SAFEGUARDING UNIT)**

The Director of Community Services and Operations Manager Prevention introduced a report to provide Members with information in relation to Child Protection and Safeguarding within the county boundaries.

The report informed Members of key statistical and performance related information about children for whom the Authority had significant safeguarding responsibilities and covered the period from 1 October 2011 to 30 September 2012. The Operations Manager Prevention highlighted the Appendices to the report which provided detailed information on the management and performance data about safeguarding, reports analysing child protection case conference feedback and reports analysing staff availability and unmet need.

Councillor S. Jones commented on the time that children had spent on the child protection register and asked how many follow up visits were made to a child that had been removed from the register.

The Fieldwork Manager explained that once a child had been removed from the register, the case would remain open for a period of time and their case would be reviewed by an allocated Social Worker.

The Chair commented on referrals received from members of the public and the Fieldwork Manager confirmed that referrals are receiving from members of the public and that meetings with the Police are also held daily.

In response to a question on the increase in child protection referrals between April and June 2012, the Operations Manager Prevention explained that this had been due to a referral for a large sibling group.

**RESOLVED:**

That the Committee accept the report as information in relation to Child Protection and Safeguarding for the period 1 October 2011 to 30 September 2012.

**62. FORWARD WORK PROGRAMME**

The Learning and Social Care Overview and Scrutiny Facilitator introduced the report to consider the Forward Work Programme for the Committee.

The next meeting of the Committee was scheduled to be held on the 28 January, 2013 to enable the Committee to consider budget proposals for 2013/14. The Annual Council Reporting Framework report which was due to be submitted to the Committee on the 28 February would now be presented at a later date following a meeting of the Task Group and the consultation process. The remaining items showing at Appendix 1 of the report for the forthcoming Committee meetings remained unaltered.

The Facilitator also advised the Committee that a joint meeting between the Committee and the Lifelong Learning Overview and Scrutiny Committee would be held on the 21 March, 2013. At the Committee meeting on the 25 July, 2013 there could possibly be a report from the Social Services Improvement Agency regarding the pilot results based accountability model of intervention project but this would be dependent on officer availability.

The Chair reported that she had contacted the Chief Executive to ask him to invite representatives of the Betsi Cadwaladr University Health Board a special meeting of the Committee to discuss the proposed changes to the health service across North Wales. The Committee would be advised further when a response had been received.

Councillor D.I. Mackie suggested that a report on adoption be submitted to a future meeting of the Committee. He raised concerns that the North Wales Adoption Service report submitted to the Committee on the 4 October 2012 had included a number of comparisons to the first year of service which he did not feel was valid. The Committee agreed that a report on adoption, to include information around national changes to adoption and the allocation of cases to staff, be included on the forward work programme.

Councillor V. Gay suggested that a report on welfare reform, detailing the impact this would have on foster parents and disabled children be submitted to the Committee. The Chair suggested that the Committee invite Paul Neave to a future meeting to provide and update on the possible impacts welfare reform would have on disabled people, carers and foster parents. The Committee agreed with this suggestion.



**RESOLVED:**

That subject to the foregoing, the Forward Work Programme be noted.

**63. DURATION OF MEETING**

The meeting commenced at 2.00 pm and ended at 3.08 p.m.

**64. MEMBERS OF THE PUBLIC AND PRESS IN ATTENDANCE**

There was one member of the press in attendance.

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**Chair**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** SOCIAL & HEALTH CARE OVERVIEW & SCRUTINY  
COMMITTEE  
**DATE:** THURSDAY, 28 FEBRUARY 2013  
**REPORT BY:** DIRECTOR OF COMMUNITY SERVICES  
**SUBJECT:** PUBLIC LAW OUTLINE AND ASSOCIATED  
MATTERS

### **1.00 PURPOSE OF REPORT**

**1.01** The purpose of this report is to inform members about the Public Law Outline a Framework deployed by Children's Services for cases being considered for an application for a Care Order within the Family Proceedings Court.

### **2.00 BACKGROUND**

**2.01** The Public Law Outline (PLO) came into being on 1<sup>st</sup> April 2008, having been piloted in 10 counties in England and Wales including Liverpool, Swansea and Warrington.

**2.02** This protocol replaced the protocol for Judicial Management of Public Law Cases. It is Judge driven, aimed at addressing judicially perceived problems such as

- Delay
- Excessive hearing time
- Costs

**2.03** Traditionally of the Public Law cases before the Courts only 20-30% and "single issues" or acute matters (relating to serious injury or allegations of sexual abuse) were heard. The rest were revoked by agreement outside the Court by legal representatives.

70-80% related to chronic neglect cases.

The PLO makes changes in respect of the latter. Those cases that were not heard. The PLO can be ignored in certain cases such as Emergency Protection Orders.

**2.04** The PLO evoked changes to the progress through Court. Under PLO there will usually be only three hearings during the life of the case through Court:-

- Case management conference

- Issues resolutions hearings
- Matters before the hearings

**2.05** Under PLO there are no fixed timescales. Timescales will be set for the particular needs of the child, for example

- If a child needs their future settled before a change to secondary school
- If a baby may need placing for adoption

### **3.00 CURRENT POSITION**

**3.01** The protocol enables Local Authorities to identify their preventative service for each case, implement them and evaluate their effectiveness without the need for a legal strengthening of position to evoke change.

**3.02** For example, Families who have children on the Child Protection Register and where the Child Protection Plan is ineffective can be spoken to with their legal representatives present. Local Authority solicitors would attend these meetings.

These meetings are PLO meetings, the purpose of which is to give families an opportunity to make changes in their treatment of their children to prevent further legal interventions being necessary.

Families are written to and our expectations of change clearly set out so that families can seek legal advice.

Local Authority support is explored to help the family address the actions for change set out in the letter.

The meeting then concludes with the clear message that if the family do not make the required changes for their children the Authority will issue legal proceedings.

**3.04** Under PLO Guardians who are court appointed officers that report on the child's best interests, ( they are qualified social workers), are expected to provide an analysis at each of the three stages of the proceedings.

**3.05** Since 1<sup>st</sup> April 2008 Flintshire Children's Services have held 40 PLO Meetings and a steady increase in care proceedings from 12 per year in 2008 to 37 per year in December 2010.

Over the past two years we have increased our applications for family proceedings by over 100%. This is due to the number of babies and small children placed at significant risk by their parents, either because parents are young people themselves (with troubled and in

some cases tragic backgrounds), or parents have learning difficulties.

Children's Services offer a broad range of preventative and support services which can be deployed in such cases.

- 3.06** Children's Services hold weekly Legal Advice Meetings to discuss these cases that are chaired by a Senior Manager. Social workers and their managers prepare a briefing paper on cases for legal advice to be given. The Legal Advice Meetings can either decide a PLO meeting is required, no further legal action at present or that we need an immediate legal strengthening of our position and family proceedings should commence.

Once family proceedings commence and if the child is removed from the care of their parents the issue of contact between children and their parents/carers has to be considered. These often court ordered arrangements have a significant impact on resources within Children's Services.

#### **4.00 RECOMMENDATIONS**

- 4.01** Members note the information in this report and identify any further information or reporting requirements.

#### **5.00 FINANCIAL IMPLICATIONS**

- 5.01** Every application for proceedings costs £2,225, during 2012 the costs were £82,325, £700 for the resolutions hearing £1,900 for the final hearing in each case.

In Flintshire we have dealt with some highly complex and challenging issues for which we have received high praise in the Courts. For these cases we have needed the assistance of Queen's Counsel and Senior Counsel. In these cases the cost of Counsel support is very high. For example in the following cases the costs were:

P Case £47,305  
CP Case £1,125  
H/E Case £41,925

Currently we have a number of cases whereby we have to provide a Mother and Baby Placement. This is due to case law that requires us to avoid separating mothers from their babies.

Given that we are dealing with a large group of babies and very young children that either are placed with their mothers in a Mother and Baby Unit ( 4 at this point in time) with the potential of 3 this year so far, and need high levels of supervised contact between them, the cost of providing this service in 2012 was £105,365

**6.00 ANTI POVERTY IMPACT**

**6.01** None arising directly from this report

**7.00 ENVIRONMENTAL IMPACT**

**7.01** None arising directly from this report

**8.00 EQUALITIES IMPACT**

**8.01** None directly

**9.00 PERSONNEL IMPLICATIONS**

**9.01** None directly arising from this report, although members should note the resource hungry nature of these interventions

**10.00 CONSULTATION REQUIRED**

**10.01** None directly arising from this report.

**11.00 CONSULTATION UNDERTAKEN**

**11.01** None arising directly from this report

**12.00 APPENDICES**

**12.01** (i) FAQ paper relating to the PLO

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

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**Statutory Guidance for Local Authorities  
and the Public Law Outline**

**Frequently Asked Questions**

<b>1. General</b>	<b>page 2</b>
<b>2. Statutory Guidance</b>	<b>page 5</b>
<b>3. Public Law Outline</b>	<b>page 10</b>
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## 1. GENERAL

This document seeks to address some of the key questions that have been raised about the revised statutory guidance for local authorities and the Public Law Outline. For more general information about the reforms please also refer to the Ministry of Justice website: <http://www.justice.gov.uk/guidance/careproceedings.htm>

### **What is happening?**

- Following the *Review of the Child Care Proceedings System in England and Wales*, (published jointly in May 2006, by the Department for Constitutional Affairs, (now Ministry of Justice), the Department for Education and Skills (now Department for Children Schools and Families) and the Welsh Assembly Government), two key pieces of work are being taken forward, which will become effective on 1 April 2008.
  - Revised statutory guidance (Volume 1 'Court Orders' of the Children Act guidance) under section 7 of the Local Authority Social Services Act 1970, issued by DCSF and the Welsh Assembly Government
  - A new Public Law Outline (PLO), replacing the current Protocol for Judicial Case Management in Public Law Children Act Cases

### **Why are these changes happening?**

- There are around 14,000 applications (by child) for care or supervision each year. These cases are complex and time consuming – taking on average 51 weeks in care centres and 42 weeks in magistrates' courts (Family Proceedings Courts).
- Change is needed to reduce the impact of delay on the children involved. These are some of the most socially excluded people in our society. Children in care are three times more likely to be convicted of an offence or cautioned than other children; and tend to start using drugs at an earlier age, at higher levels and more frequently than other children.
- The lengthy court process prolongs instability in the child's life. This can mean it is more likely that children will live in a series of temporary placements until their future is decided which may impact on continuity in schooling. This is even more important given around 70% of children in residential care leave school with no GCSEs.

### **What did the Care Review recommend?**

- The Care Review made a number of recommendations to improve the system for children and families subject to care proceedings and to ensure that all resources in the system are used in the most timely and effective way. The Care Review encourages early intervention to find resolutions before cases reach court, and identified ways to improve the quality of local authority applications and improve case management procedures for those that do reach court.
- The Care Review highlighted five key areas for attention:
  - **Helping families** – Ensure Families and children understand proceedings
  - **Better informed resolution** – Ensure applications are only made after all safe, appropriate alternatives have been explored
  - **Preparation for proceedings** – Improve quality and consistency of section 31 applications



- **During proceedings** – Improve case management
- **Inter-agency working** – Encourage closer professional relationships between agencies

**Who is involved in taking forward the work to implement the statutory guidance and the PLO?**

- The Care Proceedings Programme was established to take forward the work arising from the Care Review. The Programme is led by the Ministry of Justice with wide inter-agency involvement from DCSF, the Welsh Assembly Government, the Judiciary, Cafcass, Cafcass Cymru and the Legal Services Commission. It also works closely with the Association of Directors for Children's Services, the Local Government Association, the Children's Commissioner and the Association of Lawyers for Children.
- The work is overseen by an inter-agency Ministerial Group, Delivery Board and an Implementation Steering Group. The focus of the Steering Group is to provide support to ensure family justice agencies embed the new procedures into their own practices and systems.

**What will success look like and how will the reforms be evaluated?**

- Currently, performance is measured by the proportion of care and supervision cases which are completed within 40 weeks. The aim is to complete 56% of cases in the magistrates' courts and 48% of cases in care centres within 40 weeks.
- The Ministry of Justice is considering how both the guidance and PLO can be evaluated following implementation. The initiative areas will be evaluated in the coming year, and national evaluation is expected to commence before 09/10 because it takes on average one year for a case to be completed.

**What are the proposals to increase the fee payable by local authorities for making care or supervision applications?**

- HMCS issued a consultation paper setting out proposals for a new fee charging regime for local authorities earlier this year. This can be viewed at: <http://www.justice.gov.uk/publications/cp3207.htm>
- The proposals reflect HM Treasury policy on fees and charges to reflect the full cost of providing the court system for each application. The consultation closed on 11 March 2008 and the responses are currently being reviewed.

**Which areas were involved in testing the PLO?**

- The PLO was tested in the following Care Centres and Family Proceedings Courts which feed into these centres:
  - Birmingham
  - London
  - Liverpool
  - Warrington/Chester
  - Newcastle/Sunderland
  - Exeter/Plymouth
  - Leicester
  - Milton Keynes/Oxford
  - Swansea
  - Portsmouth

**How were the initiative areas chosen?**

- The initiative areas were chosen by the President in consultation with relevant Designated Family Judges

**Were the initiative areas evaluated before the PLO was finalised?**

- Implementation of the PLO is being led by the judiciary. As most cases take on average a year to proceed through the courts, it was recognised that it would be difficult to evaluate the impact of the PLO fully in terms of delay. The President and the Judicial Review Team were keen to hear feedback about the proposals from the initiative areas and the President met with his Designated Family Judges in each of the initiative areas in the autumn 2007 in order to gauge how the PLO was operating and bedding down. In addition, an online survey for court users in the initiative areas and a consultation on the content of the PLO fed into this process.
- In addition, the experiences of the initiative areas have had a crucial role in helping to inform implementation plans. Workshops were held with key representatives from each area, for example, to receive feedback and views.

**The final version of the PLO differs to that which has been used in the initiative areas. Which version should be used?**

- The final version of the PLO has been sent to all DFJs and court staff in the initiative areas. The question of when it is appropriate to start using the final version, and if this should occur before April, is a matter to be considered by the DFJ in each area, and court users will be informed of the position at a local level.

## **2. STATUTORY GUIDANCE**

### **What are the main changes in the revised guidance?**

- Local authorities will be expected to submit better quality applications to court. The revised guidance places increased emphasis on pre-proceedings preparation of cases by local authorities to ensure that all the necessary steps have been completed prior to issuing proceedings to avoid unnecessary delay during the start of the court process. This will ensure that all kinship care options have been fully explored, core assessments are carried out and that care plans have been prepared and shared with families.
- The entitlement of parents and those with parental responsibility, to non-means tested publicly funded legal advice. This can be accessed once the local authority has notified parents and those with parental responsibility of its intention to initiate proceedings. This additional legal help will cover liaison and negotiations with local authorities, with the aim of avoiding proceedings or if this is not possible, identifying the key issues in dispute at an early stage.

### **If I comply fully with the pre-proceedings checklist, there is likely to be a huge amount of paperwork filed with the courts. Is all of it needed?**

- The aim of the pre-proceedings checklist is to ensure that all pertinent documents which are on the local authority file are lodged with the application from the outset. Only those documents that are directly relevant to the local authority case, e.g. the outcome of key meetings with the family, should be filed with the application.

### **How can you ensure local authorities will be able to meet the pre-proceedings requirements?**

- The court will closely and routinely consider what actions have been taken by local authorities before a care application has been made. If certain pre-proceedings steps have not been taken, the judge and/or legal adviser reviewing the application will consider issuing standard directions to ensure the case can progress.
- If a child's welfare is at risk, the local authority must make an immediate court application. The absence of certain steps or documents is irrelevant in these circumstances.

### **How will the voice of the child be represented during the pre-proceedings stages?**

- There is no provision for the child to be represented at the meeting between the local authority, the parents and their legal representatives. The purpose of the meeting is clarify the issues for the parents and to help them to understand what needs to happen in order to avoid court proceedings.
- It is of course important, and part of the local authority's role, to consider the voice of the child throughout a properly undertaken core assessment.

### **What alternatives are there to Family Group Conferences (FGC) to pursue alternative kinship options?**

- DCSF encourage the use of FGCs, particularly as not all local authorities currently make use of them. Social workers will need to consider if it is appropriate to hold a FGC depending on the circumstances of an individual case. Further guidance about communicating and working with children and their

families is available in the book by David P.H. Jones, *Communicating with vulnerable children. A Guide for Practitioners* (Publisher: Gaskell, ISBN number: 1-901242-91-9)

#### **Where do Family Group Conferences fit into the process?**

- The pre-proceedings flowchart, which is annexed to the guidance, sets out that Family Group Conferences may be used at any point following the initial assessment. All of these cases are very different and individual discretion will need to be exercised by social workers about whether a FGC is appropriate and when it should fit into the process.

#### **Don't these reforms shift the delay during proceedings to the pre-proceedings stages?**

- The vast majority of the families in care proceedings have previously been known to local authorities for many months, and very often for a number of years. As with the previous Protocol, the PLO expects that based on this extensive engagement with, and knowledge of families, local authorities will continue to need to properly prepare documentation to support court applications.
- The PLO recognises that there will be cases where the need to safeguard the welfare of the child means that an application should be made to court immediately and that it will not be possible to lodge all of the appropriate paperwork at that time.

#### **To what extent will the courts expect to see specialist and independent assessments of family members during the pre-proceedings stages?**

- The purpose of assessment process before proceedings commence is to help the local authority to determine whether it is appropriate to make an application to court and to help them come to a decision about what the needs of the child are. As part of the core assessment process, local authorities will need to consider to what extent any specialist or independent assessments may or may not be appropriate.
- Local authorities will need to work closely with key partners – e.g. Children's Trusts and health partners – to identify how early and proportionate assessments should be incorporated into core assessment activity.
- Of course, the parties may wish for additional assessments to be completed during court proceedings. The parties should discuss whether an expert is required at the advocates' meeting before the CMC. The question of whether additional expert assessments should be commissioned is then a matter to be determined by the court at the CMC. In the first instance, though, the court will consider if these assessments should be undertaken by the social worker or children's guardian.

#### **When should the notification be issued to parents?**

- The decision about whether to issue a letter before proceedings, setting out local authority's concerns about a child should be taken at a legal planning/gateway meeting. In some circumstances, the safeguarding concerns will be such that a decision will be taken to make an application to court immediately. In these circumstances it will not be possible to send a letter to the parents. However in other circumstances, whilst care or supervision proceedings may be deemed appropriate, the safeguarding concerns may nonetheless allow time to be factored in for further work with the family, and a letter before proceedings should be issued at this point.

**Can the letter before proceedings be issued to parents/those with PR before the birth of an unborn child?**

- Yes

**What processes should be adopted by local authorities after a letter before proceedings is issued?**

- Local authorities should aim to meet with the parents and their legal representatives as soon as possible after a letter before proceedings is issued. Any plan that is agreed at this meeting should also be communicated to the parents and their legal representatives after this meeting. The plan should be reviewed regularly and the safety of the child should be a paramount consideration in this. Local authorities will need to introduce their own procedures and systems for monitoring whether progress is being made with the family. If at any point the risk to the child is such that court proceedings should be taken, then an application should be made immediately.

**Will there be consistency of documents with the integrated children's system?**

- Yes there will be.

**Can you give any advice on gaining parental consent to approach relatives at an early stage and maintaining working relationship with parents?**

- The most important thing is to work closely with parents at each stage so they are fully engaged with the process. This is likely to be much more productive than covert approaches to members of the wider family which would be inappropriate.
- It is accepted that in many cases some relatives will not put themselves forward at an early stage to avoid conflict with the parents. The focus on working with the parents before proceedings is an attempt to overcome some of these issues. In many cases, though, it is accepted that it may only be possible to pursue 'family and friends' options once proceedings have started.

**What level of detail will be required in assessing family members?**

- This will depend on the role that is envisaged for the family member. A high level of detail is likely to be needed if, for example, a family member is to be assessed with a view to being approved as a local authority foster parent.

**Do kinship carers' assessments always have to be fully completed before proceedings are issued?**

- This depends on the circumstances of each case. In some instances this will be possible, in others the need to safeguard the child may preclude this step from being completed.

**How wide is the search for relatives?**

- This will need to be considered on a case by case basis.

**How do we ensure all potential carers come forward? Will there be a deadline (e.g. the commencement of proceedings) after which family members will not be considered?**

- It is necessary to exercise professional judgement about the point at which this should be pursued as opposed to setting a final deadline, particularly without the authority of the court.

**Will full assessments or viability assessments be required of potential family carers?**

- This will depend on the individual circumstances of each case and will need to be considered separately as is currently the case.

**If DNA testing is required to confirm the father's identity, will the local authority need to complete this work prior to the proceedings (and fund it)? And what happens if father only comes forward at or after the commencement of proceedings?**

- In cases such as this, there will be implications for the whole of the paternal family. Although the suitability of a putative father as a permanence option for the child may need to take account of DNA evidence of paternity, there are likely to be a number of other important factors to take into account. The consideration of putative fathers as permanent carers may therefore take place at any time before or after (or, occasionally instead of) care proceedings.

**There may be situations where we do not want to alert the parents to the possibility of issuing proceedings, for example if there is a risk of them disappearing. Do local authorities always have to inform parents of their concerns?**

- Local authorities will need to exercise their discretion and judgment about how and when they should engage with children and their families. In these circumstances, in order to safeguard the welfare of the child it may be appropriate to progress to court proceedings. Consideration should also be given as to whether there are grounds for an emergency protection order or the exercise of police protection powers.

**How much will be paid for pre-proceedings legal advice and what will this cover?**

- The new level of pre-proceedings advice (Level 2) is intended to support parents and those with parental responsibility to engage with local authorities. It is hoped that this new level of help will help them engage or re-engage with the local authority and that the local authority will work with them to avoid proceedings or, where this is not possible, to narrow the issues in proceedings so that they can be dealt with more quickly.
- The standard fee payable for Level 2 help is £347. For further information on the rates available please refer to the LSC website.

**Given that the aim is to divert families away from care proceedings, why is pre-proceedings legal funding only available at the point at which the Local Authority takes the decision to issue proceedings?**

- Legal help has always been available to parents pre-proceedings through the legal help scheme. Level 2 is a new level of funding through additional monies to facilitate negotiation in specific circumstances. Legal help will continue to be available as previously at Level 1 of the new fee scheme.
- Discussions with the DCFS have shown that the most effective trigger point is where the local authority considers that action might be appropriate but there is still time to work closely with the family. At this stage there will be a very real opportunity for lawyers to explain the issues to the parents, which may influence a local authority's final decision to issue proceedings.

**Who is entitled to receive pre-proceedings legal advice?**

- Level 2 advice is available to parents and those with parental responsibility. There is no provision for this to be available to extended family members.

**Where can parents find information about suitably qualified solicitors to help them seek legal advice quickly?**

- Under the Law Society Children Panel Accreditation Scheme the aim is to connect parents with practitioners experienced in representing children and other parties under the Children Act 1989. These are listed on the Law Society website:  
<http://www.lawsociety.org.uk/choosingandusing/findasolicitor/view=panelinformation.law#MCP>

**To what extent have voluntary organisations been engaged in the development of the guidance and how far should they be involved in the pre-proceedings work?**

- A number of voluntary organisations were active in the development of the guidance, providing valuable consultation feedback. These services are commissioned by local authorities and, nearly all local authorities have arrangements with voluntary organisations to provide services to children in need and their families, for example advocacy services for parents involved in child protection processes and family group conference services. It is expected that such arrangements will continue and develop in light of the revised guidance and the PLO.

#### **4. PUBLIC LAW OUTLINE**

**I need leave from the court to disclose previous court orders/judgements. How can I be expected to file these with the application?**

- In these circumstances local authorities are asked to alert the court to the fact that there have been previous orders and to summarise what happened in these cases and why they are relevant.

**How do S38(6) assessments fit into the timetable?**

- These can only take place after proceedings have been initiated, and may arise at any point in the process.

**What will happen to cases that are already following the Protocol once the PLO is introduced?**

- The PLO will not apply to applications issued before 1 April 2008. However, the court may direct in any individual case that the PLO will apply in whole or in part.

**How will the timetabling take into account the need for Adoption Panel consideration of care plans?**

- If Adoption Panel consideration of care plans is a factor in individual cases then this should be flagged as a consideration for the court to consider in setting the timetable for the child.

**What will happen to the timetable for the child if there are other competing considerations, such as the availability of expert witnesses?**

- The court is responsible for reviewing the timetable at all stages of the case and will need to consider if the timetable for the child needs to be altered. There may well be competing considerations faced by the court, which will affect the timetable, and this will need to be handled by the courts on a case by case basis.
- The Care Proceedings Programme team is working closely with the Department of Health to look at how the Chief Medical Officer's proposals to address the supply and availability of expert witnesses can be taken forward. This is a long term project than the implementation of the PLO and the revised statutory guidance.

**The new process seeks to ensure that assessments take place before care proceedings start. What will the court's approach be if additional assessments are also requested before proceedings?**

- It is not intended that all of the work done in proceedings is to be shifted pre-proceedings. It is important to ensure that core assessments are undertaken wherever possible before proceedings commence and, as part of them, additional specialist assessments may be commissioned in order to help inform the local authority's decision to take proceedings.
- Where the contents of a core assessment are disputed and the lack of agreement requires protective measures to be taken, the question of another assessment would be one to be addressed in care proceedings. Under the Experts Practice Direction, if the question of whether an expert should be instructed is raised, the court should first consider if this work can be completed by a social worker or children's guardian.
- It should be noted that the judiciary have also received training on the Experts Practice Direction, including how and when it is appropriate for an expert's opinion to be instructed.



**How will finding of fact hearings fit into the new process?**

- There will be no changes to finding of fact hearings. Most of the cases where finding of fact hearings are required will be timetabled around the CMC so that a finding of fact hearing is directed and an adjourned CMC can consider the outcome for further directions.

**Does the new system have the facility to identify parent's who lack litigation capacity at an early stage to enable a guardian ad litem to be appointed?**

- The pre-proceedings guidance should remind local authority staff of the need to identify 'protected parties' at an early stage. The use of legal advocates in the pre-proceedings process should also enhance earlier identification.
- This question will also be raised at each stage of proceedings: on issue of the application; at the First Appointment and again at the Case Management Conference.

**What will happen if there is a significant change of circumstances very late in the case, for example at the Issues Resolution Hearing?**

- Parties should immediately advise the court of any late changes of circumstance. They may be able to agree directions and a next hearing date and advise the court of their proposals. In any event, the case management judge (which includes the legal adviser at FPC) will consider their proposals and determine the best way forward. This could result in approving the agreed directions or could include arranging an urgent hearing to review the situation and making directions for any necessary information to be available for that hearing.

**If more than one child is involved in a case and there are conflicting interests, how will the timetable for the child be determined?**

- The timetable for the child may be different for different children and consideration will need to be given to all of the circumstances in a case to determine how and when the case should proceed. If one child's case will be ready well in advance of another's it may be appropriate to deal with it then. The court will hear all parties' positions individually and will not consider the same issues in dispute on more than one occasion.

**When will contested ICOs be heard? Will this coincide with the First Appointment?**

- This will depend on local resources. Some cases will be transferred on Issue, with the first hearing at the County Court, and some will be listed before a legal adviser at the FPC. In cases before the FPC, the FPC should endeavour to deal with the ICO whether on the day of the First Appointment or the next working day. The court should have sufficient information on the Issue of proceedings to determine the best way to proceed. In most cases, in line with the PLO, arrangements for contested interim hearings will be considered at the First Appointment. This will enable the parties with the court to identify the issues and evidence required for the contested hearing.

**What is the process to ensure that a solicitor for the child is appointed in time for the First Appointment?**

- It is imperative that a solicitor is appointed to the child in good time for the first hearing. On day one the court should appoint a children's guardian. Cafcass / Cafcass Cymru will allocate the case and a children's guardian should appoint a solicitor on the child's behalf by day three. In cases where Cafcass / Cafcass Cymru are not in a position to do this, the court should appoint a solicitor for the child under section 41 of the children Act 1989 and in accordance with the

guidelines for courts for appointing a solicitor for the child in specified proceedings, April 2007. The court should follow the same procedure whether or not a court duty guardian scheme is in operation.

#### **Who should hear an IRH in the Family Proceedings Courts?**

- While the IRH is in principle capable of producing a final order if the circumstances warrant, and that is a highly desirable outcome, its primary function and purpose is that of a case management exercise to be dealt with by the legal advisers. Legal advisers will be capable, and required, to scrutinise filed evidence and draw attention to failings to deal with or respond to issues raised by other parties. Legal advisers will be able to fulfil the objective of the IRH 'to resolve and narrow issues; to identify any remaining key issues.' In the few cases where the case can be finally resolved by the time of the IRH, it is most unlikely that the parties, or at least one of them, will be unaware of this and will thus be expected to inform the court

#### **Why can't professionals, for example social workers and children's guardians, participate in advocates' meetings?**

- As legal representatives the role of advocates at these meetings is to clarify and where possible, resolve issues in order to assist the court to manage the case in line with the PLO. This is a new and separate task and attendance of people who will not be making a case before the court may obscure the issues.
- During the course of preparing the necessary documentation for the court, the advocates should be fully instructed regarding their client's position in order to participate effectively in the meeting. They may also find it useful to ensure their clients are in a nearby room and/or can be contacted should further instructions be needed during the meeting itself.
- If professionals were to attend these meetings it may be seen as unfair to parents if they are the only people excluded (unless they are a litigant in person) or intimidating if they were there with the professionals.

#### **If the advocates' meeting is held only two days before the CMC or IRH this doesn't leave long to draft and submit the case management order to the court?**

- The Practice Direction states explicitly that advocates' meetings should take place no later than two days before the CMC and IRH; more time can be allowed in the process to ensure that there is sufficient time for the appropriate paperwork to be completed.

#### **If a child has sought separate representation from the Children's Guardian, and the Children's Guardian no longer has legal representation, would the Children's Guardian be able to participate in the advocates meeting?**

- Yes. In this case the unrepresented Children's Guardian would be in a position analogous to that of a litigant in person and should be able to attend the advocates meeting.

#### **What will be the process for agreeing and setting the timetable for the child, and will there be any 'final' time limit, such as 40 weeks? Once the timetable/limit is set, will it be the expectation that all processes will fit within that child's timetable?**

- The timetable will be set by the Judge or Case Progression Officer, after consideration of the information from the parties. Cases should still not exceed 40 weeks without good welfare reasons.

**Has additional funding been set aside for Case Progression Officers within civil courts?**

- Some of the key tasks of involved are already being carried out by those with responsibility for handling care cases. Local decisions are being taken about whether to establish specific posts or if the functions to be integrated into existing roles.

**How does Article 6 of the Human Rights Convention sit with reducing court time and saving resources?**

- The changes do not seek to reduce court time but to make better use of court time by front loading preparation and analysis.
- The ECHR Article 6 jurisprudence will not be contravened by any of the proposals.

**When will the new application form, incorporating the pre-proceedings checklist, be available?**

- As the C1 form is specified in the Rules, it has not been possible to make amendments to this in time for implementation of the PLO. Her Majesty's Courts Service is considering when an application form for care and supervision proceedings can be introduced. In the meantime, the supplementary form PLO1 should be used. This is annexed to the Practice Direction and will be available on the HMCS website from mid March.

**What is happening to the C13 form?**

- Until the new application form is introduced, the C13 form will remain in place and should be used as appropriate.

**When will new rules, underpinning the PLO, be introduced?**

- A separate programme of work is being taken forward to harmonise the family proceedings rules, for both the magistrates and the county courts. The timeframe for implementation has not yet been agreed although new rules underpinning and supporting the PLO will be introduced as part of this.

**What is the procedure when applications for an Emergency Protection Order proceed to full care proceedings?**

- EPOs are outside the scope of the PLO. However, the Practice Direction does state explicitly that consideration should be given to applying the PLO to all public law proceedings and it will therefore be a decision to be taken by the court about how and when it is appropriate for the PLO to apply when an application starts by way of EPO.

**Where can I access the Experts Practice Direction?**

- The final version of the Practice Direction is available on the HMCS website: <http://www.hmcourts-service.gov.uk/cms/files/Experts-PD-flagB-final-version-14-01-08.pdf>

**Will there be a standard template for the allocation record and timetable for the child?**

- Although a template was issued in the initiative areas the judiciary are keen for the format of the allocation record and timetable for the child to vary according to local needs. That said, the judiciary are currently considering whether a standard national template would be helpful to local authorities and, should this be developed, this will be made available on the care proceedings website.

#### **4. WHO CAN I CONTACT IF I HAVE A QUERY?**

##### **Local authority queries**

###### *General*

Jane Held  
01986 781318  
[jane.held@lga.gov.uk](mailto:jane.held@lga.gov.uk)

###### *Initiatives in England*

Bruce Clark  
020 7273 5549  
[bruce.clark@dcfs.gsi.gov.uk](mailto:bruce.clark@dcfs.gsi.gov.uk)

###### *Initiatives in Wales*

Vivian Cornelius  
029 2082 5472  
[vivian.cornelius@wales.gsi.gov.uk](mailto:vivian.cornelius@wales.gsi.gov.uk)

##### **Cafcass queries**

Elizabeth Hall  
020 7510 7009  
[elizabeth.hall@cafcass.gov.uk](mailto:elizabeth.hall@cafcass.gov.uk)

##### **Cafcass Cymru queries**

Teresa Hallett  
029 2064 7926  
[teresa.hallett@wales.gsi.gov.uk](mailto:teresa.hallett@wales.gsi.gov.uk)

##### **HMCS queries**

Jodie Smith  
020 7210 0691  
[jodie.smith@hmcourts-service.gsi.gov.uk](mailto:jodie.smith@hmcourts-service.gsi.gov.uk)

##### **Legal queries**

David White  
01473 264215  
[david.white@legal.suffolkcc.gov.uk](mailto:david.white@legal.suffolkcc.gov.uk)

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** SOCIAL & HEALTH CARE OVERVIEW & SCRUTINY  
COMMITTEE  
**DATE:** THURSDAY, 28 FEBRUARY 2013  
**REPORT BY:** DIRECTOR OF COMMUNITY SERVICES  
**SUBJECT:** REGIONAL COMMISSIONING HUB

### **1.00 PURPOSE OF REPORT**

- 1.01 This report provides a progress update on the development of the North Wales Commissioning Hub (NWCH) for social care, health and education care home placements (see overview in appendix 1).

### **2.00 BACKGROUND**

- 2.01 NWCH is a collaborative project between the 6 North Wales Councils and BCU Health Board. It is unique in Wales spanning as it does children's and adult's services and being in partnership with the NHS. Its establishment was based on a full business case presented to the Flintshire Social and Health Care Scrutiny Committee on 13/02/12. The NWCH is hosted by Denbighshire County Council and is accountable to a Management Board, chaired by Sally Ellis (Director DCC).

- 2.02 The total running costs of the NWCH were estimated to be £145,000 annually over a three year period. Costs are shared proportionately based on projected savings and in scope population of service users. Flintshire currently contribute £36,381.

The first member of staff, to a team of four, commenced in mid May 2012 and the team has been fully staffed since October 1<sup>st</sup> 2012.

- 2.03 NWCH has four main functions:
- To ensure value for money in current high cost placements
  - To source new placements through transparent process and ensure value for money
  - To monitor the quality of services
  - To work with partners to develop the market to ensure services are able to meet current and future demand

- 2.04 Over the last three months NWCH has been developing the underpinning systems and processes to enable it to operate effectively. Capacity has also been invested in meeting with

operational teams in all partners to ensure that the role of NWCH is understood and that internal changes are made accordingly. The work programme is attached in appendix 2.

### **3.00 CONSIDERATIONS**

- 3.01 Flintshire's annual contribution is currently £36,381. This is slightly higher than other Authorities due to higher rates of costs savings being anticipated in the business case.
- 3.02 To date, annualised cashable savings of £298,000 have been realised across the Region this includes a saving of £38,090 for Flintshire County Council.
- 3.03 In addition cost avoidance savings of £11,900 have been realised for Flintshire and a further £97,767 of annualised savings arising from work undertaken on "open book accounting" and negotiation on Learning Disability Care Home placements during 2012/13.
- 3.04 An adjustment was also made to the cost of children's placements in Flintshire as a result of intensive local work to improve procurement practice. A total of 5 children's placements have been re-negotiated and therefore removed from the expenditure and saving profile.
- 3.05 NWCH have sourced a total of 51 placements between August and November 2012, Flintshire has made 7 referrals to the Hub in this period.
- 3.06 Other work underway includes the development of a Regional Approved Provider Framework for Children's Residential Placements and development of a "Specialist Learning Disability Specification" for "Complex and Challenging Behaviour" services. Work is ongoing to draft a Regional Quality Monitoring Framework for use across adult services.

### **4.00 RECOMMENDATIONS**

- 4.01 That Members of the Social & Health Care Overview & Scrutiny Committee note the content of the report and progress achieved by the Regional Hub since it became fully operational in October 2012.

### **5.00 FINANCIAL IMPLICATIONS**

- 5.01 See 3.00 above and Appendix 2

### **6.00 ANTI POVERTY IMPACT**

- 6.01 N/A

**7.00 ENVIRONMENTAL IMPACT**

7.01 N/A

**8.00 EQUALITIES IMPACT**

8.01 N/A

**9.00 PERSONNEL IMPLICATIONS**

9.01 None

**10.00 CONSULTATION REQUIRED**

10.01 See Appendix 2

**11.00 CONSULTATION UNDERTAKEN**

11.01 As above

**12.00 APPENDICES**

12.01 Appendix 1: North Wales Commissioning Hub

12.02 Appendix 2: NWCH Work Programme

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

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## North Wales Commissioning Hub

### What are we?

North Wales Commissioning Hub (NWCH) was established in June 2012 as a partnership between the six local authorities in North Wales and Betsi Cadwaladr University Health Board. NWCH is responsible for commissioning (planning and purchasing) a specific range of complex social care, education and health services.

### What is 'in scope' for NWCH?

The current scope of NWCH is care home / residential school placements for children/young people and care home services for adults with learning disability, physical impairment or mental health needs.

As opportunities arise we will explore value for money procurement in other services along with the commissioning of alternative service models

### What are we doing?

- Developing a common approach to analysing local care and support needs and mapping service provision
- Developing regional/sub-regional commissioning plans in accordance with agreed priorities
- Developing procurement strategies to ensure services deliver value for money; including the development of preferred provider frameworks
- Negotiating with providers to achieve value for money
- Sourcing placements and services through provision of a regional brokerage service
- Commissioning / supporting local teams to commission new services in priority areas
- Developing and implementing a regional quality monitoring framework for in-scope services,
- Providing a single point of access for providers of in scope services
- Applying market intelligence to enable best use of local provision/capacity
- Monitoring trends in demand and market sustainability to anticipate future needs
- Networking with other regions in Wales to ensure that practice and initiatives are in line with best practice and well co-ordinated

### Why are we doing it?

NWCH is working with our partners to achieve the following outcomes:

- Better outcomes for people with complex health and social care needs
- Improved quality of service provision
- Improved value for money
- Improved market management
- Balanced relationship with service providers
- Better range of services which promote independence and inclusion to meet needs of people with complex health and social care needs

### **Who are we?**

NWCH team comprises:

- Vicky Poole, Manager
- John Williams, Commissioning and Procurement Officer
- Paul Jones, Quality Monitoring Officer
- Sara Griffiths, Data and Resource Officer

NWCH is hosted by Denbighshire County Council and the team are based at Ty Nant in Prestatyn. Paul and Sara are Welsh speakers.

NWCH is accountable to a Management Board comprising of representatives from the funding partners, chaired by Sally Ellis from Denbighshire Council. It is the Management Board who set the work priorities for the NWCH team.

### **Who are our stakeholders?**

- North Wales Councils: Anglesey, Gwynedd, Conwy, Denbighshire, Flintshire, Wrexham
- Betsi Cadwaladr University Health Board
- Service users and carers
- Service providers

### **Want to know more?**

You can contact us at [NWCH@denbighshire.gov.uk](mailto:NWCH@denbighshire.gov.uk) or by phone on 01824 706624

Appendix 2 NWCH Work Programme September 12 – April 13

Work Priority	Actions	Who	Timescale
Operationalise NWCH	Complete Recruitment	NWCH team	Oct-12
	Team induction / development	NWCH team	Oct-12
	Develop database of providers	NWCH team	Oct-12
	Development of ICT solution for data management	ICT project team	Dec-12
	Improve data security	NWCH team	Aug-12
	Develop clear processes and procedures for NWCH activities	NWCH team	Nov-12
Performance Management	Further development of PMF	NWCH team	Nov-12
	Embed processes for reporting within ICT solution	ICT project team	Dec-12
	Produce regular PM reports	NWCH team	Dec-12
	Develop mechanisms to track savings - cashable and cost avoidance	NWCH team	Sep-12
Commissioning	Development of service specifications for in scope services	Project teams - to be identified	Apr-13
	Take forward children's work stream (see sep work plan)	Children's project team	
	Scope demand for Challenging behaviour and respite services and develop service spec	LD project team	Dec-12
	Aggregate local information to inform development of commissioning strategies incl from users and carers		
	Develop commissioning strategies and market position statements for in scope services incl market mapping, demand and gap analysis	TBA	Apr-13
	Develop APL frameworks for in scope services	TBA	Apr-13
	Manage APL frameworks	NWCH team	Jan 13 ongoing
	Scope potential workload re high cost EMH placements	NWCH team	Sep-12
	Support co-ordination of repatriation of people from high cost out of region placements	NWCH team / BCU	Nov-12
	Contribute to regional SSSFA commissioning work-stream	Commissioning Programme Board	ongoing
Quality Improvement	Develop regional QA framework	QA project team	Dec-12

	Agree schedule for direct monitoring by NWCH	NWCH team	Oct-12
	Develop systems to enable intelligence gathering		
	Analysis of data and intelligence to inform QA activity	NWCH team	Nov-12
	Consider use of peer review approaches		
Value for Money	Carry out VFM benchmarking and fee negotiation reviews of MH placements	NWCH team	Dec-12
	Carry out VFM benchmarking and fee negotiation reviews of PSI placements	NWCH team	Dec-12
	Carry out VFM benchmarking and fee negotiation reviews of Children's placements	NWCH team	Dec-12
	Re-visit LD placements in relation to quality and size of package	NWCH team	Feb-13
	Review and roll out process for individual placement tendering across adult/children's services	NWCH team	Nov-12
	Consider use of 'right sizing' approach		Dec-12
	Contribute to regional care fees project (regional benchmark for indirect costs)	Care fees task group	Ongoing
Change Management	Develop and implement engagement strategy	Change management project team	
	* Staff		Nov-12
	* Providers		Nov-12
	* Service users		Jan-13
	Hold formal launch event for NWCH	NWCH Management Board	Dec-12
	Develop briefing materials	NWCH team	Oct-12
	Produce regular bulletin	NWCH team	Ongoing
Other	Develop close working links with other commissioning consortia and allied national work, learning from notable practice	NWCH team	Ongoing

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** SOCIAL & HEALTH CARE OVERVIEW & SCRUTINY  
COMMITTEE  
**DATE:** THURSDAY, 28 FEBRUARY 2013  
**REPORT BY:** DIRECTOR OF COMMUNITY SERVICES  
**SUBJECT:** MENTAL HEALTH MEASURE UPDATE

### **1.00 PURPOSE OF REPORT**

1.01 To provide an update on the implementation of the Mental Health Measure across adult mental health services within Flintshire.

### **2.00 BACKGROUND**

2.01 Current Mental Health law is set out in the Mental Health Act 1983 which was amended in 2007. This legislation provides the framework for the formal assessment of people and compulsory detention in hospital for assessment, treatment and care of certain people with a mental disorder. However, a very small minority of people require compulsory treatment. The great majority of people with mental health problems are provided with community based health and social care services.

2.02 The Welsh Government has now passed secondary legislation; **the Mental Health (Wales) Measure** which addresses the issues of access to community services and the provision of services at the primary care (tier 1) and secondary care (tier 2) levels. The Measure is in addition to the Mental Health Act 1983. It places **additional statutory duties** on Health Boards and Local Authorities in relation to people with mental health needs.

In brief, the Mental Health Measure had four broad intentions:

- To establish and deliver primary care mental health support services. The timescale for this was October 2012.
- To improve the effectiveness and coordination of mental health secondary services. The timescale for this was June 2012.
- To require secondary mental health services to have arrangements in place for people to re-refer themselves. The timescale for this was June 2012.
- To extend the provision of independent Advocacy Services. The timescale for this was April 2012.

### **2.03 Part1: Local Primary Mental Health Support Services**

*The aim of this is to strengthen the role that primary care plays in delivering mental health care and treatment through the provision of a specialist mental health service which supports GP's, District nurses,*

*Health Visitors and other primary care staff in the Health service.*

The primary care mental health support service must provide:  
advice and information to individuals, carers,  
advice, information and guidance to GP's and other professionals in  
primary care mental health assessments,  
short term interventions and treatments ( including individual or group  
work), signposting to other services  
referral to secondary services (Community Mental Health Teams)  
when appropriate.

This has to be a joint service delivered by Health and the Local  
Authorities either within or alongside GP practices.

There has to be a joint Scheme agreed between Health and the Local  
Authorities which sets out the arrangements for the primary care  
mental health support service.

**2.04 Part 2: Coordination of and care planning for secondary mental health service users**

The Measure places duties on Health and Social Services to act in a coordinated manner to improve the effectiveness of services. *This requires mental health services to agree a care and treatment plan with the full involvement of the service user, which includes the expected outcomes and is regularly reviewed.* The regulations and code of practice will prescribe precisely what the care plan should cover. This will be a holistic tool covering all aspects of living.

**2.05 Part 3: Assessments of former users of secondary mental health services**

*The aim of this part of the Measure is to enable people who have been discharged from secondary mental health services to refer themselves back to secondary services directly without needing to be referred back by their GP or other professional/agency, if they believe that their mental health is deteriorating to such a level as to require these services again.*

Health and Social Services are required to put in place arrangements to receive self-referrals of this kind and to undertake timely assessments.

**2.06 Part 4: Advocacy**

The advocacy arrangements were to be extended so that all inpatients had access to advocacy services.

### **3.00 CONSIDERATIONS**

#### **3.01 Part1: Local Primary Mental Health Support Services**

Flintshire mental health services already had the First Access Service which focussed on people with mild and moderate mental health problems and work has been undertaken to refocus this service so that it fulfils Part 1 of the MH Measure. This service is now delivered through 12 GP surgeries and negotiations with 7 other practices are underway. Some referrals from the smaller practices will be provided through a few pooled clinics.

Some additional funding was provided by the Welsh Government for this part of the Measure. This has provided 3 additional Nursing staff and has also increased the funding to the voluntary sector by commissioning complementary services. Health are also in the process of transferring another Nurse who specialises in working with older people with mental health problems. This increases the staffing complement from 7 staff to 11 staff ( 3 Social Workers, 7 Nurses and 1 Therapist).

This resource has enabled the restructuring of services to allow for this provision at a local level within GP practices. As the measure has only recently been implemented we will continue to monitor whether these resources remain sufficient to consistently deliver the service to the standard and within timescale expected

This service saw a significant increase in referrals from GP's from 1<sup>st</sup> October 2012 when this part of the Measure came into force. From an average of 58 referrals a month to 116 referrals a month.

One of the challenges for this service has been the waiting times and with the introduction of the new staff there has been a reduction in waiting times from an average of 90 days to an average of 30 days. This does not yet meet the target performance of 28 days, though is on track.

New ways of working are also being introduced with more group work and increased signposting to complementary services in the voluntary sector.

The service is now available to adults and older people with mental health problems meeting another target for there to be an ageless service in place.

#### **3.02 Part 2: Coordination of and care planning for secondary mental health service users**

Health and Social Services have also restructured the joint secondary community mental health services and created one Community Mental Health Team and centralised the referral process to all parts of tier 1 and tier 2 services through a Single Point of Access system. This has streamlined the referral process. GP's are being encouraged

to complete e-referrals which will further speed the process.

Significant work has been undertaken by the 6 Local Authority Mental Health leads and Health in reviewing operational policies and new documentation to comply with the Measure. The new Care and Treatment Plans are being introduced at the point of review of each person. It is planned for all service users to have a copy of their new Care and Treatment Plan by June 2013. All people are reviewed at least annually and more often as their needs dictate.

**3.03 Part 3: Assessments of former users of secondary mental health services**

Arrangements have been agreed by Health and Social Services to receive re-referrals from people who have previously been open to the secondary / tier 2 services. These will also go directly to the Single Point of Access meetings from the individual themselves.

**3.04 Part 4: Advocacy**

Advocacy arrangements have been extended to all people with mental health problems who are inpatients.

**4.00 RECOMMENDATIONS**

4.01 Members are asked to receive this report and note the work undertaken by adult mental health services to implement the Mental Health Measure.

**5.00 FINANCIAL IMPLICATIONS**

5.01 Funding for Part 1 of the MH Measure was made available by WG via Health (£800K across North Wales). This has been deployed on extra Health staff and increased procurement of complementary services from the Voluntary sector.

**6.00 ANTI POVERTY IMPACT**

6.01 None.

**7.00 ENVIRONMENTAL IMPACT**

7.01 None.

**8.00 EQUALITIES IMPACT**

8.01 One of the essential aims of the Mental Health Measure was to ensure greater equity of access to specialised mental health services and so a principle of ageless service has been adopted.

**9.00 PERSONNEL IMPLICATIONS**

9.01 None for the Council.

**10.00 CONSULTATION REQUIRED**

10.01 None required.

**11.00 CONSULTATION UNDERTAKEN**



**12.00 APPENDICES.**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985**  
**BACKGROUND DOCUMENTS**

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## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **SOCIAL & HEALTH CARE OVERVIEW & SCRUTINY COMMITTEE**

**DATE:** **28<sup>TH</sup> FEBRUARY 2013**

**REPORT BY:** **OVERVIEW & SCRUTINY FACILITATOR**

**SUBJECT:** **FORWARD WORK PROGRAMME**

### **1.00 PURPOSE OF REPORT**

**1.01** To consider the Forward Work Programme of the Social & Health Care Overview & Scrutiny Committee.

### **2.00 BACKGROUND**

**2.01** Items feed into a Committee's Forward Work Programme from a number of sources. Members can suggest topics for review by Overview & Scrutiny Committees, members of the public can suggest topics, items can be referred by the Cabinet for consultation purposes, or by County Council, or Directors. Other possible items are identified from the Executive Work Programme and the Strategic Assessment of Risks & Challenges.

**2.02** In identifying topics for future consideration, it is useful or a 'test of significance' to be applied. This can be achieved by asking a range of questions as follows:

1. Will the review contribute to the Council's priorities and/or objectives?
2. Are there issues of weak or poor performance?
3. How, where and why were the issues identified?
4. Do local communities think the issues are important and is there any evidence of this? Is there evidence of public dissatisfaction?
5. Is there new Government guidance or legislation?
6. Have inspections been carried out?
7. Is this area already the subject of an ongoing review?

### **3.00 CONSIDERATIONS**

**3.01** Overview & Scrutiny presents a unique opportunity for Members to determine the Forward Work Programme of the Committees of which they are members. By reviewing and prioritising the forward work programme Members are able to ensure it is member-led and includes the right issues. A copy of the Forward Work Programme is attached at Appendix 1 for Members' consideration which has been updated following the last meeting.

**4.00 RECOMMENDATIONS**

**4.01** That the Committee considers the draft Forward Work Programme attached as Appendix 1 and approve/amend as necessary.

**5.00 FINANCIAL IMPLICATIONS**

None as a result of this report.

**6.00 ANTI POVERTY IMPACT**

None as a result of this report.

**7.00 ENVIRONMENTAL IMPACT**

None as a result of this report.

**8.00 EQUALITIES IMPACT**

None as a result of this report.

**9.00 PERSONNEL IMPLICATIONS**

None as a result of this report.

**10.00 CONSULTATION REQUIRED**

N/A

**11.00 CONSULTATION UNDERTAKEN**

Publication of this report constitutes consultation.

**12.00 APPENDICES**

Appendix 1 – Forward Work Programme

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985  
BACKGROUND DOCUMENTS**

None.

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**DRAFT**

Date	Item	Purpose of Report/Session	Scrutiny Focus	Responsible/ Contact Officer	Submission Deadline
<p><b>21 March 2013</b></p> <p><b>Joint Meeting With Lifelong Learning</b></p>	<p>Educational attainment of Looked After Children</p> <p>Children and Young People Partnership</p> <p>Local Safeguarding Children's Board</p> <p>Corporate Parenting Activity Update including Access to Action Card update</p> <p>Families First</p> <p>Young Carers</p>	<p>To receive the annual educational attainment report.</p> <p>To provide Members with the annual Update</p> <p>To receive an update report on the work of the Board</p> <p>To provide an update to Members on the progress in implementing the Corporate Parenting Action Plan.</p> <p>To provide an update to Members as agreed at Committee on 5 January 2012</p> <p>To inform Members of the work being undertaken with young carers across Flintshire directorates.</p>	<p>Performance Monitoring</p> <p>Progress report</p> <p>Progress report</p> <p>Monitoring report</p> <p>Progress report</p> <p>Information report</p>	<p>Director of Lifelong Learning</p> <p>Director of Lifelong Learning/Director of Community Services</p> <p>Director of CS Director of LL</p> <p>Director of CS</p> <p>Director of CS Director of LL</p> <p>Director of CS Director of LL</p>	<p><b>7 March</b></p>

Date	Item	Purpose of Report/Session	Scrutiny Focus	Responsible/ Contact Officer	Submission Deadline
11 April	Q3 Performance Reporting	To enable Members to fulfil their scrutiny role in relation to performance monitoring	Performance Monitoring	Director of Community Services	28 March
	Emergency Duty Team Update	To receive an update on the joint Wrexham, Flintshire & Denbighshire Emergency Duty Team based in Wrexham	Performance Monitoring	Director of Community Services	
	Annual Council Reporting Framework	To consider the final draft of the Annual report prior to submission to Cabinet.	Pre-decision scrutiny	Director of Community Services	
	Directorate Plan	To consider the Community Service Directorate Plan.	Service Delivery	Director of Community Services	
	Family Placement Team Restructure	Progress update	Service Delivery	Director of Community Services	

Date	Item	Purpose of Report/Session	Scrutiny Focus	Responsible/ Contact Officer	Submission Deadline
<b>9 May</b>	Comments, Compliments and Complaints  Transition update  Third Sector	To receive the Annual report  To update Members on the work of the Transition team.  To be agreed following discussions with Flintshire Local Voluntary Council	Performance Monitoring  Awareness Raising  Partnership Working		<b>25 April</b>
<b>20 June</b>	BCUHB  Q4/Year end performance reporting	Half-yearly meeting with Betsi Cadwaladr University Health Board representatives.  To enable Members to fulfil their scrutiny role in relation to performance monitoring	Partnership working  Performance Monitoring	Facilitator  Facilitator	<b>6 June</b>
<b>25 July</b>	Rota Visits activity and outcomes  Social Services Improvement Agency	To receive a report outlining rota visit activity and outcomes during the last municipal year.  To receive a report on the SSIA results based accountability model of intervention pilot in Flintshire.	Monitoring	Director of Community Services	<b>11 July</b>

**ITEMS TO BE SCHEDULED**

Youth Justice Service update report  
 Carers Strategy Update  
 North Wales Adoption Service update

**Regular Items**

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Month	Item	Purpose of Report	Responsible / Contact Officer
<b>Quarterly</b>	<b>Performance Information</b>	To consider quarterly performance outturns against directorate indicators	Director of Community Services
<b>January</b>	<b>Safeguarding &amp; Child Protection</b>	To provide Members with statistical information in relation to Child Protection and Safeguarding	Director of Community Services
<b>March</b>	<b>Educational Attainment of Looked After Children</b>	Education officers offered to share the annual educational attainment report which goes to Lifelong Learning OSC with this Committee	Director of Lifelong Learning
<b>March</b>	<b>Corporate Parenting</b>	Report to Social & Health and Lifelong Learning Overview & Scrutiny	Director of Community Services
<b>June</b>	<b>Health, Social Care &amp; Wellbeing Strategy</b>	Update report	Director of Community Services
<b>June/ December</b>	<b>Betsi Cadwaladr University Health Board Update</b>	To maintain 6 monthly meetings – partnership working	Chief Executive/ Sheila Wentworth/ Facilitator
<b>June/July</b>	<b>Foster Care</b>	To receive an update on the recruitment and retention of Flintshire’s Foster Carers.	Director of Community Services
<b>May</b>	<b>Comments, Compliments and Complaints</b>	To consider the Annual Report.	Director of Community Services



Month	Item	Purpose of Report	Responsible / Contact Officer
September	<b>Protecting Vulnerable Adults &amp; Inspection Action Plan Update</b>	To inform Members of the annual adult protection monitoring report submitted to the Welsh Assembly and to monitor progress of CSSIW Inspection Action Plan	Director of Community Services

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