

Full Council

Thursday, 18th July, 2019 at 1.30 pm in the Council Chamber, County Hall,
Preston

Agenda

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 7. **Urgent Business**

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any Member's intention to raise a matter under this heading.

B. Matters for Information

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C. Notices of Motion

11. **To consider Notices of Motion Submitted under Standing Order B36** (Pages 93 - 96)

Angie Ridgwell
Chief Executive and
Director of Resources

County Hall
Preston

09 July 2019

Agenda Item 3

Questions submitted under Standing Order B28

| No. | To be asked by: | Question: | For answer by (Cabinet Member): |
|------------|------------------------|--|--|
| 1. | CC Dowding | What steps has Cabinet taken to drastically reduce the carbon footprint of the Council in line with the Council's commitment in February this year to be carbon neutral by 2030? | CC Green |

Agenda Item 4

Minutes

At a meeting of the Full Council held at Council Chamber, County Hall, Preston, on Thursday, 23rd May, 2019

Present:

County Councillor Anne Cheetham (Chairman)

County Councillors

| | | |
|---------------|--------------|--------------|
| T Aldridge | K Ellard | Mrs L Oades |
| A Ali | D Foxcroft | G Oliver |
| T Ashton | J Fillis | M Parkinson |
| A Atkinson | A Gardiner | J Parr |
| M Barron | J Gibson | M Pattison |
| L Beavers | G Gooch | E Pope |
| J Berry | M Green | J Purcell |
| P Britcliffe | P V Greenall | J Rear |
| I Brown | P Hayhurst | P Rigby |
| P Buckley | N Hennessy | A Riggott |
| T Burns | S Holgate | M Salter |
| J Burrows | A Hosker | A Schofield |
| Mrs S Charles | D Howarth | J Shedwick |
| S Clarke | K Iddon | D T Smith |
| A Clempson | M Iqbal | K Snape |
| Ms L Collinge | A Kay | A Snowden |
| J Cooney | H Khan | D Stansfield |
| L Cox | Ms S Malik | P Steen |
| C Crompton | J Marsh | J Sumner |
| M Dad | T Martin | M Tomlinson |
| B Dawson | J Mein | C Towneley |
| F De Molfetta | J Molineux | A Vincent |
| G Dowding | S C Morris | C Wakeford |
| G Driver | Y Motala | D Whipp |
| J Eaton | E Nash | G Wilkins |
| C Edwards | D O'Toole | P Williamson |

1. Apologies and Announcements

Apologies for absence were presented on behalf of County Councillors Erica Lewis, Mark Perks, Shaun Turner and Barrie Yates.

Announcements

The Chairman welcomed County Councillor Jenny Purcell following her recent illness.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

| Name of Councillor | Agenda Item Number | Nature of Interest (non-pecuniary unless stated) |
|--------------------|--------------------|--|
| David O'Toole | NoM 3 | Member, West Lancashire Borough Council Planning Committee |
| Stephen Clarke | NoM 3 | Development Control Committee Member |
| Andrea Kay | NoM 3 | Development Control Committee Member |
| David Foxcroft | NoM 3 | Development Control Committee Member |
| Paul Rigby | NoM 3 | Development Control Committee Member (Pecuniary) |
| James Eaton | NoM 3 | Development Control Committee Member |

3. Election of Chairman

County Councillor Anne Cheetham, the retiring Chairman of the County Council, presided for this item.

It was moved by County Councillor Peter Buckley, and seconded by County Councillor Ed Nash, that County Councillor Paul Rigby be elected Chairman of the County Council.

There being no other nominations, it was:

Resolved: - That County Councillor Paul Rigby be elected Chairman of the County Council until the Annual General Meeting of the Full Council in 2020.

County Councillor Rigby then took the Chair and made his Declaration of Acceptance of Office.

4. Appointment of Vice-Chairman

It was moved by County Councillor Albert Atkinson, and seconded by County Councillor Andrea Kay, that County Councillor Susie Charles be elected Vice-Chairman of the County Council.

There being no other nominations, it was:

Resolved: - That County Councillor Susie Charles be elected Vice-Chairman of the County Council until the Annual General Meeting of the Full Council in 2020.

County Councillor Charles then made her Declaration of Acceptance of Office.

At this point, the Chairman informed Full Council that he had agreed to suspend Standing Order B45(3) to allow County Councillor Jenny Purcell's votes to be counted whilst not in her designated seat.

5. Cabinet and Lead Member Appointments

In moving a report on Cabinet and Lead Member appointments, County Councillor Geoff Driver announced the following changes, effective immediately:

- The appointment of County Councillor Keith Iddon as Deputy Leader of the County Council (in addition to Cabinet Member for Highways and Transport).
- The appointment of County Councillor Albert Atkinson as Cabinet Member for Technical Services, Rural Affairs and Waste Management.
- The appointment of County Councillor Phillippa Williamson as Cabinet Member for Children, Young People and Schools.
- The appointment of County Councillor Jayne Rear as Lead Member for Young People.
- The appointment of County Councillor David Foxcroft as Champion for Young People.
- Changes to the scheme of delegation to Cabinet Members.

Resolved: - That:

- (i) The changes to membership of the Cabinet, portfolios and Lead Member and Champion appointments, now presented, be noted.
- (ii) The Director of Corporate Services be authorised to make any consequential changes to the county council's Constitution.

6. Question Time

County Councillors Kim Snape and Nikki Hennessy asked their respective questions as follows:

| No. | Question From | Subject | For Answer by |
|------------|-------------------------------------|------------------------|---|
| 1. | County Councillor Kim Snape | Adlington Rail Service | Deputy Leader and Cabinet Member for Highways and Transport |
| 2. | County Councillor Nikki Hennessy | Sugar Tax | Leader of the County Council |

County Councillor Keith Iddon, Deputy Leader and Cabinet Member for Highways and Transport, and County Councillor Geoff Driver, Leader of the County Council, respectively replied.

7. Confirmation of the Minutes from the Meeting held on 28 February 2019

Resolved: - That the minutes of the meeting held on 28 February 2019 be confirmed and signed by the Chairman.

8. Non-Attendance of County Councillor

As County Councillor Jenny Purcell was present at the meeting, this item was withdrawn.

9. Constitution of the County Council 2019/20

County Councillor David O'Toole moved a report setting out proposals for the approval of the Constitution for 2019/20 and proposals for amendments in relation to Notices of Motion and language and behaviour.

County Councillor Geoff Driver moved the following addition, seconded by County Councillor O'Toole:

- vi. "Approve that the Corporate Complaints Committee be disestablished with immediate effect.

On being put to the vote, the motion was CARRIED and it was:

Resolved: - That:

- (i) The proposals of the Political Governance Working Group meeting on 7 May as set out in the report and Appendices 'B' and 'C' now presented, be approved.
- (ii) A revised "Protocol for Members and Co-opted Members on Language and Behaviour", as set out at Appendix 'D' to the report, now presented, be approved, and that it be moved from Appendix M of the constitution to become an appendix to the Code of Conduct.
- (iii) Consideration be given to any other changes Full Council might wish to make to the constitution to enable the efficient and effective running of the county council.
- (iv) The Director of Corporate Services be authorised to make any consequential changes to other parts of the Constitution arising from these changes.
- (v) The Constitution of the County Council for the year 2019/20 be approved.
- (vi) The Corporate Complaints Committee be disestablished with immediate effect.

10. Membership of Committees and Related Appointments for 2019/20

County Councillor Geoff Driver moved a report setting out details of membership of committees and related appointments for 2019/20.

Resolved: - That:

- (i) The Constitution and membership of the committees of the county council for 2019/20 as set out at a) in the report, now presented, be approved;
- (ii) The appointment of Chairs and Deputy Chairs of those committees for 2019/20 as set out at b) in the report, now presented, and as follows, be approved:

| Committee | Chair | Deputy |
|-------------------|--------------|---------------|
| Urgency Committee | G Driver | K Iddon |

Overview and Scrutiny

| | | |
|------------------------------|--------------|--------------|
| Internal Scrutiny | D O'Toole | M Salter |
| External Services Scrutiny | E Nash | D Stansfield |
| Children's Services Scrutiny | A Kay | N Hennessy |
| Health Scrutiny | P Britcliffe | S Morris |
| Education Scrutiny | C Wakeford | M Dad |

Other Committees

| | | |
|----------------------------|-------------|-------------------------------|
| Development Control | B Yates | P Rigby |
| Regulatory | J Eaton | M Barron |
| Audit, Risk and Governance | A Schofield | E Nash |
| Pension Fund | E Pope | A Schofield |
| Student Support Appeals | C Wakeford | |
| Employment | G Driver | K Iddon |
| Conduct | A Atkinson | P Buckley |
| Health and Wellbeing Board | S Turner | <i>Non CC Chair (D Gizzi)</i> |

11. Police and Crime Panel for Lancashire - Appointment of a County Council Representative for 2019/20

County Councillor Keith Iddon moved a report asking Full Council to approve the appointment of one County Councillor to serve on the Police and Crime Panel for Lancashire until the Annual Meeting of Full Council in 2020.

County Councillor Iddon proposed County Councillor Geoff Driver be appointed as the county council's representative, seconded by County Councillor Andrew Gardiner.

Resolved: - That County Councillor Geoff Driver be appointed to serve on the Police and Crime Panel for Lancashire until the Annual Meeting of Full Council in 2020.

12. Lancashire Combined Fire Authority - Appointment of County Council Representatives for 2019/20

County Councillor Geoff Driver moved a report asking Full Council to approve the appointment of 19 members to serve on the Lancashire Combined Fire Authority until the Annual Meeting of Full Council in 2020 on the basis of 10 Conservative members, 7 Labour members, 1 Liberal Democrat member and 1 Independent member.

Resolved: - That:

The following Members be appointed to serve on the Lancashire Combined Fire Authority until the annual meeting of Full Council in 2020:

| <u>Conservative (10)</u> | <u>Labour (7)</u> | <u>Liberal Democrat (1)</u> | <u>Independent (1)</u> |
|--------------------------|-------------------|-----------------------------|------------------------|
| P Britcliffe | J Fillis | D Howarth | E Oades |
| I Brown | N Hennessy | | |
| S Clarke | S Holgate | | |
| J Eaton | H Khan | | |
| A Kay | T Martin | | |
| D O'Toole | F De Molfetta | | |
| M Perks | M Parkinson | | |
| J Shedwick | | | |
| D Stansfield | | | |
| G Wilkins | | | |

13. Transport for the North and Transport for the North Scrutiny Committee - Appointment of County Council Representatives for 2019/20

County Councillor Geoff Driver moved a report asking Full Council to approve the appointment of members to serve on Transport for the North and Transport for the North Scrutiny Committee.

Resolved: - That:

The following Members be appointed to serve on Transport for the North and Transport for the North Scrutiny Committee until the annual meeting of Full Council in 2020:

Transport for the North

M Green
K Iddon (Substitute)

Transport for the North Scrutiny Committee

M Salter
A Snowden (Substitute)

14. Appointments to the Local Government Association's General Assembly, Boards and Special Interest Groups for 2019/20

County Councillor Geoff Driver moved a report asking Full Council to approve the appointment of representatives to serve on the Local Government Association General Assembly for 2019/20; the appointment of representatives to serve on a number of the Local Government Association's Special Interest Groups for 2019/20, and to note the arrangements for appointments to the Local Government Association's Boards.

Resolved: - That:

- (i) The representation and appointments to serve on the Local Government Association's General Assembly and Special Interest Groups, as set out in the report now presented, for 2019/20 be approved as follows:

LGA - General Assembly (4)

Conservative (3)

Labour (1)

G Driver
K Iddon
P Williamson

A Ali

LGA Special Interest Group - Coastal Issues (1)

S Clarke

LGA Special Interest Group - Rural Services Network (1)

C Towneley

LGA Special Interest Group - Nuclear Legacy Advisory Forum (1)

M Green

- (ii) That the County Council's 12 votes be carried by County Councillor Geoff Driver.
- (iii) That the arrangements for appointments to the Local Government Association's Boards as set out in the report, now presented, be noted.

15. Urgent Business

There was no urgent business to be considered.

16. Report of the Cabinet (Part B)

County Councillor Geoff Driver moved the report of the Cabinet from its meetings on 7 March and 11 April 2019.

Resolved: - That the report of the Cabinet, now presented, be noted.

17(a) The Urgency Committee

County Councillor Geoff Driver moved the report of the Urgency Committee setting out details of a decision taken by the Monitoring Officer under the county council's urgent business procedure on behalf of the Urgency Committee.

Resolved: - That the report of the Urgency Committee, now presented, be noted.

17(b) The Employment Committee

County Councillor Geoff Driver moved the report of the Employment Committee from its meeting on 11 March 2019.

Resolved: - That the report of the Employment Committee, now presented, be noted.

17(c) The Pension Fund Committee

County Councillor Eddie Pope moved the report of the Pension Fund Committee from its meeting on 29 March 2019.

Resolved: - That the report of the Pension Fund Committee, now presented, be noted.

17(d) The Overview and Scrutiny Committees

County Councillor David O'Toole moved the report of the Overview and Scrutiny Committees from their meetings as follows:

Children's Services Scrutiny Committee - 27 February and 10 April 2019
Education Scrutiny Committee - 6 February and 26 March 2019
External Scrutiny Committee - 5 March and 16 April 2019
Health Scrutiny Committee - 5 February and 2 April 2019
Internal Scrutiny Committee - 15 March 2019

Resolved: - That the report of the Overview and Scrutiny Committees, now presented, be noted.

17(e) The Lancashire Health and Wellbeing Board

County Councillor Geoff Driver moved the report of the Lancashire Health and Wellbeing Board from its meeting on 19 March 2019.

Resolved: - That the report of the Lancashire Health and Wellbeing Board, now presented, be noted.

18. Report of the Lancashire Combined Fire Authority

County Councillor Frank De Molfetta moved the report of the Lancashire Combined Fire Authority from its meetings held on 18 February and 29 April 2019.

Resolved: - That the report of the Lancashire Combined Fire Authority, now presented, be noted.

19. To consider Notices of Motion Submitted under Standing Order B36

1. It was moved by County Councillor Andrew Snowden and seconded by County Councillor Kim Snape that:

Making Lancashire a Leader in Supporting People with Crohns and Colitis

The numbers of people suffering with Crohns and Colitis and other severe bowel and urinary diseases and conditions, such as recovering from cancer surgery, is rising. There are also increasing numbers of young people with the condition, brought to the world's attention by the recent news of a ten year old boy from Kentucky who took his own life after being bullied for having a colostomy bag.

These conditions in themselves are incredibly painful, exhausting and stressful - for many they also pose life threatening and life changing situations and decisions. Yet, on the whole, awareness in the general public about the severity and reality of life for those with these conditions is low, leading to embarrassment and stress for those with the condition and meaning that things such as access to toilets are not seen as a public health priority.

Campaigns such as 'Not every disability is visible' and the 'Can't Wait' card have made headway in raising awareness that not everyone needing access to a disabled toilet has a readily visible disability. But much more needs to be done.

It is proposed that Lancashire becomes a national beacon of best practice in supporting people with Crohns and Colitis and other related conditions by:

- Recognising toilet access, both public and private, as an important public health issue.
- Raising awareness of groups for whom toilet access is a crucial issue and creating a better understanding of the conditions, symptoms and support needed
- Ensuring the county council leads by example as an organisation in its employment practices, awareness raising and support.

- Working with partners to improve toilet access and to identify means to do this through information sharing and digital platforms.
- Developing a pledge with district councils, businesses and the public sector to increase recognition of the 'Can't Wait' card programme and sharing their toilet facilities information on relevant digital platforms.

On being put to the vote, the motion was CARRIED and it was:

Resolved: - That:

Making Lancashire a Leader in Supporting People with Crohns and Colitis

The numbers of people suffering with Crohns and Colitis and other severe bowel and urinary diseases and conditions, such as recovering from cancer surgery, is rising. There are also increasing numbers of young people with the condition, brought to the world's attention by the recent news of a ten year old boy from Kentucky who took his own life after being bullied for having a colostomy bag.

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- Recognising toilet access, both public and private, as an important public health issue.
- Raising awareness of groups for whom toilet access is a crucial issue and creating a better understanding of the conditions, symptoms and support needed
- Ensuring the county council leads by example as an organisation in its employment practices, awareness raising and support.
- Working with partners to improve toilet access and to identify means to do this through information sharing and digital platforms.
- Developing a pledge with district councils, businesses and the public sector to increase recognition of the 'Can't Wait' card programme and sharing their toilet facilities information on relevant digital platforms.

1. It was moved by County Councillor Azhar Ali and seconded by County Councillor Tony Martin that:

This Council fully adopts the International Holocaust Remembrance Alliance definition of Anti-Semitism and the definition of Islamophobia by the All Party Parliamentary Group.

On being put to the vote, the motion was LOST.

In accordance with the requirements of procedural Standing Order B45(4), a recorded vote was taken. The names of the county councillors who voted for or against the Motion and those who abstained are set out below:

For (29)

| | | | | |
|------------|---------------|------------|------------|-------------|
| T Aldridge | L Cox | J Fillis | S Malik | M Parkinson |
| A Ali | C Crompton | J Gibson | T Martin | J Parr |
| L Beavers | M Dad | N Hennessy | J Mein | M Pattison |
| J Berry | B Dawson | S Holgate | J Molineux | K Snape |
| T Burns | F De Molfetta | M Iqbal | Y Motala | M Tomlinson |
| L Collinge | K Ellard | H Khan | G Oliver | |

Against (41)

| | | | | |
|--------------|------------|-----------|--------------|--------------|
| T Ashton | S Clarke | A Hosker | J Rear | P Steen |
| A Atkinson | A Clempson | K Iddon | P Rigby | C Towneley |
| M Barron | G Driver | A Kay | A Riggott | A Vincent |
| P Britcliffe | J Eaton | J Marsh | M Salter | G Wilkins |
| I Brown | C Edwards | S Morris | A Schofield | P Williamson |
| P Buckley | D Foxcroft | E Nash | J Shedwick | |
| J Burrows | A Gardiner | D O'Toole | D Smith | |
| S Charles | G Gooch | E Pope | A Snowden | |
| A Cheetham | M Green | J Purcell | D Stansfield | |

Abstain (7)

| | | | |
|------------|------------|----------|---------|
| G Dowding | P Hayhurst | L Oades | D Whipp |
| P Greenall | D Howarth | J Sumner | |

The Chairman declared a pecuniary interest in the following Notice of Motion and vacated the Chair. County Councillor Susie Charles, Vice-Chairman, assumed the Chair for consideration of the Notice of Motion.

Prior to the next Notice of Motion being moved, the Vice-Chairman invited the Monitoring Officer to advise Full Council on potential implications of the motion.

2. It was moved by County Councillor Gina Dowding that:

Retain the Current Safety Thresholds for Seismic Activity for Shale Gas Operations

Lancashire County Council notes:

- (i) The first high volume high pressure hydraulic fracturing to take place in the UK at Preese Hall in 2011 caused many earthquakes, the largest being magnitude 1.5 and 2.3 which resulted in a deformed well casing. The British Geological Society reported that 58 earthquakes were detected in the time period between 31 March and 30 August 2011 which led to the fracking process being stopped.
- (ii) The risks of seismic activity induced by fracking are of additional concern to the people of Lancashire as earth tremors greatly exacerbate the health and environmental risks associated with shale gas exploration, testing and extraction. Seismic activity deep underground threatens the 'integrity' of the well, and thus could increase the risk of leakage of gas into the subsurface and potentially into the water supply.
- (iii) Lancashire's geology is far more complex to those areas in the US where fracking industry has established itself, and the UK is far more densely populated.
- (iv) That the fracking industry willingly agreed to seismic thresholds known as the Traffic Light System in 2012 to reassure government and communities, following the moratorium, that the fracking process would be safe, and did not once query it in all that time. The threshold of seismic activity at which fracking must be paused of 0.5ML was set to ensure safety of the local population.
- (v) That fracking at Preston New Road induced 57 seismic events in the two months from October 2018, starting almost immediately after the first frack. In line with the government's Traffic Light System, Cuadrilla stopped work five times between mid-October and mid-December. The most powerful tremors measured 1.1ML and 1.5ML and were felt near the site.
- (vi) The shale gas industry, and in particular Cuadrilla, who operate in Lancashire, are now calling for the Traffic Light System to be weakened in their favour at the expense of public health and safety. There is no evidence to support a relaxation of the seismic limit. Cuadrilla previously wanted the red light threshold raised to 2M_L – but when they proposed a limit of 1.7M_L in 2012, this was dismissed as “undesirably high”. Based on Cuadrilla's operations since October it is abundantly evident that the science based limits which the industry helped put in place in 2012 have done their job effectively to protect local communities.
- (vii) That in a public opinion survey in February 2019, 54% of people opposed any change to fracking earthquake regulations, and only 24% supported a change.

Lancashire County Council welcomes the fact that to date the Government has confirmed it has no plans to change the Traffic Light System of seismic thresholds for the fracking industry.

Lancashire County Council resolves to write to the Energy Minister and the Prime Minister welcoming the Government's resolve not to change the thresholds to date *and asking them not to bow to pressure from the fracking industry at any stage in the future*, and to continue to prioritise public health and safety; and to write to Lancashire's MPs about the Council's position.

In moving the motion, County Councillor Dowding advised that she wished to delete the wording in the final paragraph shown in italics.

County Councillor Geoff Driver moved, and County Councillor Keith Iddon seconded, that, in accordance with procedural Standing Order 44(1)(c), the debate be adjourned.

The Vice-Chairman considered that the item had not been sufficiently discussed and could not reasonably be so discussed on that occasion, and therefore, in accordance with Standing Order 44(4), put the procedural motion to the vote.

On being put to the vote, the motion was CARRIED and it was:

Resolved: - That:

The debate be adjourned.

Angie Ridgwell
Chief Executive and Director
of Resources

County Hall
Preston

**Meeting of the Full Council
Meeting to be held on Thursday, 18 July 2019**

Report submitted by: Executive Director of Education and Children's Services

Part A

Electoral Division affected:
None;

Report by the Local Government and Social Care Ombudsman on Children's Social Care - 27 March 2019

(Appendix 'A' refers)

Contacts for further information:

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angela.esslinger@lancashire.gov.uk

Sally Allen, Tel: (01772) 531754, Acting Director of Children's Social Care,
sally.allen@lancashire.gov.uk

Executive Summary

Following a finding of fault causing injustice after an investigation by the Local Government and Social Care Ombudsman, Full Council is required to consider what action should be taken.

This report sets out the actions that have already been taken in response to the Ombudsman's recommendations and Full Council is asked to endorse the further actions that have been put in place in response.

Recommendation

That Full Council:

- (i) Notes the recommendations set out in the Local Government and Social Care Ombudsman's report at Appendix 'A'.
- (ii) Notes the actions already taken and endorses the further steps proposed in response to the report's recommendations as set out below.

Background and Advice

On 27 March 2019 the Local Government and Social Care Ombudsman published a public report which found fault causing injustice by Lancashire County Council. A copy of the report is attached at Appendix 'A'.

This report is a follow up to an earlier report on Mr B's original complaint that the council had failed to provide help and support for his niece and nephew (V and W) for whom he and his wife hold a Special Guardianship Order. He said that after the

Special Guardianship Order was granted, the council failed to assess their needs or provide additional support.

The previous decision taken in August 2017, identified 15 points of remedy for the council to put in place. A formal letter of apology was sent to Mr B in November 2017 confirming the local authority's position in relation to the Ombudsman's recommendations.

A communication plan was introduced and a single point of contact for the council was assigned. However, the council did not adhere to this plan for a period of many months. Mr B approached the Ombudsman again to complain the council was not communicating with him properly in relation to the remedy for the original complaint and that not all the recommendations had been implemented. The assigned single point of contact left the council around the end of February 2018.

The Ombudsman, after over a year of deliberation, has decided in Mr B's favour in this latest report. A new letter of apology was sent to the complainant by the Acting Director of Children's Social Care on 3 May 2019.

The report at paragraph 57 onwards includes recommendations as to how the county council should remedy the injustice caused. The actions already taken in response are set out below.

- **Changes its procedures to ensure it keep complainants informed of the progress of implementing outcomes form their complaints and reviews those procedures for effectiveness.**

Action plans are now produced for complicated complaint recommendations and complainants are issued with communication plans when necessary to keep people informed of council actions.

- **Conduct a training needs analysis and schedules identified training.**

This recommendation has been progressed and completed.

- **Pay any backdate respite for V (Mr B's niece), that has not been taken.**
This has now been calculated and paid.

- **Pays £300 for the distress caused by the council's delay in deciding to conduct a new assessment on the family, the delay setting up the assessment and the delay identifying what support it would provide to the family as a result. It should also apologise for the lack of explanation on how the amount the family would be paid was calculated and take steps to provide an explanation immediately.**

This payment has now been made.

- **Pays £100 for the time and trouble caused by asking for receipts for expenditure for 2014.**

This payment has now been made.

- **Backdates (to October 2016) the allowances owed and considers what financial support the council should provide now W is the only child in the household given the October 2016 and February 2018 reports on the family. It is asked to backdate to when V left home.**

This has now been calculated and paid.

- **Consider, with the council where the family currently live (the home council), what support Mr and Mrs B will need to provide respite and accommodation for V over the holidays if this is to be the arrangement going forward.**

V has also been consulted in relation to this recommendation. She moved in with a shared lives carer in 2018 and therefore respite and accommodation is not required over the holidays.

- **Apologise for its failure to provide V with support prior to her turning eighteen, which caused Mr and Mrs B distress.**

A Personal Assistant was allocated under leaving care services as V was a qualifying care leaver. A specific written apology was made by the Acting Director of Children's Social Care.

- **Write to Mr and Mrs B jointly with the home council setting out how the family will be supported through issuing an amended Special Guardianship Order support plan.**

Unfortunately the council has been unable to implement this decision as Mr B has withdrawn his consent to information sharing between Lancashire and the home council. Therefore Lancashire and the home council have not been able to **jointly** work together to produce an amended Special Guardianship Support plan.

A single document has however been produced and we await permission to work collaboratively with the home council to produce one document. We have kept the Ombudsman informed and updated on this issue.

- **Identifies an appropriate respite placement and pays the family £250 each month until it does.**

Respite provision had been identified in January 2019 and it was agreed that the home council would be the responsible local authority to progress this provision. Lancashire County Council has backdated the respite provision and repaid the amount as instructed.

- **Calculate the sum to make up for the respite provision missed by W.**

This action was completed in February 2019 when a significant payment was made.

It is the requirement of the Local Government Act 1974 as amended that, where there is a finding of fault causing injustice, the report is laid before the council and, within three months of receipt of the report, the council notifies the Local Government and Social Care Ombudsman of the action that it has taken.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

If the council fails to comply with the legislation, the Local Government and Social Care Ombudsman has power to require the council to publish a statement detailing why they have not complied with the recommendations in the report.

Financial

Should the actions not be put in place there may be further claims payable by the county council if the Local Government and Social Care Ombudsman decides that their recommendations have not been followed. Several payments have been made to date to address the issues that have been raised in both ombudsman reports.

List of Background Papers

| Paper | Date | Contact/Tel |
|-------|------|-------------|
|-------|------|-------------|

None

Reason for inclusion in Part II, if appropriate

N/A

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

**Investigation into a complaint against
Lancashire County Council
(reference number: 17 017 603)**

27 March 2019

The Ombudsman's role

For 40 years the Ombudsman has Socially 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 B | The complainant |
| Mrs B | His wife |
| V | Their niece |
| W | Their nephew |

Report summary

Children's Services: Care of Looked After child

Mr B complains the Council has failed to put in place the remedy it agreed to, following his previous complaint to us.

Mr B's original complaint was that the Council had failed to provide help and support for his niece and nephew (V and W) for whom he and his wife hold a Special Guardianship Order (SGO). He said that after the SGO was granted, the Council failed to assess their needs or provide additional support.

Our decision on Mr B's previous complaint identified 11 points of remedy for the Council to put in place.

Once our decision was made, we would expect the family's needs to be considered holistically and future needs anticipated. In this case, V was turning 18 and was moving into adult social care.

Mr B also complained the Council was not communicating with him properly in relation to the remedy for the original complaint.

Finding

Fault causing injustice and recommendations made.

Recommendations

Within three months of the date of this report we recommend the Council completes the following:

Generally:

- changes its procedures to ensure it keeps complainants informed of the progress of implementing outcomes from their complaints and reviews those procedures for effectiveness.

For Mr and Mrs B:

- conducts a training needs analysis and schedules identified training;
- pays any backdated respite for V, that has not been taken;
- pays £300 for the distress caused by the Council's delay in deciding to conduct a new assessment on the family, the delay setting up the assessment and the delay identifying what support it would provide to the family as a result. It should also apologise for the lack of explanation on how the amount the family would be paid was calculated and take steps to provide an explanation immediately;
- pays £100 for time and trouble caused by asking for receipts for expenditure from 2014;
- backdates (to October 2016) the allowances owed and considers what financial support the Council should provide now W is the only child in the household given the October 2016 and February 2018 reports on the family. It is asked to backdate these from when V left home;
- considers, with the council where the family currently live (the home council), what support Mr and Mrs B will need to provide respite and

accommodation for V over the holidays if this is to be the arrangement going forward;

- apologises for its failure to provide V with support prior to her turning eighteen, which caused Mr and Mrs B distress; and
- writes to Mr and Mrs B, jointly with the home council, setting out how the family will be supported through issuing an amended SGO Support Plan.

For W:

- identifies an appropriate respite placement and pays the family £250 each month until it does; and,
- makes up for the respite provision missed.

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*)

The law relevant to this complaint

The Ombudsman's role

1. 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*)

Children Act 1989

2. Section 24 of the Children Act 1989 sets out the services that councils must provide to previously looked after children (i.e. children who have been in foster care prior to having a Special Guardianship Order made for them).

Special Guardianship Regulations 2005

3. These regulations specify that where children are looked after by a council immediately prior to an SGO being granted, that council retains responsibility for the assessment and provision of special guardianship support services for 3 years after the granting of the SGO. It also retains responsibility for SGO payments where 'the decision to provide that support was made before the making of the order' (i.e. specified in the Support Plan).

The Special Guardianship Guidance 2017

4. This says councils can 'arrange for special guardianship support to be provided by another body', like the family's home council. It gives councils discretion to decide what allowances to pay for children under an SGO so they can change them in line with the needs of the children or the family.

How we considered this complaint

5. We spoke with Mr B and looked at the information he sent to us. We asked the Council for information and considered its actions and its reply to Mr B's complaint.
6. Mr B and the Council have been given a confidential draft of this report and invited to comment. The comments received have been taken into account before the report was finalised.

What we found

Mr B's original complaint to us

7. Mr B first complained to us in September 2016.
8. Mr and Mrs B had obtained a Special Guardianship Order (SGO) for their nephew and niece (V and W) on 27 November 2014. V and W had been in foster care before this. An SGO gives parental responsibility for a child so they are no longer considered 'looked after' by a council but can retain ties with their birth parents. V and W moved in with Mr and Mrs B in December 2014. Mr and Mrs B did not go to court and did not see the support plan that was proposed until it had been finalised.
9. The Council's support plan set out what services were, or would be, provided to V and W. Within the plan, the Council conducted a new assessment and agreed to pay Mr and Mrs B £253.95 a week 'equivalent to basic Boarding Out rates for foster carers'. The Council noted: 'The financial support will be reviewed on an

annual basis. (It) may also be reviewed on any change of circumstance affecting the support, and at any stage of implementation of the plan when it is considered appropriate'. There was no reason, at time of placement, to suppose the financial support would be inappropriate.

10. There was nothing in the plan to suggest V and W would need any 'therapeutic services' and, if they did, they would be expected to access these through the GP or school nurse. Mr and Mrs B had anticipated the Council would refer V and W to counselling and to the Child and Adolescent Mental Health Service (CAMHS) prior to being placed with them but this had not happened. No training for Mr and Mrs B was deemed necessary although some had been identified by CAMHS and by social workers. The CAMHS report in May 2015 highlighted the children's diagnoses of post-traumatic stress disorder (PTSD), attachment disorder, autism, attention deficit hyperactivity disorder (ADHD) and learning difficulties, which post-dated the plan.
11. There was no requirement for respite care set out in the support plan. The Council accepted it would provide respite care for V and W at a professionals meeting in January 2016. The Council struggled to identify a suitable location for respite for W because of his significant sexualised behaviour. It had not provided respite for V.
12. Soon after V and W came to live with Mr and Mrs B, they began to make disclosures about the treatment they had experienced both when they lived with their mother and in relation to a previous foster carer, who they said had assaulted them. W exhibited concerning sexualised behaviour to the extent that professionals considered it was not safe for V and W to be left alone together (as identified by a consultant in October 2016). This caused a lot of pressure on Mr and Mrs B, who had to change their routines to ensure they were always available to W.
13. As a result of disclosures, the support plan was reviewed in a report by an independent social worker, on behalf of the Council, on 3 October 2016 ('the October report'). The independent social worker thought Mr and Mrs B should receive additional funding. The Council said later it could not do what the independent social worker asked because it only paid a flat fee to special guardians. The Council could not tell us if Mr and Mrs B were accessing all the benefits they were entitled to. The independent social worker recommended all professionals should work together to make it easier for Mr and Mrs B to understand how their views fitted together and to take the burden off them due to having to attend a number of different meetings at different times.
14. There were also unresolved questions about contact between V and W, their half siblings and their mother. At the time the complaint was made to us, V said she wanted contact with her mother although W did not. It was identified that V's contact would need to be supervised. No contact had been arranged. V and W's contact with their half siblings had been put on hold while their adoptions went through the court process. The Council said it intended to set this up once the half siblings' placements were settled but the court hearings had taken a long time.
15. Mr B had complained to the Council but was dissatisfied with its response. He felt he had not been kept informed of changes the Council was making to its practice following his complaint. He asked us to look into the matters he raised.

The outcomes of our investigation

16. On 8 August 2017, we closed Mr B's complaint finding fault leading to injustice for Mr B and his family. The Council agreed to:
- a) identify whether there was additional training suitable for Mr and Mrs B by conducting a training needs analysis and to make a payment of £200 for the time and trouble caused by failing to provide training when suggested by professionals;
 - b) identify an appropriate out of county respite provision for W (because there are no suitable respite providers in the Council's area), and respite provision for V, and backdate the missed respite to 7 January 2016 when the Council first agreed to provide it;
 - c) make a clear decision on the level of financial support needed for Mr and Mrs B and their family within six weeks of the decision (i.e. by 19 September 2017). Clearly explain how and why such decisions have been made and backdate any increases to the date of the independent social worker's report (from October 2016). Make a payment of £400 for distress;
 - d) apologise for failing to refer V and W to counselling and to CAMHS before they were placed with Mr and Mrs B;
 - e) work with Mr and Mrs B, and V and W's home council to best coordinate input from professionals.
 - f) consider changing procedures so families can keep in touch with each other during court proceedings as well as when placements are settled;
 - g) consider contact arrangements and what would be in the best interests of the family;
 - h) make a payment of £300 to reflect V's distress at not being able to have contact with her mother when she wanted to do so;
 - i) signpost Mr and Mrs B to benefits advice and provide support for them to apply for any benefits to which they might be entitled;
 - j) apologise to the children for what happened to them, following abuse in a previous foster placement, within six weeks of our decision; and,
 - k) change its procedures so complainants are kept informed of the Council's progress in implementing changes due to complaints they make. Make a payment of £100 for Mr B's time and trouble in having to chase up this information.

Following our decision

17. Mr B came back to us in February 2018 and we agreed to open a new complaint. The Council failed to provide some of the remedy to the original complaint despite the amount of time that had elapsed. Mr B was also critical of the way the Council communicated with him, and with his home council. In addition, V was 18 and he said the Council had not been involved with her transition to adult services. Lastly, the Council had produced another report on the family's needs in February 2018 (the February report), but Mr B did not think the recommendations were sufficiently thorough.
18. We asked the Council to clarify what remedies had been put in place following our decision on Mr B's previous complaint. We also asked the Council to comment on Mr B's allegation that it had not been involved in V's transition to adult services and that it failed to communicate properly with him.

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19. The Council's response established that the payments for time, trouble and distress, as minor parts of points a), c), k) and all of point h), had been made.
 20. The Council had arranged respite for V (part of complaint b). The Council made a payment to V for not being able to have contact with her mother (point h) although it had since decided that contact between them would not be in V's best interests. V, again, expressed her wish to see her mother in September 2017. We note the Council has now alerted her home council about this (in March 2018, following our enquiries). It should have acted more quickly. Its failure to do this is fault but there is no injustice to V as her home council is just as able to set up contact should she wish to have it in the future. Her home council says V has not yet expressed a wish to contact her mother and they would not recommend it to her. There is no further action for the Council to take on this point.
 21. The Council had apologised for failing to refer V and W to counselling and to CAMHS before they were placed with Mr and Mrs B (point d).
 22. Although the Council says there have been 'significant improvements' in its working with Mr and Mrs B's home council (point e), Mr and Mrs B told us they were not aware of this. The Council should set this out for Mr and Mrs B, together with their home council. The Council accepts and agrees that a joint communication to Mr and Mrs B will help in demonstrating the joint working practice that is taking place. It should review the SGO Plan to make responsibilities clear. Mr B raised the issue that it would have been a good opportunity to have had this ready on handover of the case to the family's home council.
 23. The Council had changed its procedures so families could keep in touch with each other during court proceedings (point f) and had asked the adoptive parents of V and W's half siblings to agree to contact (point g). The Council only followed this up, though, in late February 2018, after we sent our enquiries. The Council says our enquiries did not drive it to follow-up but that it tried again to contact the adoptive parents even though it had been unsuccessful on previous occasions. By doing this, the Council clearly felt there was merit in revisiting the views of the adoptive parents, hence we find it at fault for the delay and ask it to apologise. The Council has told us the adoptive parents do not wish to have contact with the wider family. As this is a matter for the adoptive parents, we can do no more for Mr and Mrs B or for V and W.
 24. The Council had signposted Mr and Mrs B to benefits advice (point i) and identified they had the benefits they were entitled to.
 25. The Council apologised to V and W for what had happened to them in foster care (point j)

Outstanding remedies to Mr B's original complaint to us

26. Although the Council had made some progress with putting the remedy to Mr B's complaint in place, there are a number of areas where it had not met Mr B's, or our, expectations.

Point a) Identify whether there is additional training suitable for Mr and Mrs B by conducting a training needs analysis.

27. The Council has not carried out a training needs analysis. The Council says the family's social worker asked Mr B what training he felt he would benefit from after our decision was issued. It says he wanted specific training about strategies to manage children who present with sexualised behaviours. The Council commissioned a specialist to assess and report on W's behaviour who was asked to deliver training and behaviour management strategies for Mr and Mrs B at the

same time. The Council has provided bespoke training on sexualised behaviours from an independent specialist.

28. The February report highlights that Mr B wanted training on attachment issues. Although this was accepted by the social worker, this need does not seem to have been fed through to Council officers commissioning training and was not identified as a training need to us. The October report also mentions the need for multi-systemic training, as recommended by CAMHS, but there is no evidence this has been held.
29. A training needs analysis would capture these aspects (and consider recommendations from the independent assessment of W's risk, which said Mr and Mrs B should have training in 'trauma-informed care') and set a timescale for the relevant training to be completed. This remains necessary. The Council says it has asked Mr B's home council 'to ensure that a record of all training offered...and all training attended can be collated. This will enable regular review and ensure any further training gaps are identified and addressed'. This does not set out what training is necessary now.
30. This action remains outstanding. Conducting a training needs analysis is still relevant. The Council's failure to do this is fault. The Council should carry this out without further delay and apologise for its failure to do this earlier.

Point b) Identify an appropriate out of county respite provision for W (because there are no suitable respite providers in the Council's area), and respite provision for V, and backdate the missed respite to 7 January 2016 when the Council first agreed to provide it

31. The Council accepted it should backdate respite care to 7 January 2016, which is when it first agreed to provide each child with 15 days of respite. The Council agreed in February 2017 that providing 14 overnight respite stays remained appropriate.

Respite for V

32. Since our decision, the Council has arranged respite for V, which she accessed. Given her age, any backdated respite that has not been taken should be calculated as a payment for Mr and Mrs B. The Council says that V accessed overnight respite during transition to a 'Shared Lives' placement but this would be for adult services to manage and pay for and not children's services. The Council is asked to make a payment for any respite V did not take.
33. The Council should also consider, with the home council, what support Mr and Mrs B will need to provide respite and accommodation for V over the holidays if this is what V wants.

Respite for W

34. The Council says it has tried to provide respite for W since our previous decision.
35. It told us that, on 10 August 2017, W was matched with a specialist childminder who could provide 14 overnight respite stays. Given W's presenting behaviour, a risk assessment would have been appropriate, particularly if other children might be in placement (and/or if children were to visit). Mr B says he thought a specialist respite facility would be more appropriate for W but it was full. The Council could only propose, or agree, a placement if it had carried out a risk assessment. This was also agreed at a meeting in the home council on 4 July 2017. The delay in the Council undertaking an assessment, when it accepted responsibility for arranging a respite placement for W, is fault. The Council subsequently engaged

an assessment by a specialist to decide what kind of placement would be suitable for W.

36. Now the assessment has been carried out, and the findings available, the Council should take steps to arrange a suitable respite placement within one month. This will allow it to put in place the remedy it agreed to in Mr B's original complaint. After that, it should pay the family £250 each month until it identifies somewhere appropriate given the time they have waited for this to be put in place. The Council subsequently told us it has paid for short break respite care for W since 13 March 2016. It did not tell us this before we closed Mr B's previous complaint. This service is for three hours every fortnight with 10 hours during holidays. This is approximately 99 hours a year i.e. 4.12 days but with no overnights.
37. The Council has agreed to backdate W's respite provision to 7 January 2016 once it can be set up following the report. The specialist's report has confirmed that W can be placed alongside other children but will, at least initially, require one to one supervision. A copy of this has also been sent to the specialist residential placement, that Mr B thought was appropriate, for it to consider. Acknowledging the need for a specific skill set for W's carers is a priority.
38. The action, to provide respite for W, remains outstanding. The Council's failure to identify appropriate provision is fault. The Council should apologise for its failure to do this earlier and arrange this service with no further delay.

Point c) Make a clear decision on the level of financial support needed for Mr and Mrs B and their family within six weeks of the decision (i.e. by 19 September 2017). Clearly explain how and why such decisions have been made and backdate any increases to the October report.

39. The relevant section of our decision on this complaint says; 'When identifying what financial support should now be given, the Council should use (the October report) as a basis for its decision making. It should make it clear what support identified by the independent social worker is necessary and appropriate or why it is not. If it identifies that a higher payment should be made to the family, it should backdate this to (the date of the October report). It should take steps to review the financial support within six weeks of our decision'.
40. Following our decision, the Council told Mr B on 15 September 2017 that it would not pay any additional money because its policy was to pay Special Guardianship allowance at a set rate. This is fault because financial support must be based on needs and the Council had, in agreeing to our decision, accepted the October report set out these needs. The October report also recommended the Council increase payments for Mr and Mrs B. Although the Council agreed to reimburse Mr B for any additional expenses, it wanted Mr B to produce receipts for expenditure from November 2014. This was fault. It was impractical and unfair to ask Mr B to provide this evidence given the time that had elapsed. This caused Mr B distress.
41. After taking legal advice, the Council decided to use the 'flexibility' in the Special Guardianship allowances to pay Mr B more; or to peg the amount paid to the adoption allowance. The courts had already agreed, in 2010, the rate a Council sets for special guardianship allowance should be in line with its fostering allowance, with the deduction of child benefit if appropriate. Therefore, this option (of tying the amount to adoption allowance) was not possible. The Council then decided to conduct a full assessment of the family, including a means test. It was not fault for the Council to conduct a new assessment, or means test, although it should have made this decision as quickly as possible following our decision. Its

failure to take this decision in a timely manner is fault. The delay in deciding what it was going to do caused Mr and Mrs B distress; they knew they could not expect any additional support until an assessment had been completed.

42. The Council further assessed the family's needs in the February 2018 report. This does not cover the financial needs of the carers in the way the October report does. This is fault and has caused Mr B distress as he does not have a clear picture of the reasons behind the support he is receiving.
43. The Council accepts Mr and Mrs B are entitled to payments broadly equivalent to Tier 3 foster carers. According to the Council's website, this would attract a total payment of £415 a week for V and £377 a week for W, given their respective ages (this would include other benefits to which they are entitled such as their existing special guardianship allowance, tax credits and child benefit). This total is from £41,184 per year when both children were in placement. The amount of the Council's contribution to this should be backdated to the date of the October report minus the amount that Mr B was paid in March 2018 (£12,908.17). The Council should be specific about the financial support it will pay; it initially gave Mr B contradictory information as to how much he would receive. Understandably, this does not give him, or us, confidence the Council calculated the amount correctly.
44. The Council has not considered the financial impact on Mr and Mrs B of W being their only child once V leaves home. The Council says; 'there was no evidence presented within the care proceedings in respect of V and W which warranted consideration to be given to separating the children and seeking a solo placement for W'. This is clear. However, the range of the children's needs was also not evidenced within the care proceedings although they have been identified now.
45. Mr B says W should be considered a child at 'Tier 3+' as he would have to be the only child in any foster placement given his needs. This is not a decision we are able to make but the Council should consider this as part of its wider deliberation on finance for the family now W is their only child.
46. The October report acknowledges: 'It seems highly likely that had the carers not taken in both V and W, the needs of them individually would have been such that they would have been placed in highly specialised, individual placements, the cost of which would have been considerably higher than anything that has been requested by the carers up to this point'. The February report accepts Mr and Mrs B's burden will not lift through only having one child given the complexity of W's needs. The February report is clear that either Mr or Mrs B must be at home full-time for W. At the time of the Special Guardianship Order, Mrs B was 'compensated' for having to work part time as Mr B could continue working; this is different from one person being unable to work at all. It says that if it wasn't for the commitment of Mr and Mrs B, the Council 'would be looking for a very experienced carer where W would be the only child in placement.'
47. On the balance of the evidence, the action, to make a clear decision on the level of financial support needed for Mr and Mrs B and their family within six weeks of the decision, remains outstanding. The Council should apologise for its failure to do this earlier and make payments with no further delay.

Point k) Change its procedures so complainants are kept informed of the Council's progress in implementing changes due to the complaint.

48. The Council has not explained how it will ensure other complainants are kept informed of the implementation of changes following findings. This is fault

although it does not cause Mr B injustice. The Council has agreed to provide updates for upheld complaints when outcomes are not completed or clear by the final letter. The Council will review this for effectiveness within three months.

49. Once this action has been completed, the Council will have put in place the remedy to this complaint. It is regrettable it did not do this before.

Mr B's new complaints

50. Mr B said the Council has failed to communicate with him properly. Although the Council set up a single point of contact, it accepted that it has not always responded to him on time. This is fault and it has caused Mr B time and trouble trying to chase up the Council's actions. The Council has apologised. The Council has, since April 2018 (after our enquiries) identified a new single point of contact for Mr B. It has agreed to keep this under review given previous issues of poor communication, which is appropriate.
51. Mr B also complained the Council had failed to consider V as a care leaver and had not been involved in her transition to adult social care. The February report acknowledges that V is entitled to support as a care leaver under Section 24 of the Children Act 1989. The Council says she was allocated a Professional Personal Advisor. However, it only provided this support after Mr B requested the Council do so. Further, it only put this in place after V turned 18 despite Mrs B's, and the Children's Commissioner's, requests. The Council should apologise that it did not do this earlier. Information on the Council's website says workers should be allocated 'to a young person's case (when they are no older) than 15 ¾', which was not the case here. This caused Mr and Mrs B distress. The Council appears to have taken action following our enquiries as it wrote to Mr and Mrs B about V's leaving care entitlement in March 2018. This delay is fault and it caused the family distress not to be informed by the Council in good time.
52. Mr B says the Council was asked to contribute to a settling in allowance for V. As V does not have an automatic entitlement to a settling in grant, the Council is not at fault for failing to contribute. However, the February report says 'the option of financial support for this young person as she moves into adulthood should be given some consideration'. We note the Council paid V a leaving care allowance when she moved into a shared lives placement although Mr B was only told of this on 11 April 2018. The delay is fault and it caused Mr and Mrs B distress as they believed the Council would consider this once the February report was issued. The Council plans to amend its practices so that all future special guardianship support plans refer explicitly to a young person's leaving care status and how parents and young people can get help.
53. The February report says that life story work must be done with V 'shortly after' she turns 18, if not before, so she understands her family background and what happened to her. Mr B wanted her to know about her father. V's social worker, in the council's area where she lives, agrees that this should be led by V, which is appropriate. However, the Council could have been proactive and enquired, before she was 18, whether she needed support or made enquiries with CAMHS as to what the best support might be. The Council says it did not support V having contact with her mother, but this was separate to life story work. Life story work did not have to be requested directly by V either (although it has been now). The Council should apologise to Mr and Mrs B for not carrying out life story work with V earlier. The Council says V has now asked for life story work and visits have been made to progress this.

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54. The Council has also explained that it has not spoken to Mr B about deputyship for V. V is represented by an advocate and has a social worker so she has support in decision making. There is no evidence of fault. Mr B can approach the Office of the Public Guardian to identify the right way forward for W should he wish to do so.

What should happen

55. It is extremely disappointing that the Council failed to implement all our previous recommendations within a reasonable period of time and, in that failure, reneged on an agreement with us. This undermines the complainant's trust in the Council and calls into question the Council's willingness to accept fault and put it right. Implementing remedies is always important but particularly so where very vulnerable children are involved and when the Council recognises that carers are struggling to cope.
56. The Council is asked to put the actions in place, from our decision on Mr B's previous complaint, as soon as possible. It should ensure it implements the findings on Mr B's new complaints within a reasonable time.

Recommendations

57. Within three months of the date of this report we recommend the Council completes the following:

Generally:

- changes its procedures to ensure it keeps complainants informed of the progress of implementing outcomes from their complaints and reviews those procedures for effectiveness.

For Mr and Mrs B:

- conducts a training needs analysis and schedules identified training;
- pays any backdated respite for V, that has not been taken;
- pays £300 for the distress caused by the Council's delay in deciding to conduct a new assessment on the family, the delay setting up the assessment and the delay identifying what support it would provide to the family as a result. It should also apologise for the lack of explanation on how the amount the family would be paid was calculated and take steps to provide an explanation immediately;
- pays £100 for time and trouble caused by asking for receipts for expenditure from 2014;
- backdates (to October 2016) the allowances owed and considers what financial support the Council should now W is the only child in the household given the October 2016 and February 2018 reports on the family. It is asked to backdate these from when V left home;
- considers, with the home council, what support Mr and Mrs B will need to provide respite and accommodation for V over the holidays if this is to be the arrangement going forward;
- apologises for its failure to provide V with support prior to her turning eighteen, which caused Mr and Mrs B distress; and
- writes to Mr and Mrs B, jointly with the home council, setting out how the family will be supported through issuing an amended SGO Support Plan.

For W:

- identifies an appropriate respite placement and pays the family £250 each month until it does; and,
- makes up for the respite provision missed.

Decision

58. Fault by the Council leading to injustice for Mr and Mrs B, V and W.

Meeting of the Full Council
Meeting to be held on Thursday, 18 July 2019

Report submitted by: Executive Director of Education and Children's Services

Part A

Electoral Division affected:
None;

Report by the Local Government and Social Care Ombudsman on Children's Social Care - 8 May 2019

(Appendix 'A' refers)

Contacts for further information:

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Executive Summary

Following a finding of fault causing injustice after an investigation by the Local Government and Social Care Ombudsman, Full Council is required to consider what action should be taken.

This report sets out the actions that have already been taken in response to the Ombudsman's recommendations and Full Council is asked to endorse the further actions that have been put in place in response.

Recommendation

That Full Council:

- (i) Notes the recommendations set out in the Local Government and Social Care Ombudsman's report at Appendix 'A'.
- (ii) Notes the actions already taken and endorses the further steps proposed in response to the report's recommendations as set out below.

Background and Advice

On 8 May 2019 the Local Government and Social Care Ombudsman published a public report which found fault causing injustice by Lancashire County Council. A copy of the report is attached at Appendix 'A'.

The report at paragraph 77 onwards includes recommendations as to how the county council should remedy the injustice caused. The actions already taken in response are set out below.

- **Provide a written apology**

A letter of apology was sent from the council by the Acting Director of Children's Social Care, on 5 June 2019.

- **Pay £300 in recognition of the avoidable distress and £250 for time and trouble**

A payment of £550 in total was offered in the above letter and paid to the complainant in June.

- **Inform staff in children's services of our view that the Council does not need a child's consent to investigate a parent's complaint and ensure staff follow the statutory children's complaints procedure in future.**

A [notice](#) was issued to all children's social care staff by the Acting Director of Children's Social Care, on 21 June. Staff were made aware of the Ombudsman's view that the council does not need a child's consent to investigate a parent's complaint. This is a legal requirement set out in the Department for Education Statutory guidance: 'Getting the Best from Complaints'.

The statement continued:

"There were some other practice issues that arose from this investigation for practitioners and managers to take note of. We need to ensure we complete visits in line with agreed statutory timescales or timescales set out in a court order. In this case the LGSCO determined that the absence of statutory visits resulted in the family having to manage without support and further, that had support been provided it may have prevented the child becoming looked after. If children are open to our service and there are contact arrangements in place, or needed for a child we should support these to be developed and/or check how well these are working to ensure they have a positive impact for that child.

Communication, contact and sharing information with families is important, particularly if there are changes to the allocated social worker. These changes can impact on the consistency of support for children and families and is a risk when the main worker for a child and family changes, so we should ensure families are aware of any changes and check that the right support is still in place."

A link was provided for all staff and managers to the statutory complaints procedure on the county council's intranet:

It is considered that the council has learnt valuable lessons from this complaint. It should be stressed that the best interests of the child are always considered carefully for each individual complaint.

It is the requirement of the Local Government Act 1974, as amended that, where there is a finding of fault causing injustice, the report is laid before the council and, within three months of receipt of the report, the council notifies the Local Government and Social Care Ombudsman of the action that it has taken.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

If the council fails to comply with the legislation, the Local Government and Social Care Ombudsman has power to require the council to publish a statement detailing why it has not complied with the recommendations in the report.

Financial

Should the actions not be put in place there may be further claims payable by the county council if the Local Government and Social Care Ombudsman decides that their recommendations have not been followed.

List of Background Papers

| Paper | Date | Contact/Tel |
|-------|------|-------------|
|-------|------|-------------|

None

Reason for inclusion in Part II, if appropriate

N/A

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

**Investigation into a complaint against
Lancashire County Council
(reference number: 18 009 920)**

8 May 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 |
| Ms X | The complainant's fiancée (now wife) |
| Y | Mr X's son |

Report summary

Statutory complaints procedure

Mr X complains the Council failed to provide the necessary support to his family and himself. And, the Council failed to consider his complaint at stage 2 of the statutory children's complaints procedure.

Finding

Fault found causing injustice and recommendations made.

Recommendations

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*)

In addition to the requirements set out above the Council has also agreed to:

- provide Mr X with a written apology;
- pay Mr X £300 in recognition of the avoidable distress caused to Ms X and him;
- pay Mr X £250 for his time and trouble;
- inform staff in children's services of our view that the Council does not need a child's consent to investigate a parent's complaint and ensure staff follow the statutory children's complaints procedure in future; and
- provide evidence to us that it has completed the above actions.

The complaint

1. Mr X complains the Council failed to provide the necessary support to his family and himself when he agreed to take care of his son, Y, causing distress. He says the Council failed to consider his complaint at stage 2 of the statutory children's complaints procedure, causing frustration.

Legal and administrative background

The Ombudsman's role

2. 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*)
3. We may investigate matters coming to our attention during an investigation, if we consider that a member of the public who has not complained may have suffered an injustice as a result. (*Local Government Act 1974, section 26D and 34E, as amended*)
4. Under the information sharing agreement between the Local Government and Social Care Ombudsman and the Office for Standards in Education, Children's Services and Skills (Ofsted), we will share this report with Ofsted.

Statutory complaints procedure

5. Section 26(3) of the Children Act 1989 Act says councils should establish a procedure for considering complaints made by looked-after children and children in need. It says this procedure should also apply to consideration of complaints made by parents of such children.
6. The Children Act 1989 gives discretion to councils to decide who may bring a complaint in cases where eligibility is not automatic.
7. The Department for Education publishes statutory guidance that councils must follow called "Getting the best from complaints".
8. This says councils must consider complaints made by "any child or young person (or a parent of his or someone who has parental responsibility for him) who is being looked after by the local authority or is not looked after by them but is in need".
9. The statutory guidance says complaints made by or on behalf of children about council services must follow the three stage statutory complaints procedure: local resolution, investigation and review panel.
 - Stage 1 - local resolution; where a council investigates and responds to the complaint.
 - Stage 2 - Investigation; the council must appoint an investigating officer to lead the investigation and an independent person to oversee this.
 - Stage 3 - Review Panel; the council must appoint three independent people to sit on a panel to consider the stage 2 investigation and outcomes.

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10. Councils can only vary from the statutory complaints procedure in exceptional circumstances.
 11. A complainant can approach us at any stage in the process and ask us to consider the complaint.

Data Protection Law

12. Consent is just one of the lawful bases a council can rely on to process personal data in accordance with the General Data Protection Regulation 2016/679 (“GDPR”) and the Data Protection Act 2018 (“DPA 2018”).
13. Under Article 6(1)(c), GDPR, a council can process a person’s data if processing is necessary for compliance with a legal obligation to which the controller is subject.
14. A council has a legal obligation to investigate complaints made by parents about children’s services. And, it is necessary for a council to access and review a child’s records to do so. It is therefore our view that Article 6(1)(c) is the most appropriate lawful basis a council can rely on to process a child’s data when investigating complaints under the statutory procedure.
15. Although a council appoints independent persons at stages 2 and 3 of the statutory procedure, these people are providing a service for the council and are bound by the same laws.
16. It is usual for a council to appoint or engage a third party to provide services. We would expect a council to have agreements in place with such third parties to ensure they comply with the law. In relation to allowing third party access to council files, the statutory guidance says:
 - “The investigating officer should have access to all relevant records and staff. These should be released within the bounds of normal confidentiality and with regard to relevant legislation in the Freedom of Information Act, 2000 and the Data Protection Act, 1998.”
 - “Panels should observe the requirements of the Human Rights Act 1998, the Data Protection Act 1998, and other relevant rights-based legislation and conventions in the discharge of their duties and responsibilities.”

Statutory visits

17. The Department for Education publishes statutory guidance “The Children Act 1989 Guidance and Regulations, Volume 2: care planning, placement and case review”.
18. This says, where a council places a child back with a parent it should visit within one week of the placement and then at least once every six weeks. However, the frequency of visits should always be determined by the circumstances of the case and the council must arrange a visit whenever reasonably requested by a child or carer.
19. Visits have a number of purposes, including to:
 - “evaluate and monitor the achievement of actions and outcomes identified in the care and placement plan and to contribute to the review of the plan;”
 - “identify any difficulties which the child or carer may be experiencing, to provide advice on appropriately responding to the child’s behaviour and identify where additional supports and services are needed;” and

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- “monitor contact arrangements, to identify how the child is responding to them and to identify any additional supports carers may need to support positive contact arrangements.”

How we considered this complaint

20. We produced this report after speaking to Mr X and examining relevant documents provided by Mr X and the Council.
21. We gave Mr X 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

22. Mr X had no contact with his son, Y, for several years. In 2016 the Council asked Mr X if Y could live with him. The Court granted a 12 month Supervision Order in July 2016 and Y moved in with Mr X and his fiancée Ms X.
23. The Supervision Order says the Council will supervise the contact between Y and his mother initially for three months. Further, that it will seek to assist the families to begin to supervise the contact with Y’s mother.
24. A social worker carried out a statutory visit at the end of August 2016. The record of this visit says:
 - “Y presented well and Mr X stated that he has settled in very well and is looking forward to starting his new school tomorrow”;
 - “Y is receiving a good level of care and there are no concerns in respect of Mr X and Ms X’s ability to safeguard and protect Y”;
 - Y has fortnightly contact with his mother, supervised by the Council.
25. The records of a family group conference, held in September 2016, show the family agreed they would consider supervising contact within the family network if it was done collectively. It was agreed the adults would discuss any concerns between themselves and inform the relevant services if necessary.
26. A social worker carried out a statutory visit at the end of September 2016 and was happy with how things were progressing.
27. The Council’s case notes say the family began to supervise contact from 21 October 2016.
28. The record of the Child in Need review meeting of November 2016 says Y is happy and settled. Mr X is reported to say: “Y appears happy and settled and has presented no management difficulties.”
29. Case notes report the case was then handed over to a family support worker and a transfer meeting took place.
30. At the end of November 2016 Ms X contacted the support worker with concerns about Y’s behaviour. She explained his behaviour had deteriorated and they needed some help. The support worker agreed to speak to Y’s school and meet with the family.

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31. Case notes show the support worker visited the family on 2 December 2016 and gave them some coping strategies to put in place. The support worker agreed to speak to Y's school (having been unable to do so previously) and meet with the family again in two weeks. Ms X said she was not happy supervising contact.
 32. On 12 December 2016 the support worker told Ms X the Council had no concerns with unsupervised contact. Ms X raised concerns about this and the support worker agreed to discuss with her manager.
 33. The support worker carried out a statutory visit on 20 December 2016. Her record of this visit says "Ms X reports that things are much better since my visit as she feels they just needed some guidance. She said since they have put the things I advised in to place things are much better." Ms X was still not happy to supervise contact and the support worker agreed to discuss the possibility of a contact centre with her manager.
 34. On 20 January 2017 Mr X complained to the Council about the lack of support it had provided since his son, Y, moved in. In summary, he said:
 - no-one warned of Y's behavioural issues and they had to rush to find a suitable property so Y could live with them;
 - Ms X reluctantly agreed to supervise visits between Y and his mother but the Council should do this; the Council then suggested they could arrange unsupervised contact themselves which they feel is inappropriate;
 - their social worker left and they were not told who the replacement was;
 - the Council failed to give advice on how to manage Y's difficult behaviour;
 - they asked for counselling for Y and were told to arrange this themselves.
 35. A Council officer spoke to Mr X on 23 February 2017. Case notes show Mr X complained he had sent emails and left messages seeking support over the last two months that had been ignored. Case notes report Mr X said "they have got Y the help that he needs now anyway and he is doing really well, he is secure, stable and he says that he feels safe."
 36. Mr X made a further complaint on 25 February 2017. In summary, he said:
 - a social worker should have visited them regularly, in line with the supervision order;
 - a new social worker had only now taken over from the previous one, who had been off sick since December 2016;
 - they told the new social worker they did not want any visits or support now, since they had been managing without them;
 - the Council should supervise contact between Y and his mother;
 - a manager from the Council should not respond to his complaint as they will be biased and so he will contact the Ombudsman.
 37. In April 2017 the Council provided its stage 1 response. We have summarised the key points as follows.
 - There was a rush at the start as the Council was keen to place Y before he started a new school year.
 - Mr X should let it know what support he wanted and it will feed this back.

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- Social workers visited until the case was transferred to the Child in Need team in November 2016. A social worker was then off sick.
 - The Council accepts it should have put cover in place to ensure contact and statutory visits continued as agreed. It apologises for this and the lack of communication.
 - The Council notes Mr X's concerns about supervising contact and therefore proposes to resume supervising contact.
 - It will allocate a new worker and a manager will oversee the case and act as a point of contact on any further concerns.
38. On 18 April 2017 a new caseworker visited the family. Case notes show Y's behaviour had deteriorated and Mr X was not able to get a referral to a mental health charity. Mr X said Y's behaviour was causing him stress and affecting his own mental health. The caseworker agreed to organise a review meeting and look at a referral for the charity.
39. At the end of April 2017 the caseworker visited the family again and completed the referral forms.
40. A Child in Need ("CIN") review meeting took place on 5 May 2017. This says "Y has exhibited some behavioural issues since December 2016. Work to be completed with Y regarding emotional wellbeing, and relationships at home. Y is being supported to develop his self esteem by the allocated caseworker".
41. On 16 May 2017 the caseworker visited the family and did some work with Y. The Council's records show it then continued to carry out statutory visits and Child in Need reviews. The allocated caseworker also continued to visit regularly to carry out direct work with Y.
42. A Child in Need review meeting took place in July 2017. Mr X and Ms X said they did not want to continue to receive support from the Council once the supervision order ended of July 2017. The record of the meeting says Mr and Ms X feel that "due to the mental health charity being involved there was little point in the allocated caseworker replicating work." "Another reason for not extending support was the inconsistency in support at the beginning of the Supervision Order". It reports "Y appears happy and settled living with his father and his partner. Y does not present with unmanageable behaviour currently however this will be monitored via the CIN plan and supported by the allocated caseworker until the end of the supervision order." It says there are no reported issues with contact.
43. On 8 August 2017 Mr X contacted the caseworker to say Y's behaviour had significantly deteriorated and Y could no longer stay with them. The caseworker visited the family on 10 August 2017. The case notes show Mr X and Ms X were struggling with Y's behaviour and they asked for temporary foster care.
44. Case notes show the Council arranged a care planning meeting and considered activities Y could take part in during the summer holidays to provide day care support to the family.
45. On 15 August 2017 Mr X contacted the caseworker to say they needed respite and Y needed removing from the home.
46. The Council arranged for a childminder for Y from 18 August 2017.
47. On 18 August 2017 Mr X complained to the Council again. In summary, he said:

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- the Council pushed him to look after Y and pressured them to act quickly, ignoring the mental fragility of Ms X and himself;
 - there was a lack of social worker visits and poor communications, they were not given help to deal with Y's behaviour or counselling;
 - he appreciates the Council's earlier complaint response but the damage has been done;
 - Y's behaviour got worse so in April 2017 they asked the Council for help again. A new caseworker visited and they were referred for counselling;
 - the new caseworker's involvement did not help, nor did counselling;
 - if the Council had followed the Supervision Order and provided support from the start the situation would have been different;
 - Y needs removing for his own sake and his; he is now mentally unwell and he and Ms X are separating.
48. The Council took Y into care at the end of August 2017. It responded to Mr X's further complaint by letter of 28 September 2017. However, we note this was a further stage 1 response and, although the Council repeated apologies it offered no further remedy for accepted faults.
49. Mr X then contacted us.
50. We told Mr X he had not yet completed the three-stage Children Act complaints procedure. We then asked the Council to investigate Mr X's complaint.
51. The Council told us it would not do so because Mr X did not ask for a stage 2 investigation; the Council would have nothing to add after stage 1; it would need Y's consent to investigate and it was not in his best interests and; family court proceedings had been initiated.
52. We issued a decision in April 2018. We found:
- there is no time limit to make a stage 2 complaint and Mr X clearly felt the stage 1 response had not addressed his complaint;
 - it is for a stage 2 investigator to decide if the stage 1 response addressed issues raised; not the Council;
 - Mr X had a right to complain as the parent of Y.
53. The Council agreed it would tell Mr X he could resubmit his complaint for consideration under stage 2 of the Children Act complaints procedure, once family court proceedings had concluded.
54. Mr X contacted us again. He said he had resubmitted his complaint to the Council on 4 June 2018, on the date of the final Court hearing, but he had not heard anything further.
55. The Council told us it had responded to Mr X on 19 June 2018 to explain it needed Y's consent for an investigator to access his files, under data protection law.
56. We issued a draft decision finding the Council at fault. We said the Council could investigate the complaint, that it did not need Y's consent and so its refusal to go to stage 2 was fault.

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57. The Council said it would not usually go to stage 2 when complaints are upheld at stage 1 and; it needed Y's consent to access his files to comply with data protection law.
 58. The Council says it always seeks the consent of a child aged 13 or over, in deciding whether it can investigate a complaint under the statutory children complaints procedure.
 59. Our view is that a parent has the right to complain and the Council has a legal obligation to consider that complaint. The Council does not need the child's consent to investigate.

Findings

60. The Council can only vary from the statutory children's complaints procedure in exceptional circumstances. Although the Council considered there was nothing to be achieved by a stage 2 investigation that is not the Council's decision to make. We made it clear in our decision of April 2018 that we expected the Council to progress to stage 2 and the Council agreed to do so.
61. Having reviewed the relevant data protection laws we are satisfied the Council did not need Y's consent to investigate the complaint made by his father, Mr X. That is not to say the Council should share Y's personal data with Mr X. The Council had a legal obligation to investigate Mr X's complaint and it could process Y's data under Article 6 1) c) of the GDPR. This extends to persons appointed by the Council to investigate the complaint.
62. The Council repeatedly refused to consider Mr X's complaint at stage 2 of the statutory complaints procedure.
63. Although the statutory procedure should usually be followed, we have discretion to investigate complaints. Given the Council's approach and to avoid further delay, we decided to consider Mr X's substantive complaint. In doing so we considered the information the Council held about Y, but we did not share any of Y's confidential personal data with Mr X.
64. The Council did not visit Y at home within one week of his moving in with Mr and Ms X. It also did not visit Y within six weeks of the visit on 20 December 2016.
65. The Council supervised contact between Y and his mother for the first three months and then handed over to the family to supervise contact. This was in line with the Supervision Order. When Ms X said she was not happy to supervise contact, the Council said Y could have unsupervised contact with his mother. Ms X complained this was inappropriate on 13 December 2016 however the Council did not address this until 18 April 2017, when it agreed to resume supervision itself.
66. Mr X complained about a lack of support on 20 January 2017. On 23 and 25 February 2017 Mr X also complained about the lack of support and absence of visits from a social worker, despite his requests. However, he also said he no longer wanted any visits as they had managed without the help of children's services.
67. If a social worker had visited the family on 31 January 2017 (at six weeks) or earlier, they could have provided "advice on appropriately responding to the child's behaviour and [helped to] identify where additional supports and services are needed". However, because of the Council's fault, Mr X and Ms X had to manage without this support.

Conclusions

68. The Council was at fault for refusing to consider Mr X's complaint at stage 2 of the statutory complaints procedure.
69. The Council is also at fault for refusing to investigate other complaints made by parents on the basis that the relevant child has not given consent.
70. We have now investigated Mr X's complaints and find the Council at fault because it:
- did not carry out all statutory visits as required;
 - did not support positive contact arrangements; and
 - delayed in addressing concerns raised by Mr X and his partner about Y.
71. Mr X was put to time and trouble in bringing his complaint to us. He also suffered avoidable distress due to the lack of support he received from the Council.
72. Mr X felt pushed into taking Y in the first instance and says he had to rush to put things in place for him. However, it remained Mr X's decision whether to agree to care for Y or not. We cannot say the Council is responsible for any injustice arising from his decision.
73. Mr X considers things would have been different if the Council had provided more support early on. However, we cannot say with any certainty that would be the case.
74. The Council has accepted our findings, which we welcome.
75. In response to the draft the Council said it would "... *process parental complaints where it is necessary to do so in order to comply with the legal obligation under s26 of the Children Act 1989, and where it is in the child's best interest. Appropriate weight will be given to the child's wishes. We recognise that this is a matter to be considered on a case by case basis and that a child's consent is not a basis upon which not to process a complaint.*"
76. We note that neither the Children Act 1989 nor the statutory guidance says a council can refuse to consider a parent's complaint on the basis that it is not in the child's best interests to do so. Such an approach would deny a parent their own right to complain under s26 of the Children Act 1989. Our view is a council can only depart from the statutory complaints procedure in exceptional circumstances. So we would not expect any council to routinely refuse a parent's complaint on the basis of the child's interests and wishes.

Recommendations

77. 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*)
78. In addition to the requirements set out above the Council has also agreed to:
- provide Mr X with a written apology;
 - pay Mr X £300 in recognition of the avoidable distress caused to Ms X and him;
 - pay Mr X £250 for his time and trouble;

-
- inform staff in children's services of our view that the Council does not need a child's consent to investigate a parent's complaint and ensure staff follow the statutory children's complaints procedure in future; and
 - provide evidence to us that it has completed the above actions.

Decision

79. We have completed our investigation into this complaint. We found fault by the Council which caused injustice to Mr X. The Council should take the action identified in paragraph 78 to remedy that injustice.

**Meeting of the Full Council
Meeting to be held on Thursday, 18 July 2019**

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
None;

Report of the Cabinet (Part B)

Contact for further information:
Craig Alker, Tel: (01772) 537997, Business Support Officer,
craig.alker@lancashire.gov.uk

Executive Summary

The report of the Cabinet from its meetings on 16 May 2019 and 13 June 2019.

Recommendation

That the report of the Cabinet, as now presented, be noted.

Background and Advice

The agenda and minutes of the meetings below may be viewed at:
<http://council.lancashire.gov.uk/ieListMeetings.aspx?CommitteId=122>.

Meeting 16 May 2019

Part I (Open to Press and Public)

Request Approval to Commence Procurement Exercises

Resolved: That the commencement of procurement exercises for the following areas be approved:

- i. Provision of fresh meat products (Non-Halal)
- ii. Provision of Extra Care Services in Lighthouse View, Fleetwood and Oakbrook Gardens, Dovedale, Preston.

Revised Area of Outstanding Natural Beauty Management Plans for Forest of Bowland and Arnside and Silverdale Areas of Outstanding Natural Beauty

Resolved: That the revised Forest of Bowland Area of Outstanding Natural Beauty Management Plan and the Arnside and Silverdale Area of Outstanding Natural Beauty Management Plan be approved for adoption.

Outcome of the Public Consultation on Changes to Household Waste Recycling Centres

Resolved: That

- i. the opening hours of all recycling centres be changed to 9am – 5pm all year round.
- ii. Opening days at six of the council's 15 household waste recycling centres, as set out in the report, are changed to five days per week
- iii. the Waste service takes all necessary steps to implement the changes with a targeted implementation date of 1 October 2019.

Hud Hey Road, Haslingden - Shared Use Cycle Track and Waiting Restrictions

Resolved: That the removal of the footway and construction of a cycle track with right of way on foot and the implementation of 'No Waiting at any time Restrictions' as set out in the report be approved.

Skelmersdale Rail Link - Strategic Outline Business Case

Resolved: That

- i. the commissioning of a strategic outline business case for the development of the Skelmersdale Rail Link be approved
- ii. officers report to Cabinet in due course with the outcome of the strategic outline business case.

Transport Information Centres- Expressions of Interest Progress Report

Resolved: That

- i. the outcomes of the exploration activity undertaken and suitability of the expressions of interest be noted
- ii. the ceasing of provision of transport information at Preston Bus Station and Nelson Interchange be approved, and the staff consultation process be commenced
- iii. officers be authorised to support the transfer of the services provided at Carnforth Information Centre and Clitheroe Information Centre to each Community Group identified, with the services being maintained by the council in the meantime.
- iv. the negotiation of termination of property interests at Carnforth Information Centre and Clitheroe Information Centre be approved.
- v. the termination of the ticket retail agreements with the train operating company, Northern, be approved

Proposed A585 Windy Harbour to Skippool Improvement Scheme - Local Impact Report

Resolved: That

- i. the Local Impact Report as set out in the report be approved for submission to the Planning Inspectorate as representing the county council's views as Local Planning Authority on the policy implications and local environmental impacts of the project.
- ii. Authority be delegated to the Head of Planning and Environment to reply to any formal written questions from the Examining Authority.

Awarding of Small Grants to Third Sector Groups which are Registered with the Children and Family Wellbeing Service, including Grants to Individual Young People

Resolved: That the recommendations of the District Youth Councils on the applications for grants from third sector groups which are registered with the Children and Family Wellbeing Service, as set out in the report, be approved.

Revision of Foster Care Allowances

Resolved: That the increase in the current scale of Foster Care Allowances, other than where specified, as set out in the report, be approved.

The Provision of Additional Primary School Places in North Burnley

Resolved: That:

- i. a temporary increase, for one year only, in the Reception intake of Briercliffe Primary School in North Burnley, from 45 to 60 places for September 2020 be approved, to be accommodated within the existing building.
- ii. a permanent increase in Reception intakes for subsequent years to 60 places, through the provision of additional permanent accommodation on the existing school site, be approved subject to obtaining relevant planning permission and Section 77(3) School Standards and Framework Act 1998 consent for the change of use of the land (or meeting the terms of The School Playing Fields General Disposal and Change of Use Consent (No 5) 2014).
- iii. the expenditure set out in the report for the permanent expansion of the school be approved

Delegation of Library Function to Preston City Council at the Harris Museum, Art Gallery and Library

Resolved: That:

- i. the delegation of the library function at the Harris building under a section 101 agreement be approved
- ii. the transfer of the Lancashire County Council library team of the Harris Museum, Art Gallery and Library to Preston City Council, following the principles of the Transfer of Undertakings (Protection of Employment) (TUPE) regulations be approved
- iii. officers be thanked for their efforts in relation to this agreement

Part II (Not Open to Press and Public)

Establishment of an Urban Development Fund for Lancashire

Resolved: That the recommendations as set out in the report be approved.

Overnight Short Breaks Unit East Lancashire

Resolved: That the recommendations as set out in the report be approved.

Meeting 13 June 2019

Part I (Open to Press and Public)

The County Council's Financial Position - 2018/19 Outturn

Resolved: That

- i. the council's final revenue and capital outturn position for 2018/19 be noted
- ii. the transfer of the 2018/19 underspend to the transitional reserve be approved

Lancashire County Council and the Defence Employer Recognition Scheme

Resolved: That officers be authorised to scope and prepare a formal expression of interest with the Ministry of Defence for a Gold Award under the Defence Employer Recognition Scheme 2020, and that a further report be provided to Cabinet in 2019 to seek approval of the expression of interest, providing details on how the county council intends to meet the award criteria.

Proposed Changes to the Transport Capital Programme

Resolved: That

- i. The re-purposing of funding as detailed at Appendix 'A' totalling £2.455m be approved.
- ii. The allocation of £1.950m of the re-purposed funding to support emerging priorities detailed in the report be approved.
- iii. The creation of a contingency fund of £0.505m be approved.

A6 Corridor Works, Broughton, Restricted Parking Zone

Resolved: That the revocation of existing waiting restrictions and introduction of new waiting restrictions and parking bays as detailed in the report, in order to provide a Restricted Parking Zone within Broughton village centre, be approved

Moss Road Strategy

Resolved: That

- i. the Moss Roads Strategy, as set out in the report, be approved
- ii. the proposed programme of works, as set out in the report, be approved.

Lancashire County Council (Various Roads, Burnley, Hyndburn, Pendle, Preston, Rossendale, Wyre and West Lancashire) (Revocations and Various Parking Restrictions (February/April No1)) Order 201*

Resolved: That the proposals for parking restrictions on the various lengths of road within the Burnley, Hyndburn, Pendle, Preston, Rossendale, West Lancashire and Wyre Districts as detailed within this report be approved.

Health Improvement Services - Consultation Outcome

Resolved: That

- i. The cessation of the Active Lives Healthy Weight service by 31st March 2020; retaining a residual budget of £500,000 to support development of future health improvement initiatives be approved.
- ii. A reduction in the budget of £675,000 for drug and alcohol rehabilitation services, ahead of a planned re-procurement exercise be approved.
- iii. The proposal to remodel stop smoking services in line with national policy and evidence base with a focus on targeted groups within the community as detailed in the report be approved.
- iv. A one-off investment of £500,000 to assist in the remodelling of services and development of non-clinical approaches with a focus on prevention, to promote good physical and mental health across all ages, including wellbeing and home improvement services as set out in reports elsewhere on the agenda be approved.
- v. Further work be undertaken with partners to identify opportunities for collaborative working to develop integrated approaches to prevention and health improvement.
- vi. Multi-agency workforce development through the roll out of the Making Every Contact Count Programme (for signposting and general lifestyle advice); and development of a digital offer, to maximise self-care opportunities afforded by health and wellbeing apps and other social media platforms be endorsed.
- vii. The thanks of Cabinet to the officers who assisted in the production of the report be recorded.

Integrated Home Improvement Services - Consultation Outcome

Resolved: That

- i. The Integrated Home Improvement Service contracts be decommissioned (ceased) by 31st March 2020, and that work be approved to take place with existing providers to deliver this.
- ii. The development of new approaches and integrated pathways, utilising some of the one off investment funding of £0.500m agreed by Cabinet as part of proposals relating to Health Improvement Services be supported.
- iii. A procurement exercise be undertaken to deliver a 'minor adaptations' service which is currently delivered through the Integrated Home Improvement Service.
- iv. The thanks of Cabinet to the officers who assisted in the production of the report be recorded.

Lancashire Wellbeing Service - Consultation Outcome

Resolved: That

- i. The cessation of the Lancashire Wellbeing Service by 31 December 2019 be approved.
- ii. Continued support of a Deaf Wellbeing Worker post be approved.
- iii. The development of community based approaches to meet wellbeing needs, recognising the social value of community assets such as green space and local enterprises, utilising some of the one off investment funding proposed as part of the Health Improvement Services item elsewhere on the agenda be supported.
- iv. Multi-agency workforce development through the roll out of the Making Every Contact Count Programme (for signposting and general lifestyle advice); and development of a digital offer, to maximise self-care opportunities afforded by health and wellbeing apps and other social media platforms be endorsed.
- v. The thanks of Cabinet to the officers who assisted in the production of the report be recorded.

Delivering Sleep-in Services Consultation Outcome

Resolved: That

- i. the findings of the consultation and the Equality Impact Assessment as set out in the report be noted
- ii. The following revised proposal be approved:
 - To pay a flat rate sleep-in fee from 1 October 2019 that is set at £61.18 based on the condition that staff are paid £45 per shift, as and when it is reasonable to vary the contractual provision and/or amend the rate payable.
 - To approve a phasing in period of 6 months with a top up of £13.60 for the period 1 October 2019 to 31 March 2020 to allow time for service providers to transition to new staff terms and conditions. During the transition period, the total fee payable (£74.78) is based on the condition that staff are paid £55 per-sleep-in shift, as and when it is reasonable to vary to the contractual provision and/or amend the rate payable.

Choice of Accommodation, First and Third Party Top Ups and Discharge of Hospital Patients with Care and Support Needs - Implementation of the Care Act 2014 (Approval of Revised Adult Social Care Policies and Procedures)

Resolved: That the policies as set out in the report be approved

Part II (Not Open to Press and Public)

Works to Operational Premises

Resolved: That the recommendations as set out in the report be approved

Provision for Special Educational Needs

Resolved: That the recommendations set out in the report, as amended to also include additional consideration of Option B, be approved.

Ceasing to Maintain a Specialist Provision for Special Educational Needs and Disabilities

Resolved: That the recommendations as set out in the report be approved.

Local Government (Access to Information) Act 1985 List of Background Papers

| Paper | Date | Contact/Tel |
|-------|------|-------------|
|-------|------|-------------|

None

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council
Meeting to be held on Thursday, 18 July 2019

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
None;

The Urgency Committee

Contact for further information:

Dave Gorman, Tel: (01772) 534261, Senior Democratic Services Officer,
dave.gorman@lancashire.gov.uk

Executive Summary

The report sets out details of decisions taken by the Monitoring Officer (Director of Corporate Services) under the county council's urgent business procedure on behalf of the Urgency Committee.

Recommendation

That the report of the Urgency Committee, as now presented, be noted.

Background and Advice

Since the last meeting of Full Council, the following decisions have been taken by the Monitoring Officer (Director of Corporate Services) under the county council's urgent business procedure on behalf of the Urgency Committee.

Revised Corporate Complaints Procedure

The following decision was taken on 4 June 2019:

The Monitoring Officer approved the revised Corporate Complaints Procedure, as set out at Appendix 'A' to the report, for inclusion in the Constitution.

Deputy Chair of Development Control Committee and Police and Crime Panel Substitute Representative

The following decision was taken on 11 June 2019:

The Monitoring Officer approved:

- (i) The appointment of County Councillor Stephen Clarke to replace County Councillor Paul Rigby as Deputy Chair of the Development Control Committee.
- (ii) The appointment of County Councillor Keith Iddon as the county council's substitute representative on the Police and Crime Panel.

Appointment of a Scheme Member Representative on the Lancashire Local Pension Board

The following decision was taken on 2 July 2019:

The Monitoring Officer approved the appointment of Ms Deborah Parker to fill the vacancy for a Scheme Member representative on the Lancashire Local Pension Board.

Consultations

These decisions were taken following consultation with the Chair and Deputy Chair of the Urgency Committee.

Implications:

This item has the following implications, as indicated:

Risk management

N/A

Local Government (Access to Information) Act 1985 List of Background Papers

| Paper | Date | Contact/Tel |
|-------|------|-------------|
|-------|------|-------------|

None

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council
Meeting to be held on Thursday, 18 July 2019

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
None;

The Audit, Risk and Governance Committee
(Appendix 'A' refers)

Contact for further information:
Debra Jones, Tel: (01772) 537996, Democratic Services Officer,
debra.jones@lancashire.gov.uk

Executive Summary

The report of the Audit, Risk and Governance Committee from its meeting held on 20 May 2019 is attached at Appendix 'A'.

The agenda, reports and minutes of the meeting are available to view [here](#).

Members can also contact officers specified in each report for further information about each item.

Recommendation

That the report of the Audit, Risk and Governance Committee, as now presented, be noted.

Local Government (Access to Information) Act 1985
List of Background Papers

| Paper | Date | Contact/Tel |
|-------|------|-------------|
|-------|------|-------------|

None

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council - 18 July 2019

Report of the Audit, Risk and Governance Committee meeting held on 20 May 2019

Chair: County Councillor Alan Schofield

Part I (Open to Press and Public)

Internal Audit Progress Report

The Committee considered a report outlining the updates on the Internal Audit Service's work. The report included key findings, issues of concern and actions undertaken as a result of the work.

Resolved: That the Internal Audit progress report as presented be noted.

Internal Audit Annual Report 2018/19

The Committee considered the Internal Audit annual report for 2018/19 which summarised the work undertaken in this period and the key themes arising in relation to internal control, governance and risk management across the county council.

Resolved: That the Internal Audit annual report for 2018/19 be noted.

The Council's Annual Governance Statement 2018/19 & Code of Corporate Governance

The Committee reviewed both the 2018/19 Council's Annual Governance Statement (to be included in the Annual Statement of Accounts) and the Code of Corporate Governance.

Resolved: That

- (i) The draft Annual Governance Statement for 2018/19 be approved for inclusion in the draft Statement of Accounts.
- (ii) It be noted that the Annual Governance Statement would be signed by the Chief Executive and Director of Resources (S151) and Leader of the Council and published on the Council's website following the final approval of the Statement of Accounts.
- (iii) The Committee had considered the updated Code of Corporate Governance and had not proposed any amendments for recommendation to Full Council.

Corporate Risk and Opportunity Register Quarter 1 2019/20

The Committee considered the quarter one Corporate Risk and Opportunity Register for 2019/20.

Resolved: That the updated Corporate Risk and Opportunity Register as set out be noted.

Internal Audit Annual Plan 2019/20

The Committee received a report explaining the approach to establishing the audit plan for 2019/20 and the work proposed to support the overall opinion for the year on the council's framework of governance, risk management and control.

Resolved: That the internal audit plan 2019/20 be approved.

Grant Thornton's Request for Information from Management

The Committee considered the management response to external auditors Grant Thornton's request for information.

Resolved: That the management response to Grant Thornton's request for information be approved.

Grant Thornton's Request for Information from the Committee Chair

The Committee considered the Chair of the Committee's response to external auditors Grant Thornton's request for information.

Resolved: That the Chair of the Committee's response to Grant Thornton's request for information be approved.

External Audit - Lancashire County Council Audit Plan 2018/19

The Committee reviewed the annual audit plan for Lancashire County Council for 2018/19. The plan set out the auditor's understanding of the issues and risks the council faced and the nature and scope of work that would be carried out to discharge their statutory responsibilities.

Resolved: That the External Audit plan for the audit of Lancashire County Council for 2018/19 and the fees therein be approved.

External Audit - Lancashire County Pension Fund Audit Plan 2018/19

The Committee reviewed the annual audit plan for Lancashire County Pension Fund for 2018/19. The plan set out the risks and issues that had been agreed with officers and the Pensions committee earlier this year.

Resolved: That the External Audit plan for the audit of Lancashire County Pension Fund for 2018/19 and the fees therein, be approved.

External Audit - Audit Progress Report and Sector Update 2018/19

The Committee considered an update in terms of progress, in delivering the audit for both the County Council and the pension fund.

Resolved: That the external audit progress report and sector update 2018/19 be noted.

External Audit - Fee Letter for Lancashire County Council and Lancashire County Pension Fund 2019/20

The Committee reviewed the proposed fee letter for the audit work to be undertaken by Grant Thornton in respect of Lancashire County Council and the Lancashire County Pension Fund for 2019/20. It was confirmed that the fee would remain as 2018/19 at £87,006 for Lancashire County Council and £26,310 for the Lancashire County pension fund. This was in line with the scale fee set by the appointing body.

Resolved: That the fees for the audit work to be undertaken by Grant Thornton in respect of Lancashire County Council and Lancashire County Pension Fund for 2019/20 be approved.

Neighbourhood Wellbeing Grants Update

The Committee reviewed an update on the monitoring activity in relation to the Neighbourhood Wellbeing Grants awarded in 2016/17.

Resolved: That:

- (i) The update be noted and officers be thanked for their efforts in delivering the monitoring information.
- (ii) Members of the committee be provided with an update outside of the meeting on further progress with the outstanding monitoring in due course

Whistleblowing, Special Investigations and Counter Fraud Annual Report 2018/19

(Exempt information as defined in Paragraphs 2, 3 and 7 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interests in disclosing the information).

The Committee considered a report which reviewed the assessment of fraud risks and potential harm to the council from fraud and corruption.

Resolved: That the annual report for 2018/19 on whistleblowing, special investigations and counter fraud be noted.

Meeting of the Full Council
Meeting to be held on Thursday, 18 July 2019

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
None;

The Employment Committee
(Appendix 'A' refers)

Contact for further information:
Debra Jones, Tel: (01772) 537996, Democratic Services Officer,
debra.jones@lancashire.gov.uk

Executive Summary

The report of the Employment Committee from its meeting held on 8 July 2019 is attached at Appendix 'A'.

The agenda, reports and minutes of the meetings are available to view [here](#).

Members can also contact officers specified in each report for further information about each item.

Recommendation

That the report of the Employment Committee, as now presented, be noted.

Local Government (Access to Information) Act 1985
List of Background Papers

| Paper | Date | Contact/Tel |
|-------|------|-------------|
|-------|------|-------------|

None

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council - 18 July 2019

Report of the Employment Committee meeting held on 8 July 2019

Chair: County Councillor Geoff Driver

Part I (Open to Press and Public)

Constitution, Membership and Terms of Reference

The Committee reviewed a report detailing the membership, Chairmanship and Committee Terms of Reference for the 2019/20 municipal year.

Resolved: That

- (i) The appointment of County Councillors G Driver and K Iddon as Chair and Deputy Chair respectively of the Employment Committee for the 2019/20 municipal year be noted.
- (ii) The membership and terms of reference of the Employment Committee for the 2019/20 municipal year be noted.

Part II (Not Open to Press and Public)

(Not for Publication – Exempt information as defined in Paragraphs 2 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interests in disclosing the information).

The Committee reviewed a report setting out pay proposals made by the Local Pensions Partnership Limited (LPP) and amendments to the Local Pensions Partnership's remuneration policy.

Resolved: That

- (i) The recruitment and appointment to the roles set out in the report be approved.
- (ii) The Head of Fund agree the final pay for these roles if they were within a 5% threshold of the approved salary ranges as set out in the report.
- (iii) The amendments to the Local Pensions Partnership's remuneration policy as set out in the report be approved.

Meeting of the Full Council
Meeting to be held on Thursday, 18 July 2019

Report submitted by: The Director of Corporate Services

Part B

Electoral Division affected:
None;

The Pension Fund Committee
(Appendix 'A' refers)

Contact for further information:
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mike.neville@lancashire.gov.uk

Executive Summary

The report of the Pension Fund Committee from its meeting held on 21 June 2019 is attached at Appendix 'A'.

The agenda, reports and minutes of the meeting are available to view [here](#).

Members can also contact officers specified in each report for further information about each item.

Recommendation

That the report of the Pension Fund Committee, as now presented, be noted.

Local Government (Access to Information) Act 1985
List of Background Papers

| Paper | Date | Contact/Tel |
|---|------|-------------|
| None | | |
| Reason for inclusion in Part II, if appropriate | | |
| N/A | | |

Meeting of the Full Council - 18 July 2019

Report of the Pension Fund Committee meeting held on 21 June 2019

Chair: County Councillor Eddie Pope

Part I (Open to the Press and Public)

Constitution, Membership and Terms of Reference

Decision taken:

1. That the current membership of the Committee, as set out below, is noted

County Councillors (12).

| | |
|------------|----------------------------|
| J Burrows | T Martin |
| S Clarke | J Mein |
| L Collinge | E Pope (Chair) |
| G Dowding | A Riggott |
| C Edwards | A Schofield (Deputy Chair) |
| K Ellard | A Snowden |

Voting co-opted members (7).

Mr P Crewe – Trade Unions
Mr J Tattersall – Trade Unions
Councillor M Smith – Blackpool Council
Councillor R Whittle – Blackburn with Darwen Council
Councillor D Borrow – District, Borough and City Councils
Councillor I Moran – District, Borough and City Councils
Ms J Eastham – Further Education and Higher Education Institutions.

2. That the current Terms of Reference of the Committee, as set out in the Minute Book, is noted.

Lancashire Local Pension Board - Annual Report 2018/19

The Committee considered a report on the 2018/19 Annual Report which highlighted key activity undertaken by the Board during the year and was informed that interviews would be held later that day in relation to a vacancy for a Scheme Member representative on the Board.

Decision taken: That the 2018/19 Annual Report of the Lancashire Local Pension Board, as set out at Appendix 'A' to the report presented is approved for inclusion in the Lancashire County Pension Fund Annual Report for 2018/19.

Lancashire County Pension Fund 2018/19 financial and budget monitoring.

The Committee considered a report on the income and expenditure of the Lancashire County Pension Fund for the year ended 31st March, 2019, together with explanations for any significant variances between the budget and final position.

Decision taken: That the analysis of variances between actual and budgeted financial results for the year ended 31st March 2019, as set out in the report presented, are noted.

The Chair informed the meeting that he would take the report on Internal Audit Assurance as the next item of business in order that the Committee could consider the current level of assurance from the Head of Internal Audit in relation to the Local Pensions Partnership before item 7 on the Annual Governance Statement for the Fund was considered.

Internal Audit Assurance

The Committee considered a report which summarised the internal audit work undertaken during 2018/19 and confirmed that follow up action from the previous year had been completed and substantial assurance was given in relation to oversight of the Lancashire County Pension Fund. The Committee noted the work to date by the internal auditor appointed by the Local Pensions Partnership and that some planned audits had not been completed. The Chair reported that the outstanding audits had been discussed with the Partnership and confirmed that he had received written confirmation that all seven audits had been completed.

Decision taken: That the Head of Internal Audit review the findings of all seven audits of the Local Pensions Partnership referred to in the report and present a further report to the Committee in September 2019 in order to give the Council an assurance on the administration and Investment operations of the Partnership.

Annual Governance Statement 2018/19

The Committee considered a report on the draft Annual Governance Statement for 2018/19 which reviewed the governance arrangements for 2018/2019 and highlighted actions planned for the coming year. In view of the discussion under the previous item regarding the audit of the Local Pensions Partnership the Chair proposed that the draft Statement be approved and incorporated into the statement of accounts for the Fund.

Decision taken:

1. That the Annual Governance Statement for the Lancashire County Pension Fund, as set out at Appendix 'A' to the report presented, is approved.
2. That the Head of Fund be authorised, in consultation with the Chair of the Committee, to make any necessary amendments to the Statement before its inclusion in the final statement of accounts.

Lancashire County Pension Fund draft Annual Report for the year ended 31st March 2019

The Committee considered a report on the draft Annual Report for the Lancashire County Pension Fund and recognised that whilst there was still some sections in the draft where text needed to be agreed the accounts had been finalised and, if agreed,

would be presented to the Audit, Risk and Governance Committee on the 29th July 2019 for approval.

Decision taken:

1. That the accounts of the Fund, as set out in the draft Annual Report presented, are noted and recommended for approval to the Audit, Risk & Governance Committee on the 29th July 2019.
2. That members of the Committee forward any comments they may have on the draft Annual Report to the head of Fund for consideration before the 19th July 2019.
3. That a further report on the final version of the Lancashire County Pension Fund 2018/19 Annual Report be presented to the Committee on the 20th September 2019 for approval.
4. That the Head of Fund liaise with colleagues at the Local Pensions Partnership to ensure that information on the Annual Report is publicised via the internet and newsletters to members of the Fund.

Annual Administration Report 2018/19

The Committee considered a report which had been produced in accordance with the arrangements for the provision of pension administration services to the Fund and described performance against standards and targets over the year to the 31st March 2019. Employer engagement, call waiting times for the dedicated contact centre and uptake of the My Pension Online facility were all discussed and the Director of Administration at the Local Pensions Partnership gave an update on the administration service.

Decision taken: That the report is noted and that future reports include more detail in relation to engagement activity with employers, a breakdown of the call category 'general enquiries' and activity to encourage members of the Fund to make greater use of the My Pension Online facility.

Consultation on changes to the Local Valuation Cycle and the Management of Employer Risk

The Committee considered a report on a Ministry of Housing, Communities and Local Government consultation on proposed changes to the Local Government Pension Scheme regulations in relation to the move from the current three year valuation cycle to a four year cycle with effect from 2024 together with issues concerning the management of employer risk.

Decision taken: That the contents of the consultation, as set out in the report presented, are noted and members of the Committee are asked to forward any comments they may have on the proposed changes to the Head of Fund before the 12th July, 2019 so that they can be incorporated into a response which can be submitted before the 31st July, 2019 deadline.

2019 Valuation process and timetable

The Committee considered a report on the current triennial valuation timetable to achieve the setting of new employer contribution rates to take effect from the 1st April, 2020 and noted that following the consultations the Actuary would update the Committee in November 2019 with a final report in March 2020, together with the updated Funding Strategy Statement and the new Investment Strategy Statement.

Decision taken: That the timetable for the 2019 actuarial valuation, as set out in the report presented, is noted.

Responsible Investment

In considering the report the Committee discussed disinvestment, lobbying and shareholder voting and it was suggested that future reports should provide more detail as to the outcome of voting by Local Pensions Partnership Investments. It was also noted that the establishment of a joint Working Group on Responsible Investment with the London Pensions Fund Authority had been delayed while the Authority reviewed its responsible investment policy.

Decision taken:

1. That the update on responsible investment activity, as set out in the Appendix to the report presented, is noted.
2. That with regard to Global Equities the Head of Responsible Investment at the Local Pensions Partnership be requested to investigate levels of expenditure by companies on lobbying Government and report back to a future meeting.
3. That an update regarding the establishment of a joint Working Group on Responsible Investment with the London Pensions Fund Authority be presented to the next meeting.

Lancashire County Pension Fund Risk Management Framework

The Committee considered a report on the updated Risk Management Framework which set out all the key processes and responsibilities for effective risk management in order to ensure compliance against all relevant Scheme guidance, regulation and legislation.

Decision taken: That the updated Risk Management Framework for the Lancashire County Pension Fund, as set out at Appendix 'A' to the report presented, is approved.

Feedback from members of the Committee on pension related training, conferences and events.

The Committee considered a report on member attendance at internal/external pension related training events since the last meeting and individual members of the Committee gave feedback on their experiences.

Decision taken: That the report and feedback given at the meeting in relation to the training received by individual members of the Committee is noted.

Review of Committee Member Training Record for 2018/19

The Committee received a report on the pension related training which members of the Committee had undertaken during 2018/19.

Decision taken: That the 2018/19 Training Record, as set out at Appendix 'A' to the report presented, is noted.

Lancashire County Pension Fund Branding

The Committee considered the proposed new branding and logo for the Lancashire County Pension Fund.

Decision taken: That, subject to confirmation of compliance with current guidance on clear print and accessibility, the proposed new branding and logo for the Lancashire County Pension Fund, as set out in the Appendix to the report presented, is approved.

Part II (Not open to the Press and Public)

Local Pensions Partnership Update to 31 March 2019

Exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The Committee considered a report on the performance of the investment and administration functions operated by the Local Pensions Partnership Fund up to the 31st December, 2018, which included updates on the following:

- The development of a future strategy based on key priorities identified by shareholders
- The performance and stabilisation of the pension administration service.
- Performance of the Contact Centre
- Engagement with members and employers.
- The financial position of the Local Pension Partnership at 31st March 2019.

Decision taken:

1. That the updates on activity by the Local Pensions Partnership, as set out in the appendices to the report presented are noted.
2. That the update report to the next meeting also include details on activity to improve accessibility to information for Fund members, real estate investments and a breakdown of the type of calls handled by the Contact Centre and whether calls can be reduced through greater use of the My Pension Online facility.

Investment Panel Report

Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The Committee considered a report on various macro-economic factors and how they influenced the investment market in which the Lancashire County Pension Fund operated.

Decision taken: That the report from the Investment Panel is noted.

Lancashire County Pension Fund Performance Overview - March 2019

Exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The Committee considered a report on the performance of the Lancashire County Pension Fund and highlighted key areas such as the total portfolio return over different periods and the current funding level. The Committee noted that the Fund continued to perform well and exceed internal/external benchmarks whilst maintaining low risk.

Decision taken:

1. That the summary of the Fund's performance up to the 31st March 2019, as set out in Appendix 'A' to the report presented is noted.
2. That a report be presented to the next Committee on the detailed analysis by the Investment Panel of the cash flow within the Lancashire County Pension Fund.

Lancashire County Pension Fund - Risk Register

Exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972. It was considered that in all the circumstances of the case the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

The Committee considered a report on the risk register for the Fund which had been updated following a review by county council officers in consultation with the Local Pensions Partnership and Lancashire Local Pension Board.

Decisions taken:

1. That the current risk summary document and risk register for the Lancashire County Pension Fund, as set out in the Appendices to the report presented are noted.
2. That future reports to the Committee include
 - a) a narrative for the movement of individual risk ratings in the risk summary document (Appendix 'A').
 - b) an amended register (Appendix 'B') to present information on individual risks in a clearer, more easily readable format.
3. That an update on the management structure of the Local Pensions Partnership be presented to the next meeting.

County Councillor Eddie Pope
Chair

Meeting of the Full Council
Meeting to be held on Thursday, 18 July 2019

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
None;

The Overview and Scrutiny Committees
(Appendices 'A' - 'C' refer)

Contact for further information:
Garth Harbison, Tel: (01772) 530596, Committee Support Officer (Overview and Scrutiny),
garth.harbison@lancashire.gov.uk

Executive Summary

The most recent cycle of meetings of the Overview and Scrutiny Committees took place in the period May 2019 to July 2019.

The reports of the committees are attached as Appendices 'A' - 'C' as follows:

Appendix 'A' - Children's Services Scrutiny Committee
Appendix 'B' - Health Scrutiny Committee
Appendix 'C' - Internal Scrutiny Committee

The agenda, reports and minutes of the meetings are available to view [here](#).

Members can also contact officers specified in each report for further information about each item.

Recommendation

That the report of the Overview and Scrutiny Committees, as now presented, be noted.

Local Government (Access to Information) Act 1985
List of Background Papers

| Paper | Date | Contact/Tel |
|-------|------|-------------|
|-------|------|-------------|

None

Reason for inclusion in Part II, if appropriate

N/A

Meeting of the Full Council - 18 July 2019

Report of the Children's Services Scrutiny Committee meeting held on 13 May 2019

Chair: County Councillor Andrea Kay

The agenda and minutes of the meetings may be viewed on the county council's web site at the following link:

[Children's Services Scrutiny Committee](#)

13 May 2019

Special Educational Needs and Disabilities (SEND) update

The report provided an overview of the progress made in response to the outcomes of the joint local area SEND inspection in Lancashire since the previous updates to this committee in July 2018 and January 2019. In addition, a brief summary of the preparation for the re-inspection of the local area that was anticipated later this year was presented.

Resolved: That;

- i. The SEND Improvement Plan be considered.
- ii. The first assessment of progress on the newly implemented plan be considered.
- iii. The Improvement Plan be updated to include provisional start dates.
- iv. The updated Improvement Plan be included for the July meeting of the committee with an invitation to lead officers extended.

Meeting of the Full Council - 18 July 2019

Report of the Health Scrutiny Committee meetings held on 14 May and 26 June 2019 (special meeting)

Chair: County Councillor Peter Britcliffe

The agenda and minutes of the meeting may be viewed on the county council's web site via the following link:

[Health Scrutiny Committee](#)

14 May 2019

Social Prescribing

The report presented provided an overview for developing the digital infrastructure to support local social prescribing programmes across the Lancashire and South Cumbria Integrated Care System (ICS).

Resolved: That

1. The report giving an overview of key programmes of work for developing the digital infrastructure to support local social prescribing programmes across the Lancashire and South Cumbria Integrated Care System be noted.
2. The Health Scrutiny Committee receive an update on progress with the programme of work in 12 months.

The issue of Period Poverty and how it can best be addressed

The report provided an outline of the issue of period poverty and how engagement with the national government taskforce would further support a collaborative approach across Lancashire.

Resolved: That

1. The Leader of the Council and the Cabinet Members for 'Health and Wellbeing' and 'Children, Young People and Skills' give consideration to implement an education programme and campaign to address the issue of period poverty across all schools in Lancashire in partnership with Lancashire YouthZone, Lancashire Care Foundation Trust, Blackpool Teaching Hospitals Trust and VirginCare.
2. CC Hennessy be appointed as rapporteur to report to the Health Scrutiny Committee on the activities of the Government's joint taskforce on period poverty in the UK.

26 June 2019 (special meeting)

Call In Request: Decisions taken by Cabinet on 13 June 2019, in relation to the Cabinet Member for Health and Wellbeing's area of responsibility

Following requests from eleven County Councillors in accordance with the Call In procedures, the Committee considered a report outlining the decisions of the Cabinet on 13 June 2019 in relation to the Lancashire Wellbeing Service, the Health Improvement Service and Integrated Home Improvement Services.

- In respect of the Lancashire Wellbeing Service it was;

Resolved: That;

1. The Committee supported the decisions made by Cabinet on 13 June 2019 in relation to the Lancashire Wellbeing service and therefore should not be called in.
2. County Councillor Shaun Turner report back to the Health Scrutiny Committee on the progress and success of the community based approach to providing wellbeing support to the residents of Lancashire in six months.

- In respect of the Health Improvement Service it was;

Resolved: That the decisions made by Cabinet on 13 June 2019 in relation to the Health Improvement Service not be referred back to Cabinet for reconsideration.

- In respect of the Integrated Home Improvement Services it was;

Resolved: That the decisions made by Cabinet on 13 June 2019 in relation to the Health Improvement Service not be referred back to Cabinet for reconsideration.

Meeting of the Full Council - 18 July 2019

Report of the Internal Scrutiny Committee meeting held on 17 May 2019

Chair: County Councillor David O'Toole

The agenda and minutes of the meeting may be viewed on the County Council's web site at the following link:

Internal Scrutiny Committee

17 May 2019

'Does Local Government Work for Women?' Task and Finish Group Report - Response to Recommendations

The report presented explained that in March 2019, the Internal Scrutiny Committee published a task and finish group report on 'Does Local Government Work for Women'.

Resolved: The Internal Scrutiny Committee receive and accept the responses to the task and finish group report from the Leader of the Council.

Reducing Single Use Plastics in Lancashire - Response to Recommendations of the Scrutiny Task and Finish Group Report

The committee was informed that in January 2019, the Internal Scrutiny Committee published a task and finish group report on reducing single use plastics in Lancashire.

Resolved:

1. The Internal Scrutiny Committee receive the responses by the relevant Cabinet Members.
2. The Committee recommended that the Chief Executive be asked to identify a senior officer to assume the lead officer role to take this work forward.
3. A progress update report on reducing Single Use Plastics in Lancashire to be presented to the Committee on the 27 September 2019 meeting.

Meeting of the Full Council
Meeting to be held on Thursday, 18 July 2019

Report submitted by: Head of Legal and Democratic Services

Part B

Electoral Division affected:
None;

Report of the Lancashire Combined Fire Authority
(Appendix 'A' refers)

Contact for further information:
Diane Brooks, Tel: (01772) 866720, Lancashire Fire and Rescue Service,
dianebrooks@lancsfireandrescue.org.uk

Executive Summary

Appendix 'A' sets out a summary report of the Lancashire Combined Fire Authority following its meeting on 17 June 2019. This is now presented to Full Council for information.

Recommendation

That the report of the Lancashire Combined Fire Authority, as now presented, be noted.

Local Government (Access to Information) Act 1985
List of Background Papers

| Paper | Date | Contact/Tel |
|---|------|-------------|
| None | | |
| Reason for inclusion in Part II, if appropriate | | |
| N/A | | |

Appendix A

REPORT OF THE LANCASHIRE COMBINED FIRE AUTHORITY (CFA) - 17 JUNE 2019

1. COMBINED FIRE AUTHORITY ANNUAL MEETING

The meeting held 17 June was the Authority's Annual Meeting and Members appointed County Councillors F De Molfetta and M Parkinson as Chairman and Vice-Chairman of the Authority respectively for 2019/20. The Chairman was pleased to announce that the Vice-Chairman, County Councillor Parkinson had been awarded Officer of the Order of the British Empire (OBE) for his political service in the Queen's Birthday Honours List.

2. COMPOSITION OF THE COMBINED FIRE AUTHORITY

The Composition of the Combined Fire Authority for 2019/20 included 2 new Members from Lancashire County Council; CC Hasina Khan had replaced CC Matthew Tomlinson and CC John Fillis had replaced CC Lorraine Beavers.

3. RE-APPOINTMENT OF INDEPENDENT PERSON

As required by the Localism Act 2011, the Authority had a duty to promote and maintain high standards of Members which included the appointment of one or more Independent Persons. Following consideration, the Authority re-appointed Mrs Hilary Banks as its Independent Person for a further period of 2 years until the CFA Annual Meeting in June 2021.

4. EXECUTIVE BOARD SUCCESSION ARRANGEMENTS

The Authority had appointed David Russel as Deputy Chief Fire Officer on 7 May 2019 and the post of Assistant Chief Officer was in the process of being recruited to. In the meantime, Area Manager, Ben Norman would be acting in the post.

5. ANNUAL SAFETY, HEALTH AND ENVIRONMENT REPORT 2018/19

The Authority noted that the Service had again seen a very positive year in terms of overall safety, health and environment performance. Since initial certification in November 2011 annual surveillance visits had been conducted with re-certification every 3 years to maintain external certification of the Health and Safety and Environment Management Systems. In February 2019 the auditor from British Assessment Bureau carried out a surveillance audit for ISO 14001:2015 and they also carried out an audit against a new health and safety standard ISO 45001:2018. The scope for both standards was 'The Provision of Fire, Rescue and Supporting Services across Lancashire'. Continued certification was granted without any non-conformance or opportunities for improvement identified. During the audit process complimentary comments had been received. During 2018/19 there had been 73 accidents, 109 near misses and 10 RIDDOR events. A comparison against previous performance showed the continued reduction of accidents and positive increase in near miss reporting.

The Carbon Management Plan agreed by the Resources Committee in March 2009 included a visionary target of 40% carbon emission reduction by March 2020. The Service had achieved an overall reduction of 23% by March 2019 which equated to 989 tonnes of CO₂; this delivered savings to date of £672k. Work would continue to improve this area. The report also detailed key safety, health and environmental priorities for 2019/20 which included: the implementation of revised National Guidance, the maintenance of certification standards, reducing energy and waste and the continued review of Health and Wellbeing arrangements.

FRANK DE MOLFETTA
Chairman

LFRS
Fulwood

Notices of Motion submitted under Standing Order B36

By County Councillor Dowding (Adjourned from the meeting on 23 May 2019)

Retain the Current Safety Thresholds for Seismic Activity for Shale Gas Operations

Lancashire County Council welcomes the fact that to date the Government has confirmed it has no plans to change the Traffic Light System of seismic thresholds for the fracking industry.

Lancashire County Council resolves to write to the Energy Minister and the Prime Minister welcoming the Government's resolve not to change the thresholds and asks them to continue to prioritise public health and safety; and to write to Lancashire's MPs about the Council's position.

1. By County Councillor Collinge

This council believes that the transitional increase of the state pension age for women born in the 1950s (also known as WASPI women - Women Against State Pension Injustice) has been poorly managed, with many women given little to no notice of the increase in pensionable age, particularly of the acceleration of equalisation made in the Pensions Act 2011. Many women have suffered severe financial difficulties as a result.

This council notes that the WASPI Campaign 2018 does not seek to reverse the equalisation of pension ages but seeks better transitional arrangements, recognition of the injustice, and aid for women affected.

In recognition of the injustice and the hardship endured by the WASPI women, this council instructs officers to explore reworking the concessionary travel scheme to include some women affected by the changes to pension age. This exploration is to include the costs of any scheme and the impact of equalities legislation.

This council notes that Greater Manchester Combined Authority have given access to off-peak bus passes to some WASPI women and have provided details of their scheme.

Further, this council also instructs the Chief Executive and Director of Resources to write to the Secretary of State for Work and Pensions to make clear the council's view that better transitional arrangements must be made for WASPI women. Council notes that there is currently an ongoing judicial review on this issue and instructs officers to wait to send the letter until the judicial review is complete.

2. By County Councillor Foxcroft

Recent work in other areas of the country has seen grass verges and dual carriageway centres transformed into vast wildflower corridors. This has multiple benefits for the areas that have been created – enhancing the support for wildlife, delivering bio-diversity, increasing the natural beauty and appeal of an area, attracting new visitors who come to see

the colourful arrays created, as well as reducing the maintenance costs due to the low maintenance of such areas.

This council requests officers to assess the feasibility of establishing 'wildflower corridor' schemes across the County. Officers should also work with Parish and District Councils on this matter. A report highlighting potential locations and areas suitable should be presented to Cabinet for information in the Autumn prior to beginning in Spring 2020.

3. By County Councillor Fillis

Free Personal Care for Older People

Lancashire County Council recognises that older people in Lancashire are struggling with unmet care needs and believes that in light of an ageing population we need bold changes to deliver a long term funding solution for social care.

The Council believes that it is fundamentally unfair that to access basic care many older people face catastrophic costs that can run into hundreds of thousands of pounds, wiping out a lifetime of savings, and forcing families to sell their homes. The Council also believes that Lancashire's care system needs major reform to provide a long-term sustainable funding solution and to make care free at the point of use.

The Council therefore supports "Independent Age's" call for the introduction of free personal care for all older people in England. Lancashire County Council calls on the Government to take the necessary steps to implement this policy as swiftly as possible to end the care crisis and properly support older people in Lancashire.

The Council also asks the Chief Executive and Director of Resources to write to our Lancashire MPs to support the campaign for free personal care, and speak up in favour of the policy in the House of Commons, with the responses of the MPs to be reported back to Council.

4. By County Councillor Pattison

Council notes with concern the proposed closure of the Outdoor Education Department at Morecambe Bay Academy and the detrimental impact this may have on children across Morecambe and Lancaster. Being able to access outdoor education locally is extremely important to the health and wellbeing of children, and gives them opportunities to develop vital life skills including leadership skills. This is especially important for children who struggle in a classroom setting.

Council believes that retaining the Outdoor Education Department at Morecambe Bay Academy would be beneficial to the pupils there and the many children from other schools who also access outdoor education through the department. This view supports our strategic Vision for Lancashire that *'We will support people and families to keep themselves healthy and well by choosing healthy lifestyles.'*

Council instructs the Chief Executive and Director of Resources to write to the Chair of the Bay Academy Trust setting out the Council's position.

