



Leicester  
City Council

## **MEETING OF THE CABINET**

**DATE: MONDAY, 20 APRIL 2009**

**TIME: 1PM**

**PLACE: TEA ROOM, TOWN HALL, TOWN HALL SQUARE,  
LEICESTER**

### **Members of the Cabinet**

Councillor Willmott (Chair)

Councillor Osman (Vice-Chair)

Councillors Aqbany, Bhatti, Connelly, Cooke, Dempster, Draycott,  
Kitterick, and Wann

Members of the Cabinet are invited to attend the above meeting to  
consider the items of business listed overleaf.

for Town Clerk

### **MEMBERS OF THE PUBLIC:**

**YOU ARE VERY WELCOME TO ATTEND TO OBSERVE THE PROCEEDINGS.  
HOWEVER, PLEASE NOTE THAT YOU ARE NOT ABLE TO PARTICIPATE IN  
THE MEETING.**

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## **INFORMATION FOR MEMBERS OF THE PUBLIC**

### **ACCESS TO INFORMATION AND MEETINGS**

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Dates of meetings are available at the Customer Service Centre, King Street, Town Hall Reception and on the Website.

There are certain occasions when the Council's meetings may need to discuss issues in private session. The reasons for dealing with matters in private session are set down in law.

### **WHEELCHAIR ACCESS**

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If there are any particular reports that you would like translating or providing on audio tape, the Democratic Services Officer can organise this for you (production times will depend upon equipment/facility availability).

### **INDUCTION LOOPS**

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**General Enquiries - if you have any queries about any of the above or the business to be discussed, please contact Heather Kent or Stacey Welton, Democratic Support on (0116) 229 8816/8806 or email [heather.kent@leicester.gov.uk](mailto:heather.kent@leicester.gov.uk) or call in at the Town Hall.**

**Press Enquiries - please phone the Communications Unit on 252 6081**

## PUBLIC SESSION

### AGENDA

**1. APOLOGIES FOR ABSENCE**

**2. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed and/or indicate that Section 106 of the Local Government Finance Act 1992 applies to them.

**3. LEADER'S ANNOUNCEMENTS**

**4. MINUTES OF PREVIOUS MEETING**

The minutes of the meeting held on 30 March 2009, have been circulated to Members and the Cabinet is asked to approve them as a correct record.

**5. MATTERS REFERRED FROM COMMITTEES**

**Appendix A**

**Stoneygate Community Meeting -  
16 February 2009**

**Early Years Provision**

The following was agreed at the above meeting. The full minute extract is attached at Appendix A.

“That Cabinet be asked to consider locating one of five new Children’s Centres in the Stoneygate Ward”.

**Councillor Willmott to respond.**

**6. DEVELOPING WORK EXPERIENCE AND  
EMPLOYMENT OPPORTUNITIES FOR CHILDREN  
AND YOUNG PEOPLE IN LEICESTER CITY COUNCIL**

**Appendix B**

Councillor Willmott submits a report that summarises the work and proposals of the task and finish group established to develop work experience and employment opportunities for children and young people, including looked after children, across Leicester City Council. Cabinet is asked to approve the recommendations as set out in Paragraph 3 of the report.

**A minute extract from the meeting of the Overview and Scrutiny Management Board, to be held on 16 April 2009, will be circulated as soon as it is available.**

**7. SAFEGUARDING CHILDREN: REVISED SUMMARY OF ROLES AND RESPONSIBILITIES** [Appendix C](#)

Councillor Willmott submits a report that seeks agreement and advises all directorates within the City Council of the revised summary of roles and responsibilities in respect of safeguarding children. Cabinet is recommended to agree the revised summary of roles and responsibilities and to authorise distribution of the revised document to the Leader of the Council, Cabinet Lead for Children's Services, all Council Members and senior officers.

**A minute extract from the meeting of the Overview and Scrutiny Management Board, to be held on 16 April 2009, will be circulated as soon as it is available.**

**8. DEVELOPMENTS IN SAFEGUARDING IN LEICESTER CITY** [Appendix D](#)

Councillor Willmott submits a report that outlines the current issues in relation to safeguarding policy, practice and procedures resulting from requirements and expectations from the Department for Children Schools and Families (DCSF). Cabinet is asked to approve the recommendations as set out in Paragraph 3 of the report.

**A minute extract from the meeting of the Overview and Scrutiny Management Board, to be held on 16 April 2009, will be circulated as soon as it is available.**

**9. REPOSITIONING CHILDREN AND YOUNG PEOPLE (CYP) SCRUTINY AT LEICESTER CITY COUNCIL** [Appendix E](#)

Councillor Willmott submits a report that outlines proposed amendments to the way in which scrutiny of children and education in Leicester City Council is undertaken. Cabinet is asked to recommend to Council the recommendations as set out in Paragraph 3.3 of the report.

A minute extract from the meeting of the Overview and Scrutiny Management Board, held on 19 March 2009, is attached.

**10. RESULTS OF ADULT SKILLS & LEARNING SERVICE INSPECTION AND ACTION PLAN** [Appendix F](#)

Councillor Cooke submits a report that presents the results from the OFSTED inspection of the Adult Skills & Learning Service. Cabinet is recommended to note the improvement in performance achieved by the staff of the Adult Skills & Learning Service since the last inspection in June 2004.

**11. LEICESTER CARERS STRATEGY 2009-2013** [Appendix G](#)

Councillor Cooke submits a report that presents a revised draft of the Leicester

Carers Strategy following the consultation period, for approval and adoption by the Council. Cabinet is recommended to ratify the strategy and to note that the action themes in the strategy continue to be worked on to add detail, to produce a fully-specified action plan for officers, taking account of the latest inspection themes.

**Minute extracts from the meeting of the Health Scrutiny Committee, held on 1 April 2009, and the Overview and Scrutiny Management Board, to be held on 16 April 2009, will be circulated as soon as they are available.**

**12. ADOPTION OF BYELAWS FOR ACUPUNCTURE, TATTOOING, SEMI-PERMANENT SKIN-COLOURING, COSMETIC PIERCING AND ELECTROLYSIS** **Appendix H**

Councillor Wann submits a report that proposes that Leicester City Council adopts the Department of Health (DoH) model byelaws for acupuncture, tattooing, semi-permanent skin colouring, cosmetic piercing and electrolysis in order to introduce a uniform set of public health safeguards across the City. Cabinet is asked to recommend to Council the recommendations as set out in Paragraph 3 of the report.

**13. DATES OF FUTURE CABINET MEETINGS**

The following dates are proposed for meetings of Cabinet for the forthcoming municipal year:

All meetings are to be held on a Monday at 1.00pm, unless otherwise stated.

1 June 2009	14 December 2009
22 June 2009	25 January 2010
13 July 2009	15 February 2010
3 August 2009	8 March 2010
1 September 2009 (Tuesday)	29 March 2010
5 October 2009	19 April 2010
9 November 2009	10 May 2010
30 November 2009	

Cabinet is asked to agree the above dates.

**14. ANY OTHER URGENT BUSINESS**

**15. PRIVATE SESSION**

AGENDA

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Cabinet is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

The Cabinet is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended and consequently that the Cabinet makes the following resolution:-

“that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 3

Information relating to the financial or business affairs of any particular person (including the authority holding that information).

SALE OF LAND AT MADELINE ROAD

SALE OF LAND AT CONDUIT STREET

LEASE OF LAND AT BRADGATE STREET / RAVENSBRIDGE DRIVE

**16. SALE OF LAND AT MADELINE ROAD** **Appendix B1**

Councillor Willmott submits a report.

**17. SALE OF LAND AT CONDUIT STREET** **Appendix B2**

Councillor Willmott submits a report.

**18. LEASE OF LAND AT BRADGATE STREET / RAVENSBRIDGE DRIVE** **Appendix B3**

Councillor Willmott submits a report.



## **Matter Referred from Stoneygate Community Meeting – 16 February 2008**

### **32. EARLY YEARS PROVISION**

Mel Meggs, Head of Service, Early Years Provision, was in attendance to provide an overview of early years services, with particular reference to the Stoneygate Ward.

Mel stated that the early prevention service was responsible for ensuring that all children and young people were not prevented from having poor outcomes in later life. She spoke of research that found a distinct link between positive early life experiences and educational attainment. The meeting was informed that there had been a significant level of investment in early years services in the past 8-10 years.

Mel explained that 18 Children's' Centres were located in Leicester, and that these all offered a range of different services that supported parents and children. Furthermore, it was noted that an extra five centres were to be built, and that this would enable every parent in the city with a child under the age of five to access a children's centre.

On a more local note, Mel explained that there were 434 children aged 3 or 4 in the Ward who were entitled to a free nursery education and that there were currently 507 places available, which covered 6 private nurseries and three schools. Mel stated that more work would be undertaken in relation to increasing the take-up of places for 3 and 4 year olds, and that part of this would cover working with schools and nurseries on providing a more flexible service to suit the work patterns of parents. In addition, it was explained that funding had been secured for free nursery places for 2 year olds.

In terms of the five extra centres, Mel explained that officers were looking at the numbers of children and assessing levels of need within particular areas, before submitting a paper to Cabinet.

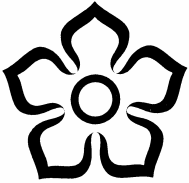
Members felt that it was vital for one of the additional five centres to be located in the Stoneygate Ward, and formally requested that Cabinet be asked to strongly consider locating a Children's Centre in Stoneygate. The Chair asked for a show of hands in favour of asking Cabinet to consider this, and the vote was unanimously in favour of this.

#### **RESOLVED:**

That Cabinet be asked to consider locating one of five new Children's Centres in the Stoneygate Ward.



# B



Leicester  
City Council

**WARDS AFFECTED**  
All Wards

## **FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**OSMB  
Cabinet**

**16<sup>th</sup> April 2009  
20<sup>th</sup> April 2009**

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### **Developing Work Experience and Employment Opportunities for Children and Young People in Leicester City Council**

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#### **Report of the Interim Service Director, Social Care and Safeguarding**

##### **1. Purpose of Report**

- 1.1 To summarise the work and proposals of the task and finish group established to develop work experience and employment opportunities for children and young people, including looked after children, across Leicester City Council.

##### **2. Summary**

- 2.1 Whilst there are examples of positive initiatives across the council in relation to work experience and apprenticeships for young people, including looked after children, overall there is an absence of a strategic, coordinated approach to developing any form of work experience or apprenticeship opportunities for young people. This situation is unacceptable given the city council is the biggest employer in the city and compares poorly to other authorities across the country.
- 2.2 The aims, objectives and aspirations of this work directly links to *One Leicester*, the ambitious strategy that forms the foundation for the changes Leicester City Council want to see in Leicester over the next 25 years. A key aspect of this strategy is a priority to invest in our children and by making this the top priority the city council is demonstrating its commitment to supporting, developing, and offering a range of experiences to enhance the learning of children and young people. This is not only achieved by placing education at the heart of the city, but also by ensuring that young people are given every opportunity to develop interest, skills and talent in the world of work.
- 2.3 A review of existing provision across the council identifies a number of gaps including the lack of any strategic coordination in relation to work experience placements, inconsistent lead officers across the council taking a lead for work experience or in

coordinating apprenticeships, lack of support and training for managers providing such placements and no identified role for Human Resources.

- 2.4 A proposed core offer for all young people is outlined in Appendix I, which summarises what the council should be in a position to deliver for young people, including looked after children and those leaving care. This includes six key elements: work shadowing; work experience for pre 16 students; Young Apprenticeships; Flying Fish placements for looked after children; Corporate Apprenticeships and ring fencing certain posts for looked after young people and those leaving care.

### **3. Recommendations (or OPTIONS)**

- 3.1 For Cabinet to note the work of the Task and Finish group completed to date.
- 3.2 For Cabinet to agree to the council developing the core offer as outlined in section 4.4 of the report and Appendix I in order to strategically plan and coordinate opportunities for young people across the council.
- 3.3 For Cabinet to note the continued requirement for meetings with key officers in order to implement, monitor and review the Core Offer.
- 3.4 For Cabinet to agree to the city council adopting a scheme for ring fencing identified vacancies for looked after young people as part of the council's commitment to corporate parenting and note the newly developed team manager post in Social Care & Safeguarding with the lead on implementation.
- 3.5 For Cabinet to note that this informs part of the wider work on developing a council wide workforce strategy and preventing NEET (Not in Education Employment or Training) for young people across the city.
- 3.6 For Cabinet to receive a further report in 12 months time outlining progress.

### **4. Report**

#### **4.1 Background to developing the task and finish group**

- 4.1.1 Whilst there are examples of positive initiatives across the council in relation to work experience and apprenticeships for young people, including looked after children, overall there is an absence of a strategic, coordinated approach to developing any form of work experience or apprenticeship opportunities for young people. This situation is unacceptable given the city council is the biggest employer in the city and compares poorly to other authorities across the country.
- 4.1.2 The key reason for developing this task and finish group was to pull key senior officers from across the council together in order to develop and agree a 'core offer' for young people, including one which recognises the council's corporate parenting responsibilities for children in care and those leaving care. The work forms part of the wider council

workforce development strategy. The task group has been running since July 2008 and has been well attended. It also has the full support of the Corporate Parenting Forum chaired by the Lead Member for Children's Services.

- 4.1.3 The aims, objectives and aspirations of this work directly links to *One Leicester*, the ambitious strategy that forms the foundation for the changes Leicester City Council want to see in Leicester over the next 25 years. A key aspect of this strategy is a priority to invest in our children and by making this the top priority the city council is demonstrating its commitment to supporting, developing, and offering a range of experiences to enhance the learning of children and young people. This is not only achieved by placing education at the heart of the city, but also by ensuring that young people are given every opportunity to develop interest, skills and talent in the world of work.
- 4.1.4 Moreover, the recommendations in this report will contribute to the development of the Multi-Area Agreement (MAA) in relation to reducing NEET (Not in Education, Training or Employment). MAAs are designed to be cross boundary Local Area Agreements, bringing together key players in the region to tackle issues that can only be addressed by partnership working: NEET is a good example of this.
- 4.1.5 Indeed, this links directly to PSA 16 in relation to increasing the proportion of at risk individuals, including care leavers, in employment, education and training. It is also of significance that a recent study commissioned by Human Resources by DeMontfort University highlighted the real dearth of young people applying for posts in the city council. For example, in 2007/08 only 69 applications were from under 18s, compared to nearly 2000 from those aged 25-29 (out of a total of 10,355 applications from across the whole council). This strongly suggests that young people do not perceive the local authority as an attractive employer and given the aging workforce in the organisation, this images needs to change.

## **4.2 Review of existing provision across Leicester City Council**

### **4.2.1 Work Experience for students in years 10 and 11 (coordinated by WEXA) and the Young Apprenticeship Scheme**

- a. WEXA places all city school years 10 and 11 students in work experience placements (approximately 4,000 per academic year). The city schools agreed to a staggered approach to placements in order to maximise opportunities for young people - ensuring fair access - with placements generally lasting for two weeks. During 07/08 Leicester City Council offered approximately 70 places; the majority were in Regeneration and Culture. WEXA is seeking to increase its provision of both block and extended placement opportunities across a broad range of vocational areas in order to meet the demand. In particular, the demands of those city school young people whose parents are only prepared to allow them to travel into the City Centre.
- b. The number of placements offered by the council has been reducing over the past five years and it is becoming increasingly difficult to secure placements in the council. Placements tend to be offered by the same service areas which, whilst

positive, overall placements are not well coordinated in the council and tend to be ad hoc and based on grace and favour. There is no council policy on providing such placements and Children and Young People's Services provide few opportunities.

- c. In addition, WEXA works with the Leicestershire Education Business Company on the Young Apprenticeship Scheme for young people under 16, placing young people in placements lasting 50 days over a two year period. There are similar difficulties in securing placements across the city council for young people.
- d. The advent of city wide Diplomas in 2009/10 in a range of different subjects will also require a level of work experience and whilst the details are not yet known, will present further challenges for the city council.

### **Flying Fish Project**

- a. This is a scheme run by Leicestershire Cares offering mentored work experience placements for looked after young people and those leaving care. The placements last for 2 – 4 weeks with referrals accepted from the 16+ Service and Connexions. Each workplace identifies an onsite mentor who provides support/guidance to the young person and is the link with the project worker from Leicestershire Cares.
- b. The majority of placements to date have been with the private sector, with only a handful of placements – no more than 5-6 – provided across the council. It has proved difficult to secure placements across the council and this has essentially been dependent upon the good will of managers.

### **4.2.3 Corporate Apprenticeship Scheme**

- a. Good apprenticeships have the potential to transform lives. They introduce young people to the norms and practices of a workplace and provide a structured experience with goals of performance, so young people learn about accountability.
- b. Whilst some areas within the council have been providing apprenticeships to young people and adults for some time, competition has traditionally been tough and it is not unusual for the council to receive up to 500 applications for no more than 20 places for apprenticeships run by the Housing section. There has also been no guarantee of employment at the end of the apprenticeship.
- c. In August 2008 Corporate Directors Board agreed to the council running a corporate apprenticeship scheme for young people. This scheme is based on the council offering 16 apprenticeship placements a year which translates to 4 places from each area within the Council. This would necessitate converting existing vacancies into apprenticeship schemes. The difference with this scheme is that subject to satisfactory performance the young person would be guaranteed a job at the end of the apprenticeship. There are already pockets of excellent practice taking place across the city council. For example, there are a range of apprenticeship opportunities on offer within Regeneration and Culture, which have been very positive experiences and led to jobs for some young people.

- d. Children and Young People's Services are keen to ensure that a minimum 4 places are earmarked for looked after children, with the option of up to 8 placements at any one time. There has been effective collaboration and work between CYPS, Learning and Skills Council, Connexions and the council's Learning and Development centre to ensure that looked after young people and those leaving care have access to the scheme.
- e. Currently 10 young people make up the first cohort of apprentices working across the city council. Of these 10, 7 were previously recorded as NEET (Not in Education, Employment or Training) and two are former looked after children. This is a very positive start to a programme which is focused on developing the future workforce of the council.

#### **4.2.4 Youth Service**

- a. The Youth Service runs NVQ Level 2 and 3 programmes for young people for young people aged 16 – 25. Those undertaking the course complete a range of voluntary work placements with young people. The majority of these placements take place in youth projects and youth centres within the city.
- b. As a result of this programme young people have secured permanent employment within the city Youth Service and other organisations working with young people, whilst others have progressed to DeMontfort University to undertake the Diploma and Degree in Youth and Community Work. This programme has proved to be a very positive route into further education and paid employment for some young people, as well as giving them a recognised qualification.

#### **4.2.5 Opportunities at the Construction Training Centre**

- a. The Construction Training Centre within the city council offers a range of tailored packages for young people covering all areas of the building trade. The focus is on those young people who are not academic, have little or not formal qualifications but plenty of vocational ability.
- b. There are no entry or age requirements and the initial programmes set out to engage young people who want to access a career pathway into employment in the construction industry regardless of their lack of qualifications, which come later once they are engaged in the process. The programme does not aspire to get candidates beyond Level 1 NVQ in a construction skill and there is a real focus on getting candidates ready for employment.
- c. The programmes offered by the centre are a welcome addition to the package of opportunities for young people subject to the identification of an appropriate funding stream.

### **4.3 Gap Analysis**

- 4.3.1 A review of the provision provided by Leicester City Council identified the following gaps:

- 4.3.2 **Lack of identified lead officers/divisional lead for work experience:** One of the consequences of the lack of any strategic approach or coordination is that there is no lead officer within HR with overall responsibility for work experience placements, or divisional leads across the council. Identification of appropriate lead officers would make the process less cumbersome and more equitable, and not just reliant on the same managers and service areas providing placements.
- 4.3.3 **Lack of strategic coordination:** The council lacks any kind of strategic approach to the identification, coordination and development of work experience opportunities for young people, relying instead on the good will of managers and in some cases luck in the provision of placements. This is borne out by the falling number of placements in the council facilitate by WEXA and the difficulties in securing Flying Fish placements for looked after children. Better links between WEXA, RALAC, 16 + Service and Flying Fish would ensure that looked after children and care leavers do not miss out.
- 4.3.4 **Lack of support/training for managers providing placements:** This may be an issue and potentially a barrier for managers providing placements. However, resources are available to fill this gap which are not being utilised. For example, LEBC and WEXA would be available to provide training and support for lead managers and Flying Fish would also provide targeted support to onsite mentors.
- 4.3.5 **Lack of management information regarding placement numbers and availability:** One of the consequences of this lack of strategic coordination is poor management information and analysis regarding placements provided across the council, which makes planning difficult. Suggested numbers of placements required across the council is listed in Appendix I based on the information that is available, but is subject to review.
- 4.3.6 **No identified role for Human Resources/Employment Service Centre:** Whilst this report will recommend that there should be a link senior officer(s) identified by Strategic Directors across the council to assume some responsibility for coordinating work experience/apprenticeship placements, there is also a role for Human Resources/Employment Service Centre in helping initially to project manage this process, but in the long term to assist in the identification and coordination of placements/apprenticeship schemes.
- 4.3.7 **No opportunities for recruitment to paid jobs for looked after children/those leaving care:**
- 4.3.7.1 There are no opportunities currently in the council for supporting looked after children and young people and those leaving care in moving into paid employment. There are a number of authorities across the country that has developed schemes, such as South Gloucestershire and The London Borough of Islington. A fieldtrip was undertaken as part of this work to the latter authority. This paper will recommend that Leicester City Council should develop its own scheme, which is in the spirit of corporate parenting for our children in care and those leaving care with the city council being viewed as the 'family firm'. This philosophy underpinned Children and Young People's Services successful bid for Beacon Status for Care Matters: Improving the Outcomes for Children in Care.

4.3.7.2 Discussions have already taken place with legal services and Human Resources regarding how to develop this for looked after children and care leavers in the city. This new requirement will be included in the revised recruitment policies and procedures currently being developed by HR, and the group being chaired by the Service Director will ensure that all necessary actions are taken to implement this arrangement. In terms of how this will be implemented in practice, a newly developed team manager post within Social Care & Safeguarding, located within the 16+ Service will have responsibility for working across the Council with HR in identifying suitable posts, supporting young people in the application and interview process and ensuring that young people are given every opportunity to succeed.

#### **4.4 Proposed Core Offer for Young People across Leicester City Council**

4.4.1 The table in Appendix I summarises the core offer it is proposed the council should be in a position to deliver for young people, including looked after children and those leaving care. Support will be tailored for all young people to ensure that the core offer is totally inclusive – e.g. in terms of offering opportunities to disabled children and those with learning difficulties.

4.4.2 This includes the following six elements:

- i) Work Shadowing
- ii) Work Experience for pre 16 students in years 10 and 11
- iii) Young Apprenticeships (pre 16)
- iv) Flying Fish placements (LAC only)
- v) Corporate Apprenticeships
- vi) Ring fenced job vacancies (LAC only)

4.4.3 This core offer will only be possible to deliver if there is agreement and ownership at the highest level, ideally with elected members and all Chief Officers. This will be necessary in order to ensure that resources in terms of key officer time are identified in order to operationalise the core offer, and that each area across the council commits to providing identified numbers of opportunities for young people.

4.4.4 Each area across the council to identify as a minimum one officer ideally in each division to take the lead for work experience/apprenticeship placements. Whilst further detailed guidance would be written to outline these roles and responsibilities, this would essentially be around taking responsibility on behalf of each Strategic Director in identifying work experience placements through liaison with WEXA, Flying Fish etc., and annual apprenticeship placements. Whilst it is acknowledged that this would be additional responsibilities for officers, this would be planned activity, without which it will be difficult to implement the core offer equitably across the council. However, in some areas, particularly the 'Plan for People' service area, similar arrangements already exist and these proposals formalise arrangements across the whole council.

4.4.5 Human Resources to identify a lead officer(s) to initially assist in establishing arrangements, mapping existing placement provision across the council, and ultimately to assume responsibility for taking a lead in strategically coordinating work experience

placements through contact with the lead officers in each council area and with WEXA/LEBC. Paul McCrystal's section has responsibility for coordinating apprenticeships across the council. Ideally, a database should be developed which captures information on work experience placements such as placement type, on site manager details and dates placements have taken place. This would help ensure that placements are spread out equitably across the council.

- 4.4.6 The core offer ensures that the needs of looked after children are prioritised and includes the council developing a scheme for ring fencing certain vacancies for looked after children and legal advice has already been taken regarding how to do this.
- 4.4.7 Regular meetings will continue to take place with HR and lead officers to initially ensure that implementation of the core offer, and then to monitor progress. This includes input from adult social care where there is a great deal to learn in terms of the innovative initiatives implemented to secure young adults with learning disabilities into work experience, training and paid employment, both within the council and present and future High Cross developments.
- 4.4.8 In addition, in a further attempt to address the council's ageing population, officers to establish stronger links with Leicester University and De Montfort University in relation to promoting the council to graduates. It should be noted that this approach already forms part of the HR strategic business plan.

## **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **5.1. Financial Implications**

Work shadowing, work experience and similar placements do not generally incur any significant additional costs. Apprenticeship schemes usually require the young person / employee to be paid and therefore would incur a cost. The extent to which these costs would be additional would depend upon wider staffing arrangements within the particular services. There would be indirect costs in that HR officers and other managers and staff would devote time to developing and running the schemes and supervising the young people. The Council would potentially reap future financial and service delivery benefits, as there would be a pool of young people who have gained training and experience and who could then move into substantive posts. Positive impacts on wider regeneration and employment targets in the City could also be expected.

(Colin Sharpe, Head of Finance and Efficiency, CYPS, ext. 29 7750)

### **5.2 Legal Implications**

There are issues arising from the report regarding the limitation of employment opportunities to young people only. The legal issue potentially is that such action could constitute age discrimination. The Employment Equality (Age) Regulations 2006 make it unlawful for an employer, in relation to employment, to discriminate against a person on the grounds of age.



However, where an age restriction is imposed, if it can be shown that it is objectively justified or that there is a genuine occupational requirement for that restriction, this will be lawful. In order to be objectively justified it must be shown that the age restriction is a proportionate means of achieving a legitimate aim. Where the aim is to benefit disadvantaged young people that is likely to be a legitimate aim. I do not believe that there is an issue in relation to looked after young people or children leaving care but where arrangements relate broadly to young people.

Having established that there is a legitimate aim it will then be necessary to consider whether the measures taken to achieve that aim are proportionate. A question to ask to assist with this is whether the aim could be achieved by other means.

It is fair to say that due to the infancy of the Regulations, perhaps amongst other things, there is a dearth of decided case law on what might constitute a legitimate aim and on proportionality and it is therefore difficult to advise with any degree of certainty. (Paul Atreides, Solicitor, Legal/Environment and Employment Team, Ext 6368)

## **6. Background Papers – Local Government Act 1972**

6.1 None

## **7. Consultations**

7.2 All members of the Work Experience and Employment Opportunities for Children and Young People Task and Finish Group.

## **8. Report Author**

8.1 Andrew Bunyan, Interim Director of Children and Young People’s Services

8.2 Andy Smith, Interim Service Director, Social Care and Safeguarding

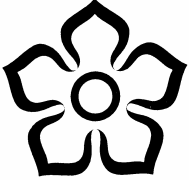
<b>Key Decision</b>	Yes
<b>Reason</b>	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
<b>Appeared in Forward Plan</b>	Yes
<b>Executive or Council Decision</b>	Executive (Cabinet)

## Appendix I

### Leicester City Council Core Offer for Young People

<b>Type of opportunity</b>	<b>Duration</b>	<b>Access to Opportunity by</b>	<b>Purpose</b>	<b>Numbers</b>	<b>LAC entitlement</b>
Work Shadowing	1 or 2 days	Central officer(s) in HR liaising with identified officers across each council area.	To provide a brief taster to gain a better understanding of a particular field of work for young people aged 16+.	Minimum 36 per year (18 LAC/18 non-LAC) – based on each area facilitating 2 x young people	50% should be LAC
Work Experience – pre 16 students in years 10 & 11	2 week blocks; day per week placements for up to 12 months in some cases	WEXA coordinate and place all young people	To provide students in year 10 & 11 with a range of work experience opportunities in LCC. Placements are staggered in order to maximise availability.	Approx 10% of the cohort on placement at any one time. (20-40 x 9 periods spread across range of areas)	LAC in years 10 & 11 have the same entitlement as non-LAC
Young Apprenticeship Scheme (pre 16)	50 days over 2 years.	WEXA coordinate, working with the LEBC to place young people	To provide vocational experience and training in a range of different work places.	TBC - Approx 10% of the cohort on placement at any one time	LAC to be prioritised
Flying Fish Project (LAC only)	1-3 months	Flying Fish co-ordinator identifies placement in LCC and private/business sector outside the Council	To provide 16+ LAC and care leavers with taster opportunities and experience in a range of work place settings. Each placement expected to provide onsite monitoring and support.	Between 6-10 placements per year.	This scheme is only open to LAC

Corporate Apprenticeships	Initially 18 months, leading to permanent job upon satisfactory performance	Each area in LCC will need to identify places. Scheme co-ordinated by HoS Learning & Development NB: Entry requirement 5 A* - G at GCSE or equivalent.	Aim of the scheme is to attract and retain 'trainees' to LCC in order to support the national apprenticeship strategy and employment/up-skilling of 16-19 year olds (programme initially targeted 16-18 yr olds – 19+ for LAC)	Each area to offer 4 places/total 16 (up to 20) per year.	Minimum 4 places. However, CYPS view is that 8 places should be identified in CYPS for LAC
Jobs – inside LCC – for LAC (Corporate Parenting responsibility; 'family business')	Temp or perm depending on the opportunity.	Consider work trials of up to 4 weeks via Flying Fish. Specific job vacancies (level/grade/type to be agreed) to be ring-fenced for LAC. Potential candidates identified and competitive interview held.	Offers either short or long term fully paid experience of the world of work, with appropriate access to staff development and training opportunities, etc.	Numbers need to be determined.	Numbers need to be determined.



Leicester  
City Council

**WARDS AFFECTED**  
All

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**OSMB**  
**Cabinet**

**16<sup>th</sup> April 2009**  
**20<sup>th</sup> April 2009**

**SAFEGUARDING CHILDREN: REVISED SUMMARY OF ROLES AND RESPONSIBILITIES**

**Report of the Interim Director of Children and Young People's Services**

**1. Purpose of Report**

- 1.1 To gain agreement and to advise all directorates within the city council of the revised summary of roles and responsibilities in respect of safeguarding children.
- 1.2 To ensure these roles and responsibilities are exercised within respective services, in order to ensure that, as a whole authority, we maintain an organisational culture and ethos that reflects the importance of safeguarding and promoting the welfare of children.

**2. Summary**

- 2.1 Following the publication of the Victoria Climbié Inquiry report in 2003, Cabinet approved a council wide document clarifying roles and responsibilities in relation to safeguarding children. This document was subsequently revised in 2006 and has been updated for a third time, in order to reflect:-
  - a) Revised statutory guidance on the roles and responsibilities of the Director of Children's Services and Lead Member for Children's Services, and
  - b) The new chief officer structure introduced to deliver the aims and objectives of "One Leicester".
- 2.2 Section 11, of the Children Act 2004 places a duty on key persons and bodies, to make arrangements to ensure that in discharging their normal functions, they have regard to the need to safeguard and promote the welfare of children.

- 2.3 The government guidance sets out the key considerations for agencies to evaluate themselves against in order to ensure that their arrangements are effective. The duty covers not only those functions / services provided directly but also those services which are contracted out to others.
- 2.4 Key features of the arrangements which all agencies have to have in place are:
- a) Senior management commitment to the importance of safeguarding and promoting children's welfare.
  - b) A clear statement of the agency's responsibility towards children available for all staff (e.g. such as the statement about the importance of safeguarding children at the front of the city council's Safer Recruitment Policy and Procedure).
  - c) A clear line of accountability within the organisation for work on safeguarding and promoting the welfare of children.
  - d) Staff training on safeguarding and promoting the welfare of children for all staff working with or in contact with children and families.
  - e) Safe recruitment procedures in place.
  - f) Effective inter-agency working to safeguard and promote the welfare of children.
  - g) Effective information sharing.
- 2.5 The challenge for all council departments is how the principle enshrined in the guidance – that **safeguarding is everyone's responsibility** – informs the work of the whole council. The shift required is that implications for the wellbeing of children are always identified and taken into account, in all circumstances, including for example:-
- a) Where the services are set up for adults – who may also be parents or live in households where children also reside.
  - b) Where contact with children is co-incidental to the service being carried out.
- 2.6 **The duty on the council is to ensure that:-**
- a) All departments consider the impact on children of any service development.
  - b) All departments ensure that services which involve contact with children, do promote their welfare, are provided safely (including policies to ensure a safe workforce).
  - c) All departments ensure that their staff, are equipped to respond appropriately if concerns about a child come to their attention, in whatever context this might be.
- 3. Recommendations**
- 3.1 To agree the revised summary of roles and responsibilities within the council in respect of safeguarding children.
- 3.2 To distribute the revised document to the Leader of the Council, Cabinet Lead for Children's Services, all Council Members and senior officers.

3.3 For Cabinet to agree that all Councillors should undertake mandatory awareness training on safeguarding and corporate parenting provided by senior officers from the Social Care & Safeguarding division.

**4. Financial Implications**

4.1 There are no direct financial implications arising from this report.  
(Colin Sharpe, Head of Finance and Efficiency, Children & Young People’s Services, Ext (29) 7750)

**5. Legal Implications**

5.1 By virtue of Section 11 (4) of the Children Act 2004 the council must have regard to any guidance provided by the Secretary of State in respect of the discharge of its duty under Section 11 and must only depart from it with clear reasons.  
(Kamal Adatia, Head of Community Services Law, Ext. (29) 7044)

**6. Report Author/Officer to contact:**

Andrew Bunyan, Interim Director of Children & Young People’s Services

Andy Smith, Interim Service Director, Social Care & Safeguarding

<b>Key Decision</b>	Yes
<b>Reason</b>	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
<b>Appeared in Forward Plan</b>	Yes
<b>Executive or Council Decision</b>	Executive (Cabinet)

**LEICESTER CITY COUNCIL**  
**SAFEGUARDING CHILDREN: REVISED SUMMARY OF ROLES AND RESPONSIBILITIES**  
**WITHIN THE COUNCIL**

This summary updates and replaces the roles and responsibilities document agreed by Council in 2006. It does NOT replace any other procedures. For these purposes:

*Roles in sections 1-7 have Framework Responsibilities; those in sections 8-11 have Scrutiny Responsibilities; those in subsequent sections have Reporting or Operational Delivery Responsibilities.*

**1. The Leader of the Council**

- 1.1 Ensure that the Council gives priority to safeguarding children coherently and consistently in service planning and resource allocation.
- 1.2 Ensure that a Lead Member for Children's Services is appointed to the cabinet in line with the requirements of the Children Act 2004.
- 1.3 Ensure the Council appoints a Strategic Director for Invest in Children to carry out the full range of statutory requirements of the Director of Children's Services role and ensure that the Cabinet receives advice from him/her on all relevant matters.
- 1.4 Ensure all communities are equally well served in this regard.

**2. The Lead Member for Children's Services**

- 2.1 Champion the interests of children and young people within the City by ensuring a clear focus on safeguarding.
- 2.2 Promote the safety and welfare of children and young people across all agencies.
- 2.3 Ensure that the Council fulfils its responsibilities to children for which it is corporate parent and having regard to the joint DCSF/LGA Guidance "If This Were My Child...A Councillor's Guide to Being a Good Corporate Parent". This includes chairing the Council's Corporate Parenting Forum.
- 2.4 Through the Chief Executive, hold the Strategic Director Invest in Children to account for the work of the Local Safeguarding Children Board (in recognition that this is a statutory body in which the Lead Member is not directly involved in governance arrangements).
- 2.5 Ensure that the Council's Children's Services meet the required standards and comply with statutory requirements.
- 2.6 Ensure that the Council's Children's Services responsibilities are properly considered, supported and monitored by the Cabinet, including an annual report to Cabinet on the extent to which those responsibilities are being met.
- 2.7 Work with the Strategic Director for Children to ensure the Department is adequately funded and staffed to deliver these priorities, both in and out of office hours.

### **3. The Chief Executive**

- 3.1 Ensure the Council has developed local strategic objectives, priorities and targets for safeguarding that complement those set nationally.
- 3.2 Ensure that the Council as a whole and not just Children and Young People's Services, embeds section 11 duties in their design, planning and delivery of services, and in particular, ensure that the Youth Offending Service and Adult Social Care maintain effective arrangements for supporting this objective.
- 3.3 Ensure that a Strategic Director, Invest in Children is in post and that he/she undertakes the full range of statutory DCS functions outlined in the Children Act 2004.
- 3.4 Ensure that the Council has management and accountability structures that deliver safe and effective services, with particular reference to safeguarding children.
- 3.5 Ensure that statutory inter-agency arrangements are in place (including the Local Safeguarding Children Board) and ensure there is an open culture between local agencies and good direct communications between senior managers so that they accept and address concerns brought to their attention.
- 3.6 Ensure that statutory arrangements are in place for the Multi Agency Public Protection Arrangements and that there is appropriate linkage between Adult Social Care and Children and Young People's Services to discharge the Council's duties in relation to these arrangements.
- 3.7 Ensure all Children's Services are sensitive to diversity.
- 3.8 Receive regular briefings and identify the strengths and weaknesses of the Council's services and on the action required to address them.

### **4. The Strategic Director, Invest in Children (The Statutory Director of Children's Services)**

- 4.1 Ensure that the safeguarding of children is high on the Council's, partners and the community's agendas, which includes promoting the safety and welfare of children across all agencies, especially looked after children.
- 4.2 Ensure that the Department has management and accountability structures that deliver safe and effective services, with particular reference to the Children Act 1989, Children Act 2004, Education Act 2002, Safeguarding Children and Safer Recruitment in Education Guidance 2007 and Working Together to Safeguard Children 2006, and any subsequent legislation or statutory direction.
- 4.3 Ensure that the Department has access to a range of integrated, effective, efficient and flexible services that safeguard and promote the welfare of all groups of vulnerable children and their families.



- 4.4 Ensure effective multi-agency planning processes are in place to plan for children in need and that there is an effective Local Safeguarding Children Board that
- a) Has appropriate senior representation from those within the Children and Young People's Department holding both targeted and universal services responsibilities.
  - b) Discharges all the functions set out as Guidance in Chapter 3 of Working Together to Safeguard Children to both co-ordinate local work to safeguard and promote the welfare of children and to ensure the effectiveness of that work, both within individual local agencies and in inter-agency working.
- 4.5 Ensure that appropriate responses to diversity are embedded in practice.
- 4.6 Ensure appropriate challenge to partner agencies on matters of safeguarding children.
- 4.7 Ensure effective multi-agency planning processes are in place to plan for children in need and ensure that services are co-ordinated to ensure that children are safeguarding in all settings, including hospitals.
- 4.8 Ensure that those with framework, scrutiny and delivery arrangements have appropriate training to ensure them to exercise the responsibilities of their role.
- 4.9 Ensure staff are well trained, supported and managed, and feel able to report any concerns.
- 4.10 Ensure children and young people are listened to, both in service provision, and at a more strategic level.
- 4.11 Ensure the safeguarding of children in all educational provision, whether pre-school day care, primary, secondary or residential schools, or out of school activities, youth work, play, childcare and family learning.
- 4.12 Ensure all schools and educational services have policies and procedures for child protection and safer recruitment.
- 4.13 Ensure measures are in place to promote good attendance; to manage behaviour and tackle bullying and other forms of harassment; to provide effective personal, social and health education; support for family learning, and opportunities for personal and social development, in recognition that this will promote effective safeguarding of all children.
- 4.14 Ensure that specific attention is given to groups at risk of low achievement, including children in the public care, with special needs, and particular ethnic groups; the attendance, behaviour and provision for pupils out of school, within the context of a general approach to educational inclusion.

**5. The Strategic Director for Invest in Community (The Statutory Director of Adult Social Care)**

- 5.1 Ensure representation at appropriate senior management level on the LSCB and within MAPPA.
- 5.2 Ensure that arrangements are in place to proactively identify safeguarding issues relating to children and young people within the Youth offending Service, when working with adults, and that thresholds for assessing and providing support to adults take into account their roles and responsibilities as parents/carers.
- 5.3 Ensure that where safeguarding arrangements are in place, these continue to apply for the young person through transition to adult social care services.
- 5.4 Ensure that where vulnerable young people are in need of continuing service provision from within Adult Services, the transition is planned and managed promptly, efficiently and within a framework of collaboration.

**6. The Director of Assurance and Democratic Services**

- 6.1 Ensure expert legal advice is available to the Council on its child care responsibilities.

**7. The Chief Operations Officer (through the Director of Human Resources)**

- 7.1 Ensure that robust arrangements are in place for pre and post recruitment checks to be undertaken for all appropriate people working with children in the Council and the services it arranges and funds in line with the principles and standards agreed through LSCB on behalf of the Council.
- 7.2 Ensure that the Council complies with the Independent Safeguarding Authority new vetting and barring scheme.
- 7.3 Provides additional performance rigour and scrutiny in relation to safeguarding activity.

**8. The Chief Operations Officer, all Strategic Directors and Directors**

- 8.1 Should be committed to protecting children and should communicate that commitment throughout the organisation.
- 8.2 Ensure their services are provided in a way that ensures the safety and welfare of children and young people.
- 8.3 Ensure all staff in services with contact with children and/or their parents have a consistent understanding of the thresholds for sharing information with and referral to Social Care and Safeguarding, and received appropriate training to undertake their responsibilities to safeguard and promote the welfare of children.

## **9. Children & Young People Scrutiny Committee Members**

Take all necessary steps to scrutinise the Council's arrangements for safeguarding children, with particular reference to:

- a) the adequacy of funding
- b) staffing levels and morale
- c) the Department's performance
- d) the care, education, health and achievements of Looked After Children.
- e) that safeguarding is accessible to all communities.

## **10. Safeguarding Children Panel**

10.1 This Cross-Party Panel is designed to:

- a) Assist elected members to discharge their scrutiny role and accountability in relation to work within the Social Care and Safeguarding division with children in need. These will be children who have a Child Protection Plan, are Looked After or who have a Family Support Plan
- b) Be aware of performance monitoring of this work and reflect government guidance and expectations of the direct overview of specific aspects of safeguarding activity.
- c) Assist elected members in the discharge of their responsibilities as "corporate parents", which includes fulfilling councillors' responsibilities to visit the five City Council children's homes and other safeguarding services.

## **11. The role of the Children's Trust and Local Safeguarding Board**

- 11.1 The Children's Trust brings together the organisations responsible for services for children, young people and their families. Keeping children safe is the top priority for Children's trusts.
- 11.2 The LSCB is the key statutory mechanism for agreeing how the relevant organisations in Leicester, Leicestershire and Rutland co-operate to safeguard and promote the welfare of children, and for ensuring the effectiveness of what they do.
- 11.3 The LSCB has a clear and distinct identity within the Children's Trust arrangements. There needs to be a balance between the Children's Trust taking reports from the LSCB on areas of activity where the LSCB has a lead role, and the LSCB ensuring that the Children's Trust integrates safeguarding into the development of services for children and their families.
- 11.4 This balance is achieved by defining more clearly the role of the LSCB and the Children's Trust in relation to developing, coordinating and influencing service developments and priorities, whilst ensuring this is linked to the priorities in the Children and Young People's Plan and the LSCB Business Plan.

## **12. All Councillors**

- 12.1 Councillors should be aware of how and when to refer child welfare concerns to Social Care and Safeguarding and how, after the referral has been registered, there are constraints on staff sharing information as set out in the council's Political Conventions.
- 12.2 Should be aware of their responsibilities as "corporate parents" of looked after children.
- 12.3 Prioritise attendance at the Safeguarding and Corporate Parenting briefings.

## **13. Director of Social Care & Safeguarding**

- 13.1 Ensure that children in need are safeguarded, and they and their families benefit from effective referral, assessment, planning and review processes, which result in appropriate services being provided to respond to the identified developmental needs of the child.
- 13.2 Maintain positive and constructive relationships, through the LSCB, with partner agencies.
- 13.3 Ensure that staff are provided with up-to-date procedures, protocols and guidance and that systems are in place to ensure they are followed.
- 13.4 Ensure arrangements are in place for the safe transfer of responsibility between local authorities.
- 13.5 Ensure induction, supervision and staff development processes are in place
- 13.6 Ensure performance measures are in place to ensure that services, including those commissioned from external organisations, are safely, efficiently and cost-effectively delivered.
- 13.7 Ensure workload management systems are in place and monitored.
- 13.8 Ensure staff are able to offer culturally appropriate services to all the communities of the city.

## **14. Head of Service – Children's Safeguarding**

- 14.1 Lead, develop and ensure effective strategies, policies and services such that high standards of safeguarding are achieved across the City Council.
- 14.2 Responsible for the operation and performance management of a range of safeguarding services: including Child Protection Conferencing; LAC independent reviewing; Children's rights and Participation; Family Group Meetings; coordination of abuse allegations against those who work with children; and to act as the lead advisor on safeguarding in learning settings.

## **15. Head of Service – Children’s Fieldwork**

- 15.1 Lead, maintain and ensure the strategic development, management and delivery of the Department Field Work Social Work service to children identified as being ‘in need’ and in particular those at risk of abuse or serious injury and those requiring the ‘care’ of the Local Authority and to contribute to the improvement of outcomes for children and young people in Leicester.
- 15.2 Responsible for the operation and performance management of a range of targeted and specialist social work support services, including the range of Child Care Social Work teams and Assessment services, the county wide Emergency Duty service, 16 Plus services and services to Unaccompanied Asylum Seeking Children.

## **16. Head of Service – Children’s Resources**

- 16.1 Lead, maintain and ensure the strategic development, management and delivery of the department’s Looked After Children’s service and Intensive Family Support service and contribute to the improvement of outcomes for children and young people in Leicester.
- 16.2 Responsible for the operation and performance management of a range of targeted and specialist services, including: the Looked After Children service (Fostering, Adoption, Residential Care and Commissioning); Corporate Parenting (including services designed to improve the educational outcomes of Looked After Children); and Family Support Services.

## **17. Heads of Service**

- 17.1 They should be committed to protecting children and should communicate that commitment throughout their service.
- 17.2 Ensure services are provided in a way that ensures the safety and welfare of children and young people.
- 17.3 Ensure all staff in services with contact with children and/or their parents have a consistent understanding of the thresholds for sharing information with and referral to Social Care & Safeguarding, and receive appropriate training to undertake their responsibilities to safeguard and promote the welfare of children.

## **18. Service Managers, Fieldwork Services, Social Care & Safeguarding Division \***

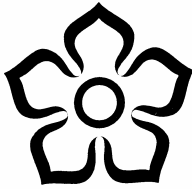
- 18.1 Ensure effective systems are in place to enable team managers to establish how many children have been referred to their team, what action is required to be taken for each child, who is responsible for taking action, and when that action must be completed and has been completed.
- 18.2 Ensure that all cases of children assessed as needing a service have an allocated worker.

- 18.3 Ensure that staff follow procedures, protocols and guidance and that casework is checked regularly.
- 18.4 Report to Head of Service (Fieldwork) on the quality and performance of their services including workloads, on a regular basis through supervision.
- 19. **Team Managers within Fieldwork Services, Social Care & Safeguarding Division** \*
- 19.1 Ensure that referrals are acknowledged.
- 19.2 Ensure that cases are allocated to appropriately qualified and trained practitioners and that the practitioner is clear about what has been allocated, what action is required and how that action will be reviewed and supervised.
- 19.3 Ensuring and monitoring that core standards for recording and managing case files are met, through the use of the Integrated Children's System.
- 19.4 Ensure the quality of work and supervision.
- 19.5 Ensure practitioners are able to manage the diversity aspects of their work.
- 20. **Reviewing Officers within the Children & Young People's Safeguarding Unit** \*
- 20.1 Provide advice on safeguarding matters.
- 20.2 Ensure that formal planning meetings for LAC and within child protection procedures meet required standards and promote high standards of practice.
- 20.3 Contribute to the quality of practice through problem resolution in individual cases and to the quality assurance framework as managers who are not accountable for resource and case management.
- 21. **Child Care Practitioners** \*
- 21.1 Follow the Council's child protection procedures.
- 21.2 Maintain records of their work using the Integrated Children's System.
- 21.3 Keep up to date through training and other professional development opportunities.
- 22. **Other Practitioners and Support Staff** \*
- 22.1 Pass all concerns about child protection to the appropriate duty team without delay.

If you need further advice regarding this framework then please contact:

**Andy Smith**, Interim Service Director, Social Care & Safeguarding  
Tel (0116) 252 8306

**Pat Nawrockyi**, Head of Service, Children & Young People's Safeguarding Unit  
Tel (0116) 256 5178



Leicester  
City Council

D

**WARDS AFFECTED**  
All Wards

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**OSMB  
Cabinet**

**16<sup>th</sup> April 2009  
20<sup>th</sup> April 2009**

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**Developments in Safeguarding in Leicester City**

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**Report of the Interim Corporate Director of Children and Young People's Services**

**1. Purpose of Report**

- 1.1 To outline the current issues in relation to safeguarding policy, practice and procedures resulting from requirements and expectations from the Department for Children Schools and Families (DCSF).
- 1.2 To summarise the actions being taken by the Leicester, Leicestershire and Rutland Local Safeguarding Children Board and Leicester City Council in relation to government requirements and the audit and continued development of effective safeguarding services across the city.

**2. Summary**

- 2.1 Following the incident in Haringey (the 'Baby P' case) entering the public domain in November 2008, the Government announced a number of initiatives and requirements. On 1.12.08 the Secretary of State wrote to all local authorities asking them to take stock of the effectiveness of safeguarding practice in their own areas. In addition, Lord Laming had already been commissioned in November 2008 to undertake a review of safeguarding practice. It is already evident that Lord Laming's report may significantly impact on the standards expected of Local Authorities and partner agencies, on the expectations of LSCBs and will influence the new inspection regime within the Comprehensive Area Assessment process.
- 2.2 These national events provide the city council with an opportunity to review its position in relation to safeguarding. This will ensure that the council is in a position to respond to the recommendations from Lord Laming's review into the protection of children in England (and the subsequent response from the Government). Moreover, it is also in line with the fact that the city council is a learning organization, always striving to improve the quality of services.
- 2.3 A number of measures have been taken across the Local Safeguarding Children Board and within the city council in relation to safeguarding activity. This includes:

- a) the completion of a safeguarding self assessment, both across all LSCB agencies and within the Social Care and Safeguarding Division; and
- b) revisions to the management and conduct of Serious Case Reviews to meet changed expectations.

2.4 The performance of the city council in relation to safeguarding activity has been judged as good by Ofsted, both in terms of the Joint Area Review completed in January 2008 and the Annual Performance Assessment completed in November 2008. This includes the Local Safeguarding Children's Board being described as 'outstanding'. Whilst children's social care is recognised as a strength within Children and Young People's Services, there is no room for complacency, and recent national events and the subsequent requirements and requests from Government, has provided further opportunity for the council to re-examine practice.

### **3. Recommendations (or OPTIONS)**

- 3.1 For Cabinet to note the events occurring nationally and the measures taken to date by the LSCB and the city council in relation to the audit and development of a range of safeguarding activity.
- 3.2 For Cabinet to note that a further report will be presented to a future Cabinet meeting, focusing on the implications arising from Lord Laming's report on *The Protection of Children in England: A Progress Report*.
- 3.3 For Cabinet to agree that all Councillors should undertake mandatory awareness training on safeguarding and corporate parenting provided by senior officers from the Social Care and Safeguarding Division.

### **4. Report**

#### **4.1 Current Safeguarding issues from Central Government**

- 4.1.1 Following the incident in Haringey (the 'Baby P' case) entering the public domain in November 2008, the Government announced a number of initiatives and requirements.
- 4.1.2 On 1.12.08 the Secretary of State, Ed Balls, wrote to authorities asking them to take stock of the effectiveness of safeguarding practice in their own areas, requesting that Directors of Children's Services, the statutory Lead Member and members of the Local Safeguarding Children Board (LSCB) satisfied themselves that effective scrutiny of safeguarding practice was taking place. In addition, it was confirmed that any Serious Case Reviews (SCRs) judged inadequate by Ofsted had to be re-examined by a panel chaired by an independent person and resubmitted in February 2009.
- 4.1.3 On 1.12.08 Lord Laming wrote to the Secretary of State indicating that he would complete his review of safeguarding practice, which had been commissioned in November, and report in March 2009. As an interim measure, Lord Laming set out three principles about SCRs – that they must be chaired independently, that the Chair must have access to all relevant documents and this may require a change to the



legislative framework, and that the Executive Summary produced for publication must remain confidential to protect the vulnerable and ensure future co-operation with producing SCRs.

- 4.1.4 Lord Laming subsequently reported in March 2009 and made a number of recommendations covering such areas as governance, accountability and leadership in safeguarding, workforce development, the use of electronic social care records and thresholds for social care intervention. A separate report will be coming to Cabinet in due course focusing on the implications arising from Lord Laming's report.
- 4.1.5 On 1.12.08 Ofsted published their report *Learning Lessons: Taking Action* that included a list of all SCRs evaluated between April 2007 and March 2008. Of the 50 cases reviewed, 20 were deemed 'Inadequate', 18 'Adequate' and 12 'Good'. There was an expectation that all inadequate SCRs would be resubmitted in February 2009. Leicester City did not have any SCRs completed or evaluated during this period.

## **4.2 Action taken by Leicester City Council and the Local Safeguarding Children Board**

### **4.2.1 Local Safeguarding Children Board**

- 4.2.1.1 It is clear from the Haringey JAR report and from Lord Laming's initial comments that LSCBs will be called to account as to how effectively they discharge their scrutiny role. Whilst our local LSCB has already established a Performance Management Framework which has been cited as good practice nationally, it was timely for the Board to review how this can be implemented more effectively. A small working group was set up in December 08 to do this and this was reported back to the LSCB in March 2009.
- 4.2.1.2 The LSCB has also co-ordinated a brief self assessment of safeguarding practice across Leicester, Leicestershire and Rutland in readiness for the recommendations from Laming. Agencies were asked to respond to five key questions on local practice including how agencies know that front line staff maintain a focus on individual children, supervision/management policies, information sharing and multi-agency decision-making. This has given an opportunity for all partner agencies to raise any particular areas of concern which need to be addressed either within individual agencies or by the strategic partnerships or within the LSCB Business Plan.
- 4.2.1.3 The outcome of this work has been analysed by the independent chair of the LSCB and members of the Core Business Group and was discussed at the LSCB in March 2009.
- 4.2.1.4 An extraordinary meeting of the Chief Officers across Leicester, Leicestershire and Rutland (called the 'Laming group') was convened on 27.1.09 and received updates on the above action. A further meeting is scheduled to take place in April 2009.

## **4.2.2 Response to Lord Laming**

- 4.2.2.1 In November 2008, Lord Laming requested evidence of progress on safeguarding in relation to good practice, positive Inter-agency working, barriers and problems and ideas for specific Government action.
- 4.2.2.2 Leicester responded by the deadline and reported a range of issues in relation to recruitment and retention of qualified social workers, the impact of the Integrated Children's System (ICS) and the quality of social work training. These issues were similar to those raised throughout the East Midlands region.
- 4.2.2.3 As part of this response to Lord Laming, the Independent chair of the LSCB was also asked by Lord Laming's team to supply evidence of the LSCBs performance management and did so by supplying the Performance Management Framework and Key Accountabilities and Standards document. This is outlined in the LSCB Business Plan, which has previously been noted by Cabinet.

## **4.2.3 City Council Roles and Responsibilities in relation to Safeguarding and Political Engagement**

- 4.2.3.1 Following the publication of the Victoria Climbié Inquiry report in 2003, Cabinet approved a council wide document clarifying roles and responsibilities in relation to safeguarding children. This document was subsequently revised in 2006 and has been updated for a third time. This revised Roles and Responsibilities document is a separate paper being taken through the political process at the same time as this paper, and there are clearly links between the two papers.
- 4.2.3.2 The Safeguarding Roles and Responsibilities document is important since it ensures that the city council maintains an organizational culture and ethos that reflects the importance of safeguarding and promoting the welfare of children. It focuses on the roles and responsibilities of the leader of the council, the statutory lead member for children's services, the Chief Executive as well as the Strategic Director for Invest in Children, together with front line managers and staff working in the Social Care and Safeguarding Division.
- 4.2.3.3 In light of the Roles and Responsibilities in relation to safeguarding document, the Cabinet Lead is routinely briefed on a range of safeguarding issues and takes an active role in scrutinising the range of activity in the Social Care and Safeguarding division.
- 4.2.3.4 Leicester City Council already runs twice yearly seminars with elected members on safeguarding and Corporate Parenting and these are due to take place again in April.
- 4.2.3.5 The council already has a range of scrutiny arrangements established that provides members with opportunities to scrutinise safeguarding activities, performance and services, with a range of key reports being presented to OSMB/Cabinet on safeguarding activity – e.g. in relation to private fostering, the work of the MAPPA and the work of the LSCB,

4.2.3.6 The council also operates a Safeguarding Children's Panel. The Safeguarding Children's Panel provides members with an opportunity to visit the city children's homes and the Duty and Assessment Service. It also receives inspection reports from all children's homes, data about children missing from care, reports/analysis about allocated work, and the position regarding the authorities' use of secure accommodation.

#### **4.2.4 Audit of Safeguarding Practice in the city**

4.2.4.1 There is already a range of safeguarding and audit arrangements in place across the Social Care and Safeguarding Division. This includes case file audits across fieldwork services, thematic case audits carried out by the Safeguarding Unit and internal inspections on the quality of service provided by the city children's homes. This is in addition to the external inspections already carried out by Ofsted on a range of regulated services such as fostering and residential care.

4.2.4.2 Within the Social Care and Safeguarding Division, there has already been considerable attention given to the findings of the Haringey JAR. An overview of the Baby P case, and of the Haringey JAR including the recommendations, formed a key element of an away day with all middle managers in Social Care and Safeguarding in December 08 as soon as the JAR report became available.

4.2.4.3 Subsequently, in parallel with the initiatives taken within the LSCB, a detailed exercise was undertaken with senior managers to review the JAR findings and compare the concerns raised about Haringey with how our local services operate. The opportunity was taken also to consider safeguarding practice against the recommendations made in the Victoria Climbié Inquiry in 2003. This is for two key reasons:

- i) The JAR completed by Ofsted in Haringey was essentially an inspection into how far Haringey were compliant with the recommendations made in the Victoria Climbié Inquiry.
- ii) It is good practice for the council to scrutinise its practice in light of these national events.

4.2.4.4 The Heads of Service in Social Care & Safeguarding are now reviewing the material gained from this exercise in order to develop an action plan for taking forward any key issues identified. This forms part of the Social Care and Safeguarding division's Continuous Development Plan and this will also reflect the outcome of Lord Laming's review and the work which will flow from this.

#### **4.2.5 Support to front line staff**

4.2.5.1 Any national child protection inquiry impacts on staff morale, not only for front line social workers and team managers, but all staff working across the LSCB agencies with children and families. There are also wider concerns about how the recent national events will impact on the recruitment and retention of social workers in front line child protection work.

4.2.5.2 Following events in Haringey, a letter was sent to all staff in Social Care and Safeguarding from the Lead Member, Interim Director of Children's Services and the Interim Service Director for the division, acknowledging the impact of the Baby P

case within the context of supporting staff for the difficult job they do whilst remaining open and willing to examine practice. This seems to have been well received by staff.

- 4.2.5.3 It is also anticipated that by taking the initiative in reflecting on local practice as set out in the previous section of this report, there will be opportunity both for staff to express their own concerns and for staff to hold onto pride in what is achieved through their good practice.

#### **4.2.6 Serious Case Reviews (SCRs)**

- 4.2.6.1 Mandatory Serious Case Reviews (SCRs) are undertaken when a child dies and abuse or neglect is known or suspected to be a factor in the child's death. There is also discretion to undertake such reviews when serious harm to a child identifies issues about local inter-agency practice. The purpose of undertaking a SCR is to establish whether there are lessons to be learnt from the case about the way in which professionals and organizations work together to safeguard and promote the welfare of children.
- 4.2.6.2 Following recent national events, the profile of SCR's has become very pronounced, with much tighter and non-negotiable expectations from the DCSF and Ofsted about how SCR's should be conducted. Ofsted now formally evaluates all SCR's and there are implications on local authorities that receive an inadequate rating, both in terms of how this then impacts on the overall rating of social care services, and in terms of having to conduct the SCR again. SCR's will have a profile within Comprehensive Area Assessment in shaping the judgement on how effective partnership working is perceived to be.
- 4.2.6.3 Work has been underway for sometime across the LSCB to revise the process for the conduct of SCR. Currently the LSCB maintains separate subcommittees to manage SCR's in Leicester and in Leicestershire and Rutland, each chaired by the Local Authority Service Director in the role as Vice Chair of the LSCB.
- 4.2.6.4 From 1.4.09, there will be one LSCB joint Serious Case Review Subcommittee convened on behalf of Leicester, Leicestershire and Rutland, and this will be independently chaired by the chair of the LSCB. This will ensure that the city council is compliant with current guidance from the DCSF about the governance arrangements for SCR's. In addition, the rigour of the process is being strengthened considerably. This, in particular, reflects the need to demonstrate to Inspectors within both the independently authored overview report and also within each of the agency individual management reviews how the reviews have been managed – effectively the workings out as well as the finished product.

## **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **5.1. Financial Implications**

There are no financial implications arising directly from this report. The future report which will set out the implications for Leicester of Lord Laming's report may well have financial considerations, which will be highlighted as part of that report. Members will note that additional resources for Social Care and Safeguarding are included in the proposed Children's Services budget in 2009/10.

Colin Sharpe, Head of Finance and Efficiency, CYPS, ext. 29 7750

### **5.2 Legal Implications**

There are no direct legal implications arising from this report. The report acknowledges the strands of work that are central to the Council's fundamental statutory imperative to safeguard and promote the welfare of children in the area, namely the roles and responsibilities of key members and officers, and the work conducted under the auspices of the LSCB. Appropriate auditing and review/development of these areas of work is recognised in the report. The substantive Laming Report, due for publication soon, may propose more fundamental changes to law and practice and consequently the manner in which the Council discharges its statutory duties to vulnerable children. If so, further legal input and further reporting may be necessary. (Kamal Adatia, ext 7044)

## **6. Background Papers – Local Government Act 1972**

6.1 None

## **7. Consultations**

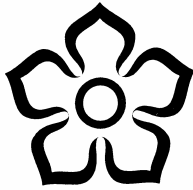
7.1 None

## **8. Report Author**

Andy Smith, Interim Service Director, Social Care and Safeguarding Tel: 29-8306

Andrew Bunyan, Interim Corporate Director, Children and Young People's Services  
Tel: 29-7700

<b>Key Decision</b>	No
<b>Reason</b>	N/A
<b>Appeared in Forward Plan</b>	N/A
<b>Executive or Council Decision</b>	Executive (Cabinet)



Leicester  
City Council

## FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:

OSMB  
CABINET  
COUNCIL

19<sup>th</sup> March 2009  
20<sup>th</sup> April 2009  
21<sup>st</sup> May 2009

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### Repositioning Children and Young People (CYP) scrutiny at Leicester City Council

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#### Report of the Service Director, Democratic Services

#### 1 Purpose of Report

This report outlines proposed amendments to the way in which scrutiny of children and education in Leicester City Council is undertaken.

#### 2 Summary

- 2.1 The practice of scrutiny has continued to evolve in Leicester since May 2007. There have been many examples of effective scrutiny in that time. The level of scrutiny, particularly in relation to the Overview and Scrutiny Management Board (OSMB), has led to large agendas and in-depth scrutiny, if not passed to a scrutiny task group, has been by necessity limited to one or two items at any given meeting. The Council paper 'Taking Forward Overview and Scrutiny' from last May 2008 highlighted that more work was needed to ensure there is effective scrutiny of education (and Children and Young People)<sup>1</sup>.

#### 3 Recommendations

- 3.1 OSMB is asked to comment on the following recommendations to Cabinet and Council;
- 3.2 Cabinet is asked to recommend to Council the following recommendations;
- 3.3 Council is asked to agree the following recommendations;
- a) To the introduction of a standing Children and Young People (CYP) Scrutiny Committee to replace the Children and Young People's Scrutiny Task Group, of equal status to OSMB, Performance and Value for Money Select Committee and Health Scrutiny Committee (Terms of Reference at Appendix A);

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<sup>1</sup> Para 3.2.3

- b) That the new CYP Scrutiny Committee considers all reports relating to children and young people (including those that currently go to OSMB) and includes as members the statutory education co-optees and youth representatives (non-voting) who attend OSMB;
- c) That the new CYP Scrutiny Committee has the power to set up its own ad hoc working group as and when required;
- d) That the new CYP Scrutiny Committee provides close oversight of work strands, amongst others, such as Transforming Leicester's Learning, the Schools Forum, Building Schools for the Future, Safeguarding Panel and, in particular, may seek to bring in members of the Leicester Children and Young People's Strategic Partnership for challenge;
- e) That the new CYP Scrutiny Committee will issue a standing invite to the Cabinet Lead for Children and Schools;
- f) That the new CYP Scrutiny Committee explores the use of a rapporteur (existing Members Support Officer) to undertake objective investigative work on the Committee's behalf;
- g) That the new CYP Scrutiny Committee - and OSMB - have a template agenda and working practices for how meetings will be held (Appendix C) and that the membership is as outlined in section 5 below.
- h) That in addition to the deletion of the current CYP Task Troup Leader and Deputy Leader roles, an additional Task Group Deputy Leader position is deleted to make up the financial shortfall of the new arrangements;

## **4 Rationale**

- 4.1** It is recognised that there have been many examples of effective scrutiny since the introduction of the new scrutiny structure in May 2007. However, this has often resulted in large agendas whereby only one or two items are subject to in-depth scrutiny, thus missing opportunities to involve members in service improvements and policy development. By setting up a separate scrutiny mechanism for CYP matters OSMB would be able to devote part of each meeting to receiving Cabinet Leads (and a presentation outlining what is coming up under their remit) and would be better able to judge which future reports to call in. Moreover the Board would be able to instruct Task Groups to get involved in an important area whilst still in its embryonic stage. Like the new committee OSMB would also be able to pay greater attention to the way it scrutinises the various aspects of the Leicester Partnership.
- 4.2** Revising the way OSMB operates would allow for the introduction of a stand-alone CYP Scrutiny Committee. This in itself would have a number of benefits:
- a. It allows education to have the attention within scrutiny it deserves;
  - b. It frees up space within the OSMB agenda to scrutinise other issues in more depth;

- c. It allows better focus for the role of co-optees;
- d. It brings about the opportunity to encompass new ways of working, for example through the development of the rapporteur role which would undertake research and investigation on behalf of the Committee and report back at every meeting. This role could also encapsulate reviewing whether previous recommendations from the Committee had been followed up in the department.
- e. It allows greater energy and focus to delve into the numerous partnership arrangements that are behind work in this area and allows room and flexibility to bring those partners into the meeting to be challenged.

## **5 Membership**

- 5.1** To abide by the rules set out in the Local Government Act 1989 – the ‘Widdicombe’ rules - the membership of the new scrutiny committee would need to reflect the proportionate political make-up of the Council. This would suggest a voting membership of eight plus the four statutory co-optees. It may also be necessary to further adjust OSMB’s membership in light of a reduction of one (CYP) Task Group Leader.
- 5.2** It is felt appropriate that although voting on the committee would be restricted to members of the committee, other interested councillors would be invited to share their views within the meetings at the discretion of the Chair. It would be expected that the statutory education co-optees would be transferred over and no longer sit on OSMB. The new committee would also extend a standing invite to the Youth reps who attend OSMB (although OSMB could decide to also keep that standing invite).

## **6 Resource Implications**

- 6.1** There would be resource implications of having an additional committee though this would be negated to some extent by the abolition of the existing Children and Young People’s Scrutiny Task Group.
- 6.2** In terms of officer support there would be some difference in the intensity and level of support which would need to be absorbed by the Members Support Team and by the Democratic Support Team. The Members Support Officer currently supporting the CYP Task Group could be transferred as there is some capacity already set aside for that Task Group. It may, however, have some impact on scrutiny development work.
- 6.3** There would be a bigger impact on the Democratic Support Team. Although the new committee might reduce the length of meeting and quantity of paperwork associated with OSMB, there will still be an additional burden. OSMB currently equates to roughly 40 hours per month (30 hours per meeting) within the Democratic Support Team. It is estimated that another committee might require up to 2/3 of support that OSMB currently receives. This extra burden would likely fall on ‘senior’ DS staff because of the stature and prominence of the committee.



**6.4** There might also be some small additional resource implications for the CYP department because of the potential of having senior officers attending in a wider capacity than happens now in OSMB. In addition there will need to be legal cover for the new meetings.

## **Members Allowances**

**6.1** There will also be an additional cost for the members' Allowance budget, in relation to a special Responsibility Allowance, which may be payable. The allowance would be in line with other comparable positions.

## **7 Constitutional and Legal Implications**

**7.1** There would need to be amendments to the Constitution. The Scrutiny Committees established by the Council in accordance with Article 6 of the Constitution are:

- Overview and Scrutiny Management Board
- Performance and Value for Money Select Committee
- Health Overview and Scrutiny Committee

**7.2** Therefore the Children and Young People Scrutiny Committee would need to be established under Article 6 and its terms of reference (Appendix A) appointed under Part 3 'Responsibility for Functions'.

**7.3** The new Committee will abide by Article 6 of the Constitution as regards appointment of scrutiny committees and their general role and function. It will also conduct its proceedings in accordance with the Scrutiny Procedure Rules set out in Part 4 of the Constitution.

**7.4** The education co-optees, although remaining the same, need to be formally appointed to the new committee through full Council with an enabling resolution allowing for future changes of personnel.

**7.5** Changes to the Members Allowance Scheme (Part 6) will need to be made in accordance with the implications from section 6 above, in consultation with the Independent Remuneration Panel on Members' Allowances.

## **8. Legal, Financial and other implications**

### **Legal (*Kamal Adatia*)**

**8.1 Section 21 Local Government Act (LGA) 2000** sets out the legislative imperative for Local Authorities to appoint overview and scrutiny committees with power to:

(a) Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are the responsibility of the executive, (**scrutinise executive functions**);

(b) Make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are the responsibility of the executive, (**report/recommend to executive/Council on Executive functions**);

(c) Review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions which are not the responsibility of the executive, (**scrutinise non-executive functions**);

(d) Make reports or recommendations to the authority or the executive with respect to the discharge of any functions which are not the responsibility of the executive, (**report/recommend to executive/Council on non-executive functions**);

(e) Make reports or recommendations to the authority or the executive on matters which affect the authority's area or the inhabitants of that area (**residual generic reporting/recommending function**)

**8.2** These are reflected broadly in **6.02** of our Constitution and in the preamble to the Scrutiny Terms of Reference at **page 85**.

**8.3** In the context of the CYP Scrutiny Committee the above five powers need to be targeted to CYPS matters, and these are set out at Appendix A.

**8.4** The LGA 2000 s.21 and our Constitution deal with the following matters also:

a) Appointment of committees and subcommittees (**Art 6.01 and Part 4A Rule 34(a)**);

b) Status of members of the executive (**s.21(9) LGA 2000**)

c) Invitations to non-members of the committee (**s.21(13)(a) & (b) LGA 2000**); **Part 4E Rule 7 (a) & (b), page 85 Constitution**; **6.03(a)(iv) & (b)(iii)(vi)**

d) Co-opting of voting members for the purposes of the discharge of statutory education scrutiny functions (**s.21(10) & Schedule 1 LGA 2000**; **Part 4E Rule 12, Reg 3 Parent Governor Representatives (England) Regs 2001, s.115 LGA 2003**)

e) Co-opting of non-voting members (**S.21(10) LGA 2000**)

#### **Financial** (*Alison Greenhill*)

**8.5** There will be an additional cost for Members Allowances which would need to be found from within existing budgets. If the new committee were given equal status to the other three standing scrutiny committees this would result in a shortfall of £3,074. However it is proposed to reduce the number of Deputy Task Group Leaders, based on an assessment of workloads, which releases the necessary funding.

**8.6** Officer support for the new committee will have to be provided from within the existing structure, bearing in mind that the 2009/10 revenue budget strategy contains a reduction of 5.5 posts within the Democratic Services Division as a whole.

## Other Implications

Other implications	Yes/No	Paragraph references
Equal Opportunities	No	
Policy	Yes	Whole report
Sustainable and Environment	No	
Crime and Disorder	No	
Human Rights Act	No	
Elderly/People on low income	No	

### 9. Consultations

Charles Poole, Service Director, Democratic Services  
Kamal Adatia, Head of Community Services Law  
Overview and Scrutiny Management Board

### 10. Background Papers

Taking Forward Overview and Scrutiny – Council paper May 2008

### 11. Report Author

Gordon Armstrong  
Democratic Services  
229 8824

Email: [Gordon.armstrong@leicester.gov.uk](mailto:Gordon.armstrong@leicester.gov.uk)

<b>Key Decision</b>	No
<b>Reason</b>	N/A
<b>Appeared in Forward Plan</b>	N/A
<b>Executive or Council Decision</b>	Executive (Cabinet)

## Appendix A

### Draft Terms of Reference for LCC Children and Young People Scrutiny Committee

The Children and Young People Scrutiny Committee is a Committee with a specific remit to perform the scrutiny role and functions as set out in Article 6 of the Council's Constitution.

Within this remit the Committee will:

- Decide on children and young people issues that are to receive overview and scrutiny (e.g. on areas of significant policy or service change or performance, or an area of public or local interest.);
- Directly scrutinise policy or service changes;
- Make recommendations to Cabinet on service delivery and improvement
- Set its own work programme;
- Request that a Sub-Committee 'Working Group' scrutinises a change to policy/service deliver or a particular performance issue;
- Monitor and evaluate the work of the Committee's researcher/rapporteur;
- Oversee and monitor training programmes for members of the Children and Young People Scrutiny Committee, in particular at the start of their tenure as members of this committee;
- Act as the Council's statutory education committee and include as members the statutory education co-optees.

The Committee will consider petitions and questions from members of the public in relation to CYPS issues.

## **Appendix B**

### **Amended Terms of Reference for OSMB**

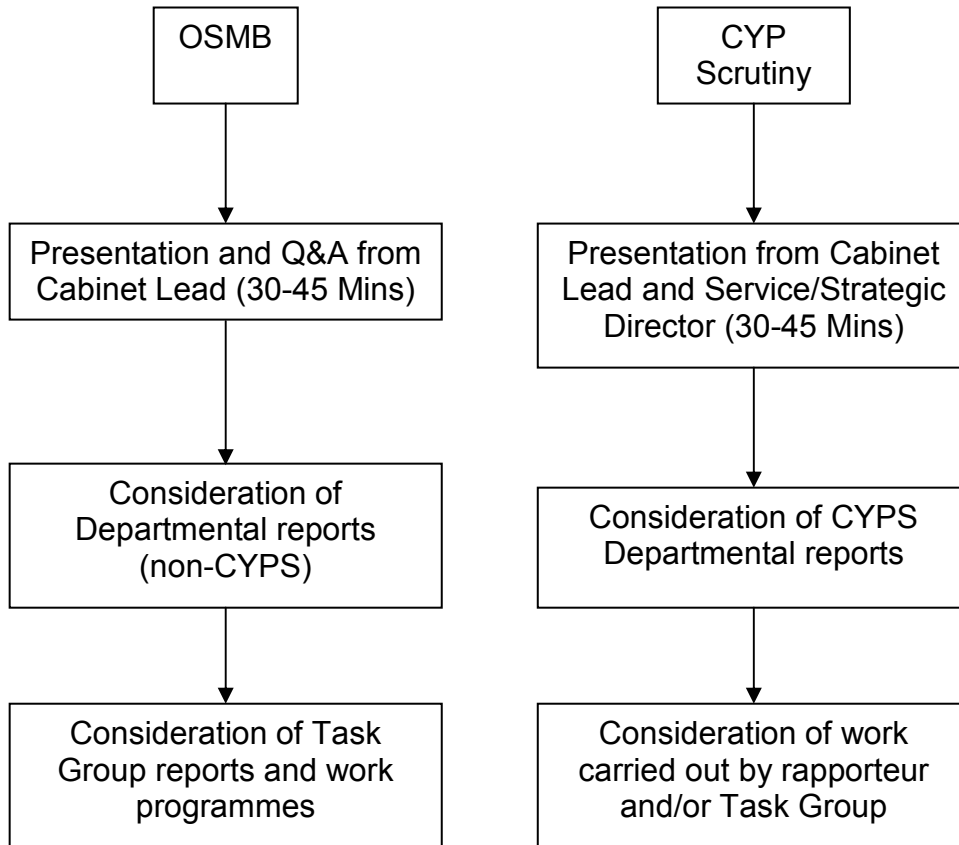
The Overview and Scrutiny Management Board is a Scrutiny Committee with a general remit to perform the scrutiny role and functions as set out in Article 6 of the Constitution.

Within this remit the Overview and Scrutiny Management Board will:

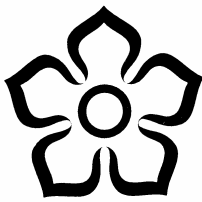
- Decide on issues that are to receive overview and scrutiny (e.g. an area of significant policy or service change or underperformance, or an area of public or local interest)
- Directly scrutinise policy or service changes
- Set the work programme for the Task Groups
- Request that an Overview and Scrutiny Task Group scrutinises a change to policy/service delivery
- Request a Ward Community Meeting to undertake the scrutiny of a local issue
- Monitor and evaluate the work of the Overview and Scrutiny Task Groups
- Oversee and monitor training programmes for Overview and Scrutiny
- Oversee the overall use of financial resources allocated to support the overview and scrutiny process

## Appendix C

Proposed format of OSMB and CYP Scrutiny Committee meetings:



\*Although this diagram is linear there will inevitably be interaction between OSMB and the new committee. Not least it might be expected that certain reports would need to be seen at both though this would be considered at respective agenda meetings to minimise duplication of officers' time. It might also be expected that a joint CYP and 'other' Task Group may need to be set up.



Leicester  
City Council

## MINUTE EXTRACT

### Minutes of the Meeting of the OVERVIEW AND SCRUTINY MANAGEMENT BOARD

Held: THURSDAY, 19 MARCH 2009 at 5.30pm

#### P.R.E.S.E.N.T.

Councillor Mugglestone—Chair  
Councillor Westley - Vice-Chair

Councillor Corrall	Councillor Hall
Councillor Joshi	Councillor Naylor
Councillor Newcombe (for Cllr J. Blackmore)	Councillor Russell
Cllr Suleman	

#### Co-opted Members

Mr Mohammed Alauddin Al-Azad – Parent Governor  
Mr Michael Asquith – Church of England Diocese

#### Standing Invitees

Rebecca Barrow	Youth Representative
Jess Evans	Youth Representative

#### Also In Attendance

Councillor Dempster	Cabinet Lead Member for Children, and Schools..
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\* \* \* \* \*

### **374. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors J. Blackmore and Follett, and Mr Edward Hayes, Roman Catholic Diocese.

### **375. DECLARATIONS OF INTEREST**

Members were asked to declare any interests they may have in the business on the agenda, and/or indicate that Section 106 of the Local Government Finance Act 1992 applies to them.

No declarations were made.

### **381. REPOSITIONING CHILDREN AND YOUNG PEOPLE SCRUTINY AT LEICESTER CITY COUNCIL**

The Service Director, Democratic Services submitted a report that outlined proposed amendments to the way in which scrutiny of children and education in Leicester City Council was undertaken.

Gordon Armstrong, Members Support Officer introduced the item and stated that the report proposed that all reports prepared by the Children and Young People's Services Department be considered by a separate scrutiny body. It was felt that this would allow the Overview and Scrutiny Management Board to provide more in-depth scrutiny on the work within the other departments. Gordon explained that the Cabinet Lead Member for Children, Schools and Young People, as well as the four statutory co-opted members and the youth representatives would be invited to each meeting of the new scrutiny body.

The Chair stated that he was keen to continue to invite the youth representatives to meetings of the Overview and Scrutiny Management Board.

Members generally welcomed the repositioning, and saw education matters as those that needed particularly close scrutiny.

One Member of the Board asked for clarification in terms of the arrangements for the appointment of the Chair and Vice-Chair of the new scrutiny committee. Another Member of the Board explained that this information was not included in the report as it was a political matter, and that these arrangements would be confirmed at Full Council.

A Member of the Board suggested that a Member of the Forum for Older People Consultative Group be invited to meetings of both scrutiny bodies as a standing invitee. This suggestion was not supported, with several members stating that youth representatives had been invited to the scrutiny board as they were not eligible to stand for election, and therefore could not help to inform the council, whilst older people could do so. It was acknowledged that several current serving Members of the Council were of a pensionable age. It was also pointed out that it was perhaps more appropriate for consultees such as older people to be invited to Scrutiny Task Group meetings.

One Member of the Board felt that further reference was needed within the report in terms of scrutinising the Leicester Partnership, and stated that this was not currently being appropriately carried out. The Board agreed that the report be amended to ask the Overview and Scrutiny Management Board as well as the Children and Young People Scrutiny Committee to specifically look at how the Leicester Partnership could be appropriately scrutinised.

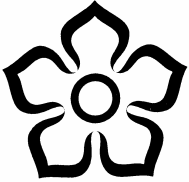
Councillor Dempster, Cabinet Lead Member for Children and Schools welcomed the repositioning of Children and Young People Scrutiny. She pointed out that a significant level of scrutiny of the department was already taking place in the form of the Learning Environment Board, which had cross-



party representation. She further stated that the new committee would have a statutory responsibility to invite the four co-opted members who currently sat on the Overview and Scrutiny Management Board, but felt that by inviting representatives of a particular social group, other than the youth representatives, could be problematic. She issued a plea that careful consideration be given at scrutiny agenda meetings in terms of which scrutiny body a particular report would be submitted to, and saw it as an exception that a particular report would be submitted to both bodies.

RESOLVED:

- (1) That the recommendations set out in paragraph 3 of the report be supported.
- (2) That the report be amended to ask the Overview and Scrutiny Management Board as well as the Children and Young People Scrutiny Committee to specifically look at how the Leicester Partnership could be appropriately scrutinised.



Leicester  
City Council

**WARDS AFFECTED**  
All

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**Cabinet**

**20<sup>th</sup> April 2009**

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**Results of ASL inspection and Action Plan**

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**Report of the Interim Service Director for Safer and Stronger Communities**

**1. Purpose of Report**

- 1.1 To present the results from the OFSTED inspection of the Adult Skills & Learning Service.

**2. Summary**

- 2.1 On the basis of the OFSTED inspection results the Adult Skills & Learning service has been transformed since the last inspection in 2004 from 'satisfactory' to 'good' with 'outstanding' results for Community Development and Equality of Opportunities.

**3. Recommendations (or OPTIONS)**

- 3.1 To note the improvement in performance achieved by the staff of the Adult Skills & Learning Service since the last inspection in June 2004.

**4. Report**

- 4.1 OFSTED base their inspection results on an analysis of the service's self-assessment report and development plans along with comments from the Learning & Skills Council and data on learners and their achievements over the period since the last inspection. Inspectors sampled and graded provision across the whole service to arrive at their final results.
- 4.2 The previous inspection of June 2004 judged most areas to be 'satisfactory' with some 'unsatisfactory' re-inspected in May 2005 and then judged to be 'satisfactory' or 'good'.
- 4.3 Overall effectiveness of the provision is good. More specifically, provision is outstanding in community development and good in information & communication technology (ICT); arts, media and publishing, and literacy, numeracy and ESOL. Leadership and management are also good.
- 4.4 The key area for improvement identified by OFSTED was that observations of teaching and learning are insufficiently thorough.
- 4.5 Achievement and standards are good. Success rates for all long and short courses are now satisfactory having improved significantly from 33% and 44% respectively in

2005/06 to 68% and 88% in 2007/08. Retention rates are high on all programmes and excellent on community development and adult safeguarded learning programmes.

## **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **5.1. Financial Implications**

There are no financial implications.  
(Ravi Lakhani, Accountancy Team Manager)

### **5.2 Legal Implications**

There are no legal implications.  
(Kamal Adatia, Head of Community Services Law)

## **6. Other Implications**

OTHER IMPLICATIONS	YES/NO	Paragraph Within Supporting information	References
Equal Opportunities	<b>YES</b>	<b>The service is seen as outstanding for Equality of Opportunity.</b>	
Policy	<b>NO</b>		
Sustainable and Environmental	<b>NO</b>		
Crime and Disorder	<b>NO</b>		
Human Rights Act	<b>NO</b>		
Elderly/People on Low Income	<b>NO</b>		

## **7. Report Author**

Chris Minter  
Interim Director for Safer and Stronger Communities

<b>Key Decision</b>	Yes
<b>Reason</b>	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
<b>Appeared in Forward Plan</b>	Yes
<b>Executive or Council Decision</b>	Executive (Cabinet)

# Leicester City Council

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26 January 2009

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**Inspection number**

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## Background information

### Inspection judgements

Inspectors use a four-point scale to summarise their judgements about achievement and standards, the quality of provision, and leadership and management, which includes a grade for equality of opportunity.

#### Key for inspection grades

Grade 1	Outstanding
Grade 2	Good
Grade 3	Satisfactory
Grade 4	Inadequate

Further information can be found on how inspection judgements are made on [www.ofsted.gov.uk](http://www.ofsted.gov.uk).

### Scope of the inspection

In deciding the scope of the inspection, inspectors take account of the provider's most recent self-assessment report and development plans, and comments from the local Learning and Skills Council (LSC) or other funding body. Where appropriate, inspectors also consider the previous inspection report ([www.ofsted.gov.uk](http://www.ofsted.gov.uk)), reports from the inspectorates' monitoring visits, and data on learners and their achievements over the period since the previous inspection.

In arriving at their judgements, inspectors sampled and graded provision that is funded through various strands of publicly funded provision. Inspectors took account of the previous inspection reports, monitoring visit reports, position statements and had interviews with providers of provision to help them arrive at judgements on the provision as a whole. Inspectors also used evidence from other subject sector areas not inspected and reported upon to inform the inspection findings.

In addition to reporting on overall effectiveness of the organisation, its capacity to improve further, achievement and standards, quality of provision and leadership and management, this inspection focused on specialist provision in:

- Information and communication technology
- Arts, media and publishing
- Literacy, numeracy and ESOL
- Community development

## Description of the provider

1. Leicester City Council (LCC) holds contracts with Leicestershire LSC to provide a range of Further Education (FE) and adult safeguarded learning for approximately 6,500 learners. Contracts include: wider family learning; family literacy, language and numeracy; personal and community development learning; neighbourhood learning in deprived communities (NLDC); Train to Gain, and modern apprenticeships.
2. Since April 2007, LCC has established Leicester Adult Skills and Learning Service, (the service) by merging Leicester Adult Education College and Leicester Adult Learning Service. The service is located within the safer and stronger communities division of the Adults and Housing Department.
3. The population of Leicester is approximately 290,000. Some 40% of its population are from minority ethnic groups. Leicester is ranked 20 as the most deprived local authority in the country out of 354. The unemployment rate in Leicester is 11.4%, compared with the national average of 5.4%. Nearly 25% of the local working population do not have any qualifications, compared with the national average of 14.8%.
4. The proportion of learners achieving five or more GCSEs at grade A\*-C, including English and mathematics, in Leicester is 36.4%, compared with the national average of 46%.
5. The provision as it now stands has not been previously inspected. LCC was inspected in June 2004 when most aspects were judged to be satisfactory. Its unsatisfactory provision was reinspected in May 2005 when the provision in hospitality, sport, leisure and travel was judged to be satisfactory, and English for speakers of other languages (ESOL) and literacy were judged to be good.

## Summary of grades awarded

<b>Effectiveness of provision</b>	<b>Good: Grade 2</b>
<b>Capacity to improve</b>	<b>Good: Grade 2</b>
<b>Achievement and standards</b>	<b>Good: Grade 2</b>
<b>Quality of provision</b>	<b>Good: Grade 2</b>
<b>Leadership and management</b>	<b>Good: Grade 2</b>
<b>Equality of opportunity</b>	<b>Contributory grade: Outstanding: Grade 1</b>

## Sector subject areas

<b>Information and communication technology</b>	<b>Good: Grade 2</b>
<b>Arts, media and publishing</b>	<b>Good: Grade 2</b>
<b>Literacy, numeracy and ESOL</b>	<b>Good: Grade 2</b>
<b>Community development</b>	<b>Outstanding: Grade 1</b>



## Overall judgement

### Effectiveness of provision

#### Good: Grade 2

6. Overall effectiveness of the provision is good. More specifically, provision is outstanding in community development and good in: information and communication technology (ICT); arts, media and publishing, and literacy, numeracy and ESOL. Leadership and management are also good.
7. Achievement and standards are good. Learners develop good personal, social, vocational and employability skills and retention rates on most accredited and non-accredited programmes are high. Most learners achieve their personal objectives and an increasing number achieve a satisfactory range of qualifications.
8. The quality of provision is good. Teaching and learning are satisfactory overall, and good in ESOL and community development programmes. Initial assessments and progress reviews are thorough. The range of programmes is extensive and meets the needs of learners, communities and employers. LCC provides programmes at a number of easily accessible venues in partnership with many local groups and organisations. Pastoral and learning support including information, advice and guidance are good. Support for learners on community development programmes is outstanding.
9. Curriculum management is good overall. Staff development, support and communications are good. Most quality improvement processes are effective. Promotion of equality of opportunity is outstanding. LCC makes good use of partnerships to widen participation.
10. LCC has a clear strategic vision. Its management structure focuses on new measures of quality and performance. The provision has been rationalised to meet the local and national priorities. LCC's community development strategy is outstanding. The merger of two providers to create the Leicester Adult Skills and Learning Service was effective. Some of the leisure classes have given additional support to ensure sufficient learners are enrolled. The service is fully integrated within the structure of the council and is working to develop and improve education and training in Leicester.

#### Capacity to improve

##### Good: Grade 2

11. Capacity to improve is good. LCC has dealt with most of the areas for improvement identified at the previous inspection. Curriculum coordination, and the use of management information, both identified as weaknesses at the previous inspection, are now strengths. In 2007/08, LCC successfully removed a notice-to-improve, issued by the LSC in 2005/06 following identification of poor success rates on long programmes. Current success rates are near national

averages and are being maintained. Staff are highly skilled and are fully committed to providing an excellent service.

12. Quality improvement is effective. Learner feedback is used very well to make improvements. The self-assessment process is well established and good use is made of the views of most stakeholders. The self-assessment report is accurate and identified all the strengths and most areas for improvement. However, inspectors disagreed with some of the strengths in teaching and learning.

## **Key strengths**

- Good development of self-confidence and social, technical and employability skills
- High retention rates on most programmes
- Extensive range of programmes to meet the needs of the learners, communities and employers
- Good support including information, advice and guidance
- Good management of change
- Good staff development
- Good use of data
- Highly effective use of learner feedback to improve the provision
- Good arrangements to recognise and record progress and achievement
- Outstanding promotion of equality of opportunities

## **Key areas for improvement**

- Insufficiently thorough observations of teaching and learning

## **Main findings**

### **Achievement and standards**

#### **Good: Grade 2**

13. Achievement and standards are good, a strength identified in the self-assessment report. Success rates for all long and short courses are now satisfactory having improved significantly from 33% and 43% respectively in 2005/06 to 68% and 88% in 2007/08. Learners on the recently established Train to Gain provision are also making good progress. Retention rates are high on all programmes and excellent on community development and adult safeguarded learning programmes. Learners develop good personal, social, employment and technical skills. They improve their self-confidence and self-esteem and apply their skills well to improve their quality of life and job prospects. Most learners achieve their qualifications regardless of their gender, age and disability. However, Bangladeshi and Pakistani learners on FE courses achieve at a lower rate than other learners.
14. The standard of learners' work is good. Progression in to employment and further training is good. Attendance is satisfactory but punctuality for some courses is poor.

### **Quality of provision**

#### **Good: Grade 2**

15. The quality of provision is good. Teaching and learning are satisfactory overall and good in ESOL and community development. Individual coaching in ICT is good, but tutors do not always use an adequate range of teaching methods. The identification of learners' literacy, numeracy and language needs is satisfactory. However, these needs are not sufficiently met in ICT classes.
16. The range of programmes is good and includes provision at entry to level 3. Taster sessions are provided in local venues to promote the provision and enrol new learners. Courses are run at local schools, community centres and community colleges throughout the day and evening. Subjects available for study are based well on the needs and interests of the local community. The range of community development programmes is outstanding. They focus on work-placements, job interviews and work trials.
17. Staff provide good personal and learning support. Employers support learners well and provide sufficient time during work to attend their programmes. Provision of information, advice and guidance is very effective. The LCC website is clear and easy to understand and provides a good range of relevant information.

## Leadership and management

### Good: Grade 2

#### Equality of opportunity

Contributory grade: Outstanding: Grade 1

18. Leadership and management are good overall and inspectors agreed with the judgements in the self-assessment report. LCC has managed a key merger and other changes very well. It has a clear vision and direction for the service which is understood well by all staff. The service is working well to fulfil Leicester's corporate strategic ambitions to develop the capacity of disadvantaged communities in partnership with voluntary and community groups.
19. LCC has invested well in staff development. Staff are highly knowledgeable and skilled. They are encouraged to research and pilot their own initiatives before implementing them across the service. Staff work well to develop their expertise and skills in coaching and peer support. Communications are good, as is curriculum management, which was identified as a weakness across some subject sector areas at the previous inspection.
20. Data management is good. LCC has a new computer-based data management system. Partners, staff and managers work very effectively to analyse data on attendance, exam entries, withdrawals and success rates to monitor performance and develop the curriculum.
21. LCC is particularly effective at using learner feedback. Learners' views are collected through course reviews, an early leavers' survey, a learners' destination survey and focus groups. In response to this feedback, LCC has improved the design and content of course information sheets, relocated some courses and provided cheaper canteen food. Good practice is shared very well between curriculum groups, ACL providers and FE colleges, and it has its own good practice database.
22. Arrangements to recognise and record progress and achievement are good and used regularly by all learners and staff. Initial assessment, learning targets and progress reviews are very effective. They are moderated well to improve consistency and raise standards.
23. Equality of opportunity is outstanding. Learners and staff have a very good understanding of diversity issues. Tutors ensure topics and learning materials match the diverse local communities. Staff work well to celebrate diversity and community cohesion. Mutual respect, tolerance and understanding are promoted well. A large number of staff are from minority ethnic groups.
24. Procedures for safeguarding children and vulnerable adults meet current government requirements. Clear and detailed policies and procedures for safeguarding, the vetting of staff and volunteers and risk assessments, combined

with extensive links with other referral agencies, are used well to protect and support learners.

25. Partnerships within the council, and with employers and voluntary and community groups, are good. LCC is highly effective at engaging hard-to-reach groups and disadvantaged communities. Partnerships with other agencies, such as the local learning partnership, employers and the LSC are highly effective. They share information, research, funds, ideas and contacts to provide excellent value for money. For example, a multi-access centre was established in the adult college over a weekend when one of the partners could not fulfil its obligations.
26. LCC has secured a valuable contract to provide apprenticeships in business and administration to young people including looked after children and young offenders. A Train to Gain contract has been secured to provide literacy and numeracy skills to council employees. Strong links exist with a range of council departments, the youth service, Connexions and schools. The service has successfully commissioned 37 voluntary and community sector organisations to use their venues and staff to provide a range of services in their locality.

## What learners like:

- 'Not scared or hesitant any more and I do not need an interpreter'
- 'The course has changed my life. I have now got a job because I can speak English'
- 'Meeting new people. Social networking'
- 'Friendly and welcoming classes. Brilliant tutors'
- 'Improving myself. Gaining new skills including confidence'
- 'Getting me thinking again'
- 'Improving my employment prospects'
- 'Learning from each other'
- 'The society is a lot richer for having adult learning'
- 'Having a named contact is very helpful'
- 'I like it because you can go at your own pace'
- 'Supportive staff. Nothing is too much to ask'
- 'I love it here - I get treated like a gentleman'

## What learners think could improve:

- 'Having to listen to tutors repeat aspects of lessons to latecomers and so waste my time'
- 'Too much information too fast'
- 'Level 1 and 2 in the same class causes problems for learning'
- Information on courses - 'Some of the course information sheets are not as informative'
- 'Would like more speaking classes and more classes in the week'
- Timing of some classes- 'Crèche opening times make us late for classes'
- 'I would like to go back to interactive learning in ICT learning sessions'
- 'More classes over the long summer holidays'
- 'Student union card to get discounts on learning materials'

## Sector subject areas

### Information and communication technology

#### Good: Grade 2

#### Context

27. LCC provides 63 ICT courses to some 760 learners in basic computing and a range of applications including internet and email, word processing, spreadsheets, databases, and digital photography. Courses are offered from entry level to level 3 and last between six and 114 guided learning hours and take place during the day and evening. Accreditation is available through two awarding bodies. Approximately 35% of the provision is non-accredited. Courses are held in 17 venues across the city including community halls and schools. Eighteen tutors teach on these programmes. Currently 35% of the learners are male, 28% have a declared disability, 46% are from minority ethnic groups and 11% aged over 60.

#### Strengths

- Good development of skills and self-confidence
- Particularly effective initial advice, guidance and support
- Good promotion of equality of opportunity
- Good curriculum management

#### Areas for improvement

- Narrow range of teaching methods
- Insufficient reinforcement of literacy and numeracy skills

#### Achievement and standards

28. Achievement and standards are good overall. Learners make good progress. Learners develop good skills and self-confidence. Those who are new to computers quickly develop a range of computer skills which they use very effectively in their work and personal lives. They are well motivated and enjoy their learning. Many learners acquire skills to improve their job prospects and to help their children with homework.

29. Retention rates are good and have improved from 79% in 2005/06 to 92% in 2007/08. This strength was identified in the self-assessment report. Success rates are now satisfactory and have improved from 23% in 2005/06 to 73% currently.

#### Quality of provision

30. The quality of teaching and learning is satisfactory overall. Tutors provide good individual coaching to help learners understand difficult and/or new concepts. Monitoring of individual progress is good. Records of learning are thorough. Individual learning plans are detailed and used well. Working relationships

between learners and tutors are very effective and tutors demonstrate a clear understanding of the needs of learners who are new to computers.

31. Tutors use a narrow range of teaching and learning methods. This was partially identified in the self-assessment report. Most teaching comprises activities led by the tutor or individual work. Learners are not given sufficient opportunity to take part in paired and group work activities.
32. Reinforcement of learners' literacy and numeracy skills is insufficient. All learners who need such help are referred to extra classes. Tutors do not develop learners' literacy skills when typing letters or their numeracy skills when using spreadsheets.
33. The range of provision is good. Learners are able to choose a wide range of courses from beginner to advanced levels. Training venues are conveniently located in communities and schools to attract non-traditional learners. Learners are able to take their children to school and then attend their own course at the same venue.
34. Initial advice, guidance and support are particularly effective. The process for recruitment and initial assessment is thorough. Many learners sample a range of programmes through taster courses before they enrol. Course information sheets outline clearly what each course entails. Tutors work well to understand and meet learners' learning and personal support needs.

### **Leadership and management**

35. Leadership and management are good. Curriculum management is good. Strategies to improve and maintain high standards are successful. Quality improvement processes are good. For example, the processes to monitor learners' progress are particularly effective at raising achievement.
36. Communications are good. Tutors make good use of informal and formal opportunities to keep up-to-date with the development of the curriculum and learners' progress. Tutor and learner feedback is collected regularly and used well to make improvements. Tutors are supported well by managers. Resources are industry standard and managed well. Learning venues are well maintained. Staff development is focused well on improving the provision.
37. Promotion of equality of opportunity is good. For example, of those learners on ICT courses, 25% have mental health needs. They gain useful skills and make good progress on to other courses. The service has been very successful at improving its recruitment processes to widen participation. For example, learners can enrol online and at their local learning centre.
38. The self-assessment process is inclusive and accurate. The report includes a wide range of evidence such as learner and staff views, data, course reviews and observations of teaching and learning. Inspection judgements closely match those in the self-assessment report.



39. LCC has a clear vision and strategy to teach Skills for Life as an integral part of all its provision, but this has not been fully implemented. Teaching and learning observations are generally accurate, but inspectors did not agree with some of the grades.

## Arts, media and publishing

### Good: Grade 2

#### Context

40. Currently, approximately 700 learners are on courses in: drawing and painting; textiles; performance; creative writing; ceramics; garment construction; pattern cutting; watercolours; stained glass, and photography. Courses are provided at 16 venues across the city throughout the day and evening with some specialist Saturday workshops also provided. Currently 703 learners are undertaking learning. Most courses run for two or three hours each week for 10 weeks. A team of 41 part-time tutors, learning support assistants and subject specialist managers provide the courses.
41. Some 77% of learners are female, 27% are from minority ethnic groups, 17% are aged over 60, 24% have a declared disability and/or learning difficulty, and 17% are referred from agencies that work with clients with mental health issues.

#### Strengths

- Good achievement of vocational, personal and social skills
- Extensive range of provision
- Good arrangements to recognise and record progress and achievement
- Very effective promotion of equality of opportunity
- Good curriculum management

#### Areas for improvement

- Inappropriate accommodation at some venues
- Ineffective teaching observations

#### Achievement and standards

42. Achievement and standards are good overall. Achievement rates have improved from 82% in 2005/06 to 91% currently. Attendance and punctuality are satisfactory. Learners develop good levels of vocational, personal and social skills, as identified in the self-assessment report. They quickly develop good self-confidence and enjoy their learning. For many learners this is their only, or main, source of interaction with other people. Learners develop good levels of vocational skills and produce work of a professional standard. Some learners' work is displayed in a local arts museum. Progression to other courses is good for many learners with mental health needs.
43. Overall the standard of learners work is good. In stained glass and floristry courses, learners' work is of a particularly high standard. Many learners have no prior experience of visual arts and progress well, particularly when compared with their prior attainment.

## Quality of provision

44. The quality of provision is satisfactory. Teaching and learning are satisfactory overall. This was wrongly identified as a strength in the self-assessment report. In the best learning sessions, schemes of work and session plans include a range of sufficiently challenging learning activities. Tutors provide good verbal feedback to learners to improve their skills. In less successful sessions, tutors focus on the development of a narrow range of technical skills such as basic sewing techniques.
45. Arrangements to recognise and record learners' progress and achievement targets are good. Most individual learning plans contain generic as well as individual targets. Tutors work well with learners to identify clear learning outcomes. They use effective assessment methods that record progress. These are reviewed and updated regularly with learners. Tutors share good practice in planning learning goals and setting targets through staff development activities and individual peer support. Tutors are well qualified and experienced. Many tutors are professional artists and most hold teaching qualifications.
46. The standard of specialist accommodation and resources is satisfactory. Most studios have sufficient equipment to enable learners to develop a range of technical skills. However, some venues do not have appropriate accommodation. For example, some learning centres do not have adequate ventilation for those learners using oil paints.
47. The range of provision is good and meets learners' needs and interests, a strength correctly identified in the self-assessment report. Access to the provision across the city is good. A recent externally funded project for hard to reach women involved running classes in a range of venues including a local Mosque, a library and an Asian women's centre. Links with other providers are good and learners are able to progress to other accredited provision.
48. Advice, guidance and support are generally satisfactory and are good for learners with mental health needs. Learners are given an appropriate level of additional learning support throughout their learning.

## Leadership and management

49. Curriculum management is good. Achievement rates have improved, as identified in the self-assessment report. Line management accountabilities are now sufficiently clear and staff are supported well. LCC has a clear strategic direction to focus on adult and community learning.
50. Weaknesses identified at the previous inspection have been rectified. The process for monitoring quality improvement processes is highly effective. Thorough and regular course reviews are used well to produce the self-assessment report and devise quality improvement plans.
51. Promotion of equality of opportunity is very effective. Tutors often set projects that involve the research of other cultures. Staff have a good understanding of

how to promote equality and diversity and design projects that reflect the diversity of a range of cultures. Staff development to ensure the curriculum meets the needs of minorities, learners with mental health and other needs is strong.

52. Observations of teaching and learning are ineffective. Inspectors gave lower grades for learning sessions than those awarded through LCC's system for observing teaching and learning. The observation process does not sufficiently focus on learning. Tutors are not given sufficient guidance to improve their teaching and learning.

## Literacy, numeracy and ESOL

### Good: Grade 2

#### Context

53. Currently approximately 1400 learners are enrolled on a range of accredited and non-accredited courses in literacy, numeracy and ESOL from pre-entry level to level 2. A small number of learners are attending learning under a Train to Gain contract. Courses are taught at the main Adult Education College, as well as at 17 community venues across the city during the day or evening. Most courses vary between two-and-a-half and three hours and learners attend for between 10 and 30 weeks. A Skills for Life manager is supported by four coordinators, seven full-time tutors and 54 part-time tutors. Around 80% of the provision is accredited. Approximately 25% of learners are male and seven per cent have declared a disability.

#### Strengths

- Very good development of employability and social skills
- Good teaching and learning in ESOL
- Broad range of provision
- Good curriculum management

#### Areas for improvement

- Inadequate planning to rectify poor punctuality
- Inaccurate identification and use of real life targets

#### Achievement and standards

54. Achievement and standards are good. Learners gain good listening, speaking, reading and writing skills to improve their social skills and prepare them for employment. Their self-confidence, self-esteem and communication skills improve considerably during their courses.

55. Progression is good. Many ESOL learners progress on to higher levels of ESOL, literacy, numeracy and vocational courses as well as childcare and other higher education courses. Train to Gain learners develop good skills to analyse information, interpret data and write reports.

56. Success rates are satisfactory. Success rates in ESOL, literacy and numeracy have improved very well in the last two years from 23%, 36% and 44%, to 64%, 77% and 71% respectively. Attendance rates are satisfactory.

#### Quality of provision

57. Teaching and learning are satisfactory overall and good in ESOL. Learning sessions are very well planned, managed and delivered. ESOL tutors use a wide

range of teaching strategies to fully develop the learners' listening, speaking, reading and writing skills. A wide range of learning resources, including information learning technology and topical resources, are used well to motivate learners and teach them new concepts and functions. Learners gain good knowledge and apply these skills well. All learners receive good individual teaching and coaching during learning sessions. In most sessions, learners work at an appropriate pace.

58. Initial assessment is good. It accurately identifies learners' needs, interest and objectives. These are recorded accurately in individual learning plans, but are not expressed as specific targets such as applying for jobs, understanding advertisements or budgeting effectively. Learners are set targets related to the levels and elements of the national curriculum, but these are not linked to personal and/or vocational aims.
59. Tutors do not plan adequately to manage the frequent interruptions caused by learners coming to classes late. Tutors frequently review learning aims and give a short summary for latecomers. This slows down the pace of learning for more able learners.
60. The range of provision is good. Courses are available at various times of the day and evening across a wide range of easily accessible venues throughout the city, including in high priority neighbourhoods. The range of provision has improved to make learning more vocationally relevant and attract hard to reach learners. Recent examples include childminding for ESOL learners and ESOL courses linked to driving. LCC is working with a wide range of partners to offer courses to enable learners to complete national tests. Learners are encouraged to progress to higher levels or vocational qualifications. For example, learners can now progress to GCSE courses in both English and mathematics.
61. Learner support is good. Information, advice and guidance are thorough and detailed. Learners receive good pastoral and learning support such as support for dyslexia and those who use sign language. The language, literacy and numeracy needs of all learners are accurately assessed and appropriate support given where needed.

## **Leadership and management**

62. Curriculum management is good. LCC has reviewed and improved its provision. Partnerships are strong and are used effectively to increase participation. Success rates have dramatically improved over the past three years. LCC has a highly effective quality assurance framework. Professional support for staff is very comprehensive with weekly meetings to discuss and share good practice, learning materials and to cover subject-specific and personal development. The level of overall staff qualifications and experience is good.
63. Promotion of equality and diversity is good. Induction processes focus well on equal opportunities. Relevant teaching resources are available to promote equality and diversity. LCC has a strong emphasis on widening participation and works well to ensure respect for religious views.

64. Observations of learning sessions focus on the skills of the tutor rather than learning. The overall grading profile during the inspection was substantially lower than the grades recorded during the internal observation process. The self-assessment process is very inclusive, but did not identify the areas for improvement found by inspectors.

## Community development

### Outstanding: Grade 1

#### Context

65. Approximately 2000 learners are on courses in: family learning; family literacy, language and numeracy; health and social care; education and training; sports leadership, and a range of other programmes for learners with mental health issues. In addition, 37 voluntary sector organisations provide engagement activities, vocational training and employment support in the six most deprived areas of the city. Two multi-agency access centres provide employment focused information, advice and guidance, interview skills, vocational and work skills training and access to intensive vocational Routeways with guaranteed job interviews.

66. Courses are from entry level to level 3 and are held in 62 venues including schools, community centres, arts centres, children's centres and Leicester prison. Courses include short one-day taster courses, intensive weekend sports courses, four-week introductory courses, and long courses where learners attend twice a week. Currently 24% of learners are male, 26% of have a declared disability, 43% are from minority ethnic groups and five per cent aged over 60.

#### Strengths

- Excellent development of self-confidence and employability skills
- Very good achievement of a range of objectives, qualifications and job outcomes
- Very good use of initial assessment to plan learning
- Highly innovative curriculum
- Excellent advice, guidance and support
- Highly successful community development strategy
- Outstanding partnerships to widen participation

#### Areas for improvement

- No significant areas for improvement identified

#### Achievement and standards

67. Achievement and standards are outstanding. Development of learners' self-confidence and employability skills is excellent. They improve their communication, personal, social, vocational and practical skills and become highly confident in themselves and their abilities. Many learners have low levels of prior educational achievement and multiple barriers to employment. Attendance and punctuality is good.

68. The standard of learners' work is particularly good. On childcare courses the standards of learners' work is very good. One family learning group produced a good quality CD of stories and jokes to promote the language development of



foundation stage children. Learners with mental health needs who are on arts courses are very proud of their work which is regularly exhibited in local arts centres and museums.

69. Achievement on accredited courses is good, particularly on national vocational qualifications (NVQ) at levels 2 and 3 in childcare, a certificate in advice and guidance, and sports courses. Job outcomes are good with 141 identified job outcomes in the past year from neighbourhood learning in the deprived communities projects, multi-agency access centre, sports and youth work courses. In addition, LCC in conjunction with the Work Highcross partnership achieved jobs for 600 local unemployed people including 143 young learners not in employment, education or training.
70. Learners make highly effective use of their skills and knowledge to benefit their communities. Some work in local advice centres. Others support parents in the community whose children are exhibiting anti-social behaviour.

### **Quality of provision**

71. The quality of provision, including teaching and learning, is good. Learners are highly motivated to learn and promote learning well to other potential learners. Tutors accurately identify learners' starting points, barriers to learning and employment and other aims to set individual targets and ensure enrolment on the correct course. Learning is good and learners learn well from each other. Tutors are highly knowledgeable and skilled and provide a good range of learning activities. Parents and children on family learning programmes have fun and work very well together. Learners with mental health issues are highly motivated on the song writing course, supporting each other well in the development of technical and composition skills. Learning resources are good.
72. LCC has a highly innovative curriculum that meets the needs of learners, employers and communities. Learners can identify immediate benefits of learning in themselves as well as their children such as better health, improved motivation and the development of employability skills. These skills include work tasters, work-placements, and access to guaranteed job interviews. Learners can identify clear links between all these initiatives and see the results through their own success and that of their peers. Partners are highly influential in shaping the contents of the programmes. Courses are diverse in range and structure and are located suitably in the areas of highest deprivation in the city.
73. Advice and guidance for learners is excellent and is provided by knowledgeable and skilled advice workers, LCC staff and partners. The range of advice in multi access centres covers issues such as learning and training, employment opportunities, housing, benefits, legal matters and personal issues. Childcare support through the on-site crèche facilities for the parents of pre-school children is excellent.

## Leadership and management

74. Leadership and management are outstanding. LCC's strategy for community development is highly successful. It successfully delivers its services and support within the deprived neighbourhoods of the city. LCC works very effectively to help build self-sufficient communities that can sustain learning and tackle unemployment and financial and social deprivation.
75. LCC celebrates and promotes community diversity and cohesion. The involvement of 37 voluntary and community groups in the delivery of locally based projects is an exemplary model of multi-agency working providing a cohesive service for learners.
76. Partnerships are excellent. Strong partnerships with local employers, funding agencies and other providers help identify, target and develop the provision. Partners provide data, funding, venues, work-placements and taster courses to improve the curriculum. Well established links with a wide range of statutory organisations, and local community and religious groups enhance the experience of learners and help them progress. Homeless adults, refugees and asylum seekers, vulnerable adults with mental health needs, and other issues benefit from increased accessibility and participation in learning.
77. Team-working is excellent. Staff work well to share ideas and develop the provision with highly productive support from curriculum managers. Staff development is excellent. Managers' and tutors' commitment to equality and diversity is excellent with a strong emphasis on social inclusion and community cohesion.
78. The self-assessment report is inclusive and accurately identifies the strengths found on inspection. Quality improvement processes are good. However, quality improvement on the newly established neighbourhood learning in the deprived communities provision is not fully developed.

## Learners' achievements

### Learners' achievements in FE funded, accredited provision offered by Leicester City Council (ACL)

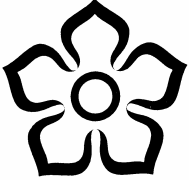
Success rates on accredited entry and level 1 (combined) and level 2 qualifications, by length, expected end year and age.

**2006/07 to 2007/08**, compared with the national rates for GFE colleges.

Notional Level	Exp End Year	19+			Diff
		Starts – Transfers	ACL Provider Rate	National Rate	
1 long	06/07	1974	67%	70%	-3%
	07/08*	1274	60%	N/A	
2 long	06/07	474	67%	69%	-2%
	07/08*	624	74%	N/A	
Short**	06/07	1281	71%	82%	-11%
	07/08*	1254	88%	N/A	

\* ACL provider data not validated (use where complete, validated and produced using proprietary software)

\*\* Courses over 5 weeks long



Leicester  
City Council

**WARDS AFFECTED**  
All

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

Health Scrutiny	1 April 2009
OSMB	16 <sup>th</sup> April 2009
Cabinet	20 <sup>th</sup> April 2009

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**Leicester Carers Strategy 2009 - 2013**

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**Report of the Corporate Director, Adults and Housing**

**1. PURPOSE OF REPORT**

1.1 This report presents a revised draft of the Leicester Carers Strategy following the consultation period, for approval and adoption by Leicester City Council.

**2. SUMMARY**

- 2.1 A draft Leicester Carers Strategy was produced in September 2008. That draft was based on a first phase of engagement, and a further consultation period covered October to December 2008, with an extension into 2009 for a consultation card exercise.
- 2.2 As a partnership strategy, agreement to publish the draft was gained from the responsible Directorate (Adults and Housing), the Cabinet Lead for Adults / Older People, the lead director within NHS Leicester City and the Health and Wellbeing Partnership Board.
- 2.3 Feedback from the consultation exercise resulted in a final draft being produced.
- 2.4 In February 2009, managers from Adults and Housing and NHS Leicester took part in an action planning workshop that produced the actions list specified in pages 16 to 26 of the final draft. The Carers Strategy Project Board members will now assist in producing a detailed action plan, so that lead responsibilities, milestones and targets are fully specified.
- 2.5 The Leicester Carers Strategy supports the One Leicester objective of improving support, advice and information to the city's carers, and links to the agenda for the transformation of adult social care. Performance on carers issues is a Local Area Agreement target (NI135).

- 2.6 A requirement to produce a Joint Break Plan for Carers from April 2009 across the Local Authority and NHS is being taken forward as a separate but complementary piece of work.
- 2.7 Public and staff launch events for the strategy will be scheduled for later this year.

### **3. RECOMMENDATIONS FOR CABINET**

- 3.1 It is recommended that Leicester Carers Strategy be ratified by Cabinet.
- 3.2 Cabinet are asked to note that the action themes in the strategy continue to be worked on to add detail, to produce a fully-specified action plan for officers, taking account of the latest inspection themes. This will support the implementation of the strategy.

### **4. REPORT**

- 4.1 Carers is the term used to describe people who provide regular care and support to other individuals, on an unpaid basis. This is distinct to paid care workers. Nearly 10% of the population of Leicester is a carer. Carers are usually, but not always, a family member. Carers often support more than one individual, e.g. an adult child caring for two dependent parents. The contribution of carers to the city is considerable, from family, community and financial perspectives. Supporting carers in their role is vital to the health and wellbeing of many of our citizens.
- 4.2 Work on a new Leicester Carers Strategy began at the end of 2007 with the establishment of a Carers Strategy Project Board, chaired by Ruth Lake, Service Director (Older People). A Carers Reference Group was established, consisting of individual carers and representatives of carers' groups and relevant voluntary organisations.
- 4.3 The Carers Reference Group organised an extensive consultation process for the purpose of identifying priorities for the draft document, and this formed the basis for the draft strategy dated September 2008.
- 4.4 The second period of consultation that followed in October to December 2008 involved a number of methods: a web page and consultation Email address, meetings with carers groups and relevant organisations, and the distribution of a consultation card. The responses confirmed carers' interest in the themes of better information and time off from caring. This consultation phase also evidenced a somewhat greater level of concern about financial and employment issues.
- 4.5 The September 2008 draft had already taken into account the new national carers strategy (June 2008) and its twin themes of "a caring system on your side, a life of your own". The revised Leicester strategy demonstrates the links between these themes and the actions proposed in pages 16-26 of the document.
- 4.6 The action planning workshop held on 11<sup>th</sup> February with managers from Adults and Housing and Chief Executives Departments and NHS Leicester City emphasised the context of the national themes, the One Leicester objectives (including the Local Area Agreement target relating to carers' assessments) and the Putting People First agenda.

The attendance at this event also demonstrated that progress had been made in securing greater engagement from health colleagues. Chief Executive's was also represented as a means of starting to build a more corporate focus to the strategy.

- 4.7 A very recent development is the publication of the Commission for Social Care Inspection's Self Assessment Survey, which forms the major national inspection activity for social care. The Commission was already known to be concerned about the need to develop the 'carers and employment' agenda. The new survey also covers emergency respite care, training staff to work with carers as expert partners and embedding the concept of carers' rights in services. Furthermore, for the first time the survey requires submission of evidence about outcomes for service users and carers across the range of outcome-based inspection themes, indicating a need for robust recording of work with carers. The assessment of adult social care will be embedded in the Comprehensive Area Assessment in both the organisational assessment and area assessment.
- 4.8 It can be seen that the wider context consists of a number of strands, namely the national carers strategy, the personalisation changes, One Leicester, the inspection agenda and the need to develop the corporate and partnership dimensions of the strategy. These will inform the progressive adding of detail to the strategy action plan, building on the work at the 11<sup>th</sup> February event. The action plan will support the implementation of the strategy, but will sit as a separate document.

## **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **5.1. Financial Implications**

- 5.1.1 The financial impact of the Carer's Strategy will need to be managed within allocated resources for 2009/10. Any significant impact in future years would need to be considered through the council's revenue strategy process. Nevertheless, carers are a mainstay of the country's social care system and from a financial perspective are hugely valuable.
- 5.1.2 The financial implications of actions proposed in the strategy's action themes will be evaluated as the finer detail of the strategy action plan is developed. It should be noted that some important agendas, such as the provision of information, should be capable of being addressed within existing budgets. The development of breaks for carers, which has more extensive budgetary implications, will be covered in the Joint Breaks Plan project. Funding has been allocated via local NHS organisations to support this.

**Rod Pearson, Head of Finance**

### **5.2 Legal Implications**

- 5.2.1 A carers strategy that addresses a wide range of carers' social inclusion needs contributes to the Department fulfilling its responsibilities under Section 2 of the Carers (Equal Opportunities) Act 2004.

**Kamal Adatia, Legal Services**

**6. OTHER IMPLICATIONS**

OTHER IMPLICATIONS	YES/NO	Paragraph Within the Report	References
Equal Opportunities	Y	Throughout	
Policy	Y	Throughout	
Sustainable and Environmental	N		
Crime and Disorder	N		
Human Rights Act	N		
Elderly/People on Low Income	Y	Throughout	

**8. BACKGROUND PAPERS – LOCAL GOVERNMENT ACT 1972**

- 8.1 One Leicester – Shaping Britain’s Sustainable City (the Community Strategy) 2008.
- 8.2 Adult Social Care Self Assessment Guidance 2008-2009. Commission for Social Care Inspection February 2009.
- 8.3 Putting People First – A Shared Vision and Commitment to the Transformation of Adult Social Care, HM Government December 2007.
- 8.4 Carers at the Heart of 21<sup>st</sup> Century Families and Communities: a caring system on your side, a life of your own – the national strategy for carers, HM Government June 2008
- 8.5 Carers and Disabled Children Act 2000 and Carers (Equal Opportunities) Act 2004 Combined Policy Guidance, Department of Health 2005.

**9. CONSULTATIONS**

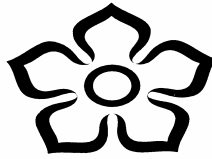
These have been extensive and are detailed in the report and the strategy document

**10. REPORT AUTHOR**

**Ruth Lake**  
**Service Director, Older People**

**Ext 8302**

<b>Key Decision</b>	Yes
<b>Reason</b>	Is significant in terms of its effect on communities living or working in an area comprising more than one ward
<b>Appeared in Forward Plan</b>	Yes
<b>Executive or Council Decision</b>	Executive (Cabinet)



Leicester  
City Council

# **LEICESTER CARERS STRATEGY**

**2009 – 2011**

**March 2009**



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## INTRODUCTION

*“Our vision is that by 2018, carers will be universally recognised and valued as being fundamental to strong families and stable communities. Support will be tailored to meet individuals’ needs, enabling carers to maintain a balance between their caring responsibilities and a life outside caring, while enabling the person they support to be a full and equal citizen.”*

*(Carers at the Heart of 21<sup>st</sup> Century Families and Communities: a caring system on your side, a life of your own – the new national carers strategy, June 2008)*

This quote symbolises the wide scope that local carers strategies have to adopt in order to capture the whole of carers’ lives. In our strategy we set out in some detail the changing policy and practice context for social care and health, leading to a series of actions which described from page 16.

In order to draft this strategy we have involved carers and those who work with them in a Carers Reference Group, which supported an initial consultation phase prior to the publication of a draft strategy in September 2008, and a second period of consultation from October to February. The results of this work are summarised in Section 3, What Leicester Carers Have Told Us. Voluntary sector partners, such as CLASP The Carers Centre and the other organisations listed in Appendix 1, have, as usual, made an extremely significant contribution to the work.

The strategy is concerned principally with carers of adults. Our colleagues in Children and Young People’s Services will be developing their young carer and parent carer strategies as they implement their Aiming High for Disabled Children programme.

## 1. THE NEW CONTEXT

1.1. Our new carers strategy covers the years in which changes to social care and health care are being put into place. Therefore one of the main things we must do is make sure that carers are informed about and fully involved in the change process.

1.2. Leicester City Council was a pilot authority for the Individual Budgets scheme and aims to transform services in line with the government's "Putting People First" programme, sometimes referred to as 'personalisation'. At the same time, NHS Leicester (formerly the Primary Care Trust) is shaping health services for the next ten years as part of the Darzi Review (Our NHS, Our Future).

1.3. In this chapter we set out the background covering the new national carers strategy, the Putting People First developments, the Darzi Review and the local partnership working arrangements between the council, its health colleagues and other key local organisations.

1.4. The **new national carers strategy** was published in June 2008 under the title "Carers at the Heart of 21<sup>st</sup> Century Families and Communities: a caring system on your side, a life of your own."

It includes the following vision for the year 2018.

- **Carers will be respected as expert care partners and will have access to the integrated and personalised services they need to support them in their caring role.**
- **Carers will be able to have a life of their own alongside their caring role.**
- **Carers will be supported so that they are not forced into financial hardship by their caring role.**
- **Carers will be supported to stay mentally and physically well and treated with dignity.**

- **Children and young people will be protected from inappropriate caring and have the support they need to learn, develop and thrive.**

1.5. The strategy states that “carers and their caring role are inextricably linked to the people they care for. If the support and services are not right for the person being supported then both the individual and the family are affected”.

1.6. This is where the government argues that the changes in social care and health, under the banner of “**Putting People First**”, will assist: “we can achieve this vision and outcome by delivering greater integration between services, greater personalisation of services for carers and by empowering and enabling carers through better information and training”.

1.7. The national strategy describes personalisation as being “the way in which services are tailored to the ends and preferences of citizens, with the overall aim being that the state should empower citizens to shape their own lives and the services they receive. It means that services can be more sensitive to the age, faith, ethnicity, gender and sexual orientation of people who use them, and can be designed to meet the issues which are most important to those people”.

1.8. The government says that more service users and carers should be able to take advantage of Direct Payments so that they can organise their own care in whole or in part. Because not everyone will want to do this, the Government has also announced that everyone in receipt of social care will at least know what funds are available for their care and support – this is what is meant by a personal budget.

1.9. In Leicester, we recognise that people’s aspirations are increasingly in the direction of individually-tailored services provided through flexible arrangements. Clearly, the government is expecting new ways of delivering such aspirations. We are committed locally to ensuring that carers’ needs and interests are reflected in these developments. Some organisations are now

using the phrase “putting people first without putting carers second” as a way of emphasising carers’ inclusion in the change programme.

1.10. Carers At The Heart of 21<sup>st</sup> Century Families and Communities also refers to the option of carers combining paid employment with their caring responsibilities. The document says that, by 2018, the government wants all carers who want to work to be able to do so.

1.11. This is one aspect of the concept “a life of your own” for carers. Not all carers will want to work, but virtually all carers value time off from caring. Thus the government sees “a life of your own” as linked to the increased investment in respite/breaks provision (£150 million nationally starting with £50 million more in April 2009), to assistive technology, and to carers’ inclusion in housing, transport and leisure facilities.

1.12. If “a life of your own” reflects one part of the national agenda, then “a system on your side” reflects the other. Once again, the personalisation agenda is relevant, but the government makes specific comments and commitments covering:

- better coordination, e.g, through integrated assessment processes
- pilot schemes to show how primary care trusts can better support carers
- investment in the ‘third sector’ so that voluntary organisations and carer-led organisations can play a greater role in delivering support
- training for professionals to support carers more effectively in both day-to-day work and in commissioning.

1.14. There is also a whole chapter on carers’ health and well-being, making reference to:

- a pilot scheme for annual health checks for carers
- possible new projects for providing emotional support
- a training programme to help GPs better understand carers’ needs.

1.15. The references to health in Carers At The Heart of 21<sup>st</sup> Century Families and Communities come at a time when **the Darzi Review** on the future of the NHS is starting to lay out the next steps that will be taken to improve local health provision. In Leicester, proposals are being put together to:

- improve provision in mental health and learning disability services (including “helping mental health service users and their carers have more influence over their care and treatment”)
- improve stroke and brain injury rehabilitation services
- implement community case management for neurological long term conditions such as epilepsy, Parkinson’s and multiple sclerosis
- improve end of life care including out of hours support to palliative care patients.

1.16. Partnership working in Leicester takes place within the new Sustainable Community Strategy - “**One Leicester**”. This shows our commitment to transforming economic, social and environmental wellbeing in the city over the next 25 years. The three major themes as we begin are: ‘Confident People’, ‘New Prosperity’, and ‘Beautiful Place’. One Leicester serves to focus and coordinate the efforts of all partners in pursuit of this new city vision. Providing support, advice and information to carers falls under the ‘Improving Wellbeing and Health’ priority for action in the first phase of One Leicester. Carers will also benefit from and contribute to the other action areas, such as ‘Creating Thriving, Safe Communities’.

1.17. For the period 2008-2011, the One Leicester partners have agreed some specific targets with the government (**the Local Area Agreement, or LAA**). A target relating to carers is included. It is linked to the national performance indicator on carers assessments. In effect, we have promised that the number of carer assessments will go up every year so that it equates to 29% of all assessments by 2011-2012.

1.18. Greater detail about planned activity by local social care and health agencies will be published in the form of a **Joint Commissioning Strategy**. This will highlight main themes for the next three years, based on a joint

assessment of the needs of the people of Leicester, including forecasts of future demand, and on assessment of existing and future resource levels.

1.19. In line with the One Leicester vision, the Joint Commissioning Strategy includes recognition that mainstream, 'universal' services make a major contribution to the health and wellbeing of the people of Leicester, alongside traditional social care and NHS services. This fits well with the national carers strategy themes around carers' inclusion in activities such as employment and leisure.

1.20. As was implied in 1.5 above, providing support to the person with the care need is usually the best way of supporting the carer. This helps the independence, health and wellbeing of both parties and serves a preventative purpose in reducing the risk of future difficulties. The service user and carer are both potentially vulnerable people, and interventions can help ensure that both can live a life free from abuse and neglect – what we call the 'safeguarding agenda'.

## **2. CARERS IN LEICESTER**

We have two sorts of statistical information available to us: the data from the 2001 survey, and the information that is kept about the carers who use services.

### **Carers in the 2001 census**

2.1. According to the 2001 census, the number of Leicester carers aged 18+ responsible for giving at least one hour of care per week was 25473, of whom 4069 were aged 65 or above. Adding in up to 1128 young carers (see below), this means that about 9.5% of the city's population are carers.

2.2. The census allowed for a measure of the quantity of caring. 10211 carers reported that their caring role accounted for at least 20 hours a week.

To some extent, 'higher hours caring' correlates with age, that is, the older the carer, the more likely it is that he or she will be caring for 20 hours or more.

2.3. Although 'higher hours caring' is a particular feature of the older age group, in many wards there are more 'higher hours carers' aged 35-44, because of the size of that age group. This is likely to be significant in terms of consequences for parenting roles and employment prospects.

2.4. The Database and Information Service for disabled children has information on 588 parent carers, 10% of whom have disabilities themselves. The wards with the highest numbers of recorded parent carers are Beaumont Leys and New Parks. 40% of the carers on the database have a recorded ethnicity other than White.

### **Carers aged under 18**

2.5. It has been argued that the census data is not an adequate measure of the number of young carers. The census indicates a total number of young carers in the city between 846 and 1128, almost half of these carers being aged 16-17. Barnardo's Carefree project has a city caseload of just under 200, with an average age of 12-13, and featuring a different geographical distribution to the census figures. This suggests that data on young carers should be treated cautiously.

### **The ethnicity of carers in Leicester**

2.6. The White and Asian ethnic groups account for 96.1% of Leicester carers (White 61.8%, Asian 34.3%).

2.7. A higher proportion of Asian citizens identified themselves as carers compared to the White and Black populations: 11% compared to 9.3% (White) and 7.3% (Black). Only 4.6% (66 people) in the Chinese community identified themselves as carers.

2.8. There is also a modest difference when 'higher hours caring' (20+ hours a week) is considered: 40% of Asian carers came into this category, with the White and Black ethnic groups having an identical figure of 36.6%.



## **Carers assessed by Adults and Housing Department staff**

2.9. The year 2007-2008 was the first in which carers were recorded separately on the Department's Carefirst electronic records system. During the 12 months, 1726 carers were recorded and had their needs assessed, either by a separate carer assessment or at the same time as the person that the person they support was assessed.

2.10. Of these 1726 carers, two thirds were female and one third male. Half of them were aged between 45 and 64, and one third were 65 and over.

2.11. 60% had an ethnicity of White British and a third were in one of the Asian categories, mainly Asian/Asian British (Indian).

2.12. Of the people these carers were supporting, 68% were 65 and over. This indicates that our local carer population includes large numbers of older people being cared for by adults under 65, as well as older people caring for other older people.

2.13. The people being supported who were aged under 65 were in the following client categories: physical disability 46%, learning disability 30%, mental health difficulties 24%. Of the people being supported who were aged 65+, 27% had a mental health difficulty as their primary problem.

2.14. The services received included home care (50% of cases) and day services (21%). 11% of people supported received respite care in residential or nursing homes and 4% received respite care in their own home.

## **3. WHAT LEICESTER CARERS HAVE TOLD US**

3.1. We carried out several consultation exercises in the spring and summer. The largest was a postal and on-line survey – we were pleased to get over 200 responses. The next section contains some of the key findings.

3.2. Carers were asked to comment on the level of importance of various aspects of support; then they were asked to choose the three that were most important to them.

The 'level of importance' results were as follows. The numbers are the percentage of carers deeming the item 'very important'.

More support for the person you care for	73
More information about the support available	71
Health advice for the person you care for	69
Time off from caring	64
More support for your own needs	62
Information about financial benefits	60
Practical help in the home	56
Emotional support	54
Health advice for yourself	52
Social and leisure opportunities for you	43

3.3. When we looked at the items that carers had put at the top of their 'top three' lists, the results looked slightly different, with the top five being as follows.

- More support for the person you care for (37% of first preferences)
- Time off from caring (14%)
- Practical help in the home (11%)
- More information about the support available (10%)
- Social and leisure opportunities for you (7%)

3.4. We conclude from this that there are several issues that are important to most carers, but that there is some variation in the most important thing when it comes to individuals. We know from the survey that practical help in the home is more likely to be important to carers of older people, whereas people caring for someone with a mental health difficulty are more likely than average to value emotional support.

3.5. We have found through several surveys that, when we analyse the results, it is often the age of the carer that makes a difference to responses. In the consultation survey, it was noticeable (though not surprising) that carers aged under 55 were the most likely to value support with paid work and social and leisure opportunities.

3.6. In relation to the importance of 'time off', the survey found that only 39% of carers said they received a break from their caring responsibilities. The carer categories most likely to receive time off were male carers, White British carers, carers who have a disability themselves, and carers supporting someone with a learning or physical disability.

3.7. The carers who responded to the survey had been caring for more than five years in 69% of cases. 94% of carers of people with a learning disability had been caring for more than five years, compared to 50% of carers of older people. 31% of carers reported that they had a disability themselves.

3.8. In April 2008 two focus groups looked at carers' experiences of the service system over time. The first main issue arising from these discussions was the difficulties that many carers have in realising that they have taken on

the role of carer. These carers did not receive enough information - either about their caring role or the condition of the person they were supporting.

3.9. Carers seemed to fall into three groups: those who understood the caring role right from the start, those who came into contact with services later through a crisis in their own health or circumstances, and those who later acquired knowledge via contact with a voluntary group. The voluntary sector route appeared particularly important – especially when it involved contact with other carers in similar situations.

3.10. Carers valued greatly the contact with other carers, but they also put a high value on contact with professional staff who acknowledged and valued the caring role. This contact was more valuable when there was some continuity: “someone who knows what you’re talking about”, “not having to repeat things to different people”.

3.11. Carers also thought that there were opportunities to give information that had been missed, particularly in health settings. There was also an issue of whether statutory sector staff actually had the information that would be helpful to carers. This raises questions about staff training and the continued importance of the role played by the voluntary sector.

3.12. In July, another consultation exercise was carried out, in the form of a discussion with carers and voluntary sector staff about the changes in social care and health. These are the changes known variously as “Putting People First”, personalisation, or self-directed support.

3.13. The July discussion established that carers like the idea of more flexibility and responsiveness to individual need. However, some issues need addressing to create maximum confidence in the proposed changes. One such issue is the level of responsibility carers might take on in managing the new arrangements. Carers’ main concern was about the potential difficulties in finding reliable staff and ensuring a high quality of care. Carers also want a robust reviewing and monitoring system alongside the changes.

3.14. The second period of consultation that followed the publication of the draft strategy in September 2008 featured a number of methods: a web page and consultation Email address, meetings with carers groups and relevant organisations, and the distribution of a consultation card. The responses confirmed carers' interest in the themes of better information and time off from caring. This consultation phase also evidenced a somewhat greater level of concern about financial and employment issues. For carers of people with specialist needs, e.g., autism/Asperger's, the supply of appropriate services was particularly important.

## **4. THE 2005 – 2007 STRATEGY: WHAT WE'VE ACHIEVED AND WHAT WE'VE LEARNED**

4.1. The successes since the publication of the 2005-2007 strategy have included:

- an improved range of information available via leaflets and websites
- a continuing increase in the number of carers assessments
- a significant range of new respite opportunities in the forms of specialist respite-at-home services, the establishment of an emergency response service and extra flexibility in the Take A Break scheme.

4.2. There are two different sorts of limits to the progress we have made. One kind of limitation is the need to develop further the improvements we have already made. Two examples: the need to improve the reach of our information resources so that a greater proportion of carers can be informed (hopefully at an earlier stage); the need to improve further the access to respite/breaks (as highlighted in our local consultation and in the national strategy).

4.3. The other kind of limitation is related to getting carers' issues 'owned' by a wider range of staff and agencies. Alongside this there is the question of engaging more actively with the community. The lesson from the work on the

2005-2007 strategy is that this widening of the work does not happen very easily and requires more staff time.

4.4. Examples include getting carers' issues acknowledged more widely throughout the health service and building relationships with community groups to encourage informed use of services.

4.5. We know that if your ethnic group is White British or Asian British/Asian Indian you have a broadly similar chance of being in touch with services and receiving support – this is unlikely to be true of newer or less numerous communities. We want to engage with communities, including faith/religious groups, to spread the word about carers but have not had the resources to do this. This work goes hand-in-hand with our efforts to ensure that outcomes for carers do not differ unfairly between carers of different gender, age group, disability status or sexuality.

4.6. There is also a major agenda to be addressed in terms of engaging with the employment sector about carers and work, as is emphasised in the new national strategy and in our local consultation.

## **5. WHAT WE INTEND TO DO IN THE NEXT 3 YEARS**

5.1. In this section we set out the ten action themes that will provide the structure for more detailed action plans during the life of this strategy. Each theme describes the outcome we want to achieve, which policy objectives the theme links to, and gives specific examples of how we will go about reaching the outcome.

## **Action theme 1 – information**

5.2. The strategy action plan will aim to improve information for carers. Information was a significant issue in our initial consultation. The outcome to be achieved is that carers will have better access to appropriate information about their caring role. Taking action to improve information will contribute to the national carers strategy theme of “a system on your side”, and to the addressing of health inequalities and the promotion of preventative services.

5.3. We aim to develop a plan, agreed jointly by the council, NHS Leicester (the Primary Care Trust/PCT) and key voluntary sector partners, to supply an agreed range of basic information to carers at key information delivery points. This will involve other important stakeholders such as the University Hospitals Trust and Leicestershire Partnership Trust. We will also look at what standards are necessary for effective information provision.

Specific actions will include the following.

- ⇒ We will establish a baseline of what information is provided, what the gaps are, and how accessible the information is.
- ⇒ We will agree a common set of carer information products to be given on identification, and make available additional specialist information depending on the setting.
- ⇒ We will look at the evidence about effective information-giving and expand the range and settings for information provision.
- ⇒ We will introduce ways of recording information-giving and develop a mechanism for reporting the outcomes that the information produces.

- ⇒ We will ensure that information initiatives fully involve voluntary sector organisations as well as statutory social care and health agencies.
- ⇒ We will ensure that information provision meets relevant customer access and accessibility standards.

5.4. We will address the specific needs of user/patient groups in particular need, e.g., groups defined by medical conditions with urgent needs (these might include Long Term Conditions, End of Life Care), localities or ethnic groups that appear to be excluded from access to information.

### **Action theme 2 – better and earlier identification of carers**

5.5. We will improve identification arrangements so that carers will be known to agencies at an earlier stage. This will increase the opportunities for timely supply of information and services. This reflects the policy objective of recognising and valuing the contribution that carers make to community wellbeing, as well as relating to the “a system on your side” theme, and to the addressing of health inequalities and the promotion of preventative services.

5.6. We will ensure that there are robust arrangements established in NHS Leicester and Adults and Housing for identifying carers and signposting or referring them for services. (This includes referrals to the voluntary sector.) This work will be developed to include the University Hospitals Trust and Leicestershire Partnership Trust. Our work will take account of the fact that currently we are only in touch with a minority of carers.

5.7. Specific actions will include the following.

- ⇒ We will introduce an induction standard across agencies that covers carer awareness and identification issues.



- ⇒ We will apply a common definition of carers across agencies, distinguishing definitions that refer to eligibility for assessment or particular services.
- ⇒ We will define the benefits of identification and communicate these to staff and carers.
- ⇒ We will clarify the existing level of carer identification in primary health care.
- ⇒ We will ensure that any performance measures that relate to carer identification are fully explained to staff and are linked to outcomes such as information provision.

### **Action theme 3 – effective assessment of carers’ needs**

5.8. The aim is to ensure that carers’ needs are assessed effectively, an issue that was raised in our local focus groups. The desired outcome is that carers will find that their needs are fully understood, giving a proper basis for deciding about the provision of person-centred services. We will take account of the carer’s individual needs, acknowledging that many carers have disabilities themselves. These actions relate to the “a system on your side” theme, to the maintenance of wellbeing and independence and to the development of person-centred services.

5.9. Specific actions will include the following.

- ⇒ We will review and confirm the points in the care pathway that are likely to be appropriate opportunities for offering and completing a carer assessment.
- ⇒ We will establish how risk factors might influence priorities for undertaking carers’ assessments.

- ⇒ We will clarify the position of carers who might be caring for a person who falls outside the eligibility criteria for local authority services.
- ⇒ We will incorporate lessons from best practice, e.g., national checklists, in developing local practice.
- ⇒ We will examine options for pre-assessment questionnaires and self-assessment formats.
- ⇒ We will investigate options for supporting a specialist carers role in learning disability services, taking account of comparable roles in other service areas and the related funding issues.
- ⇒ We will ensure that assessments address the requirement that there are emergency plans in place for carers, and cover carers' own priority outcomes, e.g., practical help in the home for older carers.
- ⇒ We will reinforce the message that information and advice, including giving details of voluntary sector or other external services, might be a valuable outcome from an assessment.
- ⇒ We will clarify the requirement to offer a carer assessment at the time of service user reviews.
- ⇒ We will provide a programme of training for staff and monitor the take-up of carers' assessments in line with the Local Area Agreement target.

## **Action theme 4 – respect carers as expert partners and value their contribution**

5.10. The Leicester Carers Strategy will support the Government's vision that carers will be respected as expert care partners. This means acknowledging the role and expertise that carers have in supporting the person they care for. It also means valuing and expanding the contribution that carers make to helping us plan our future commissioning and service provision. This action area relates to the policy objectives of treating people with dignity and respect and maintaining their health and wellbeing, as well as being a major part of the "a system on your side" theme.

5.11 Specific actions will include the following.

- ⇒ We will involve carers in training – as contributors to staff training and as participants in relevant courses offered by statutory agencies.
- ⇒ We will ensure that operational staff are aware of the training available to carers.
- ⇒ We will develop options for staff training that will help them work in better partnership with carers
- ⇒ We will ensure that carers are involved fully in service planning and development, in line with the new statutory Duty To Involve.

## **Action theme 5 – provide carers with flexibility, choice and control**

5.12. The strategy action plan will aim to complement the national move towards personalised services. We recognise that carers can benefit from the programme to transform services in line with Putting People First. They can benefit from more integrated and flexible services for the person they care for, and from similar services to meet their own needs. The outcome to be achieved is that carers will experience the change to personalised services as resulting in a full and flexible response to the needs of the caring role. This action area clearly links to the government objectives around choice and control; it also has a strong relationship to the concept of “a system on your side”.

5.13. Our principal action is to ensure that carers’ needs are fully represented in Putting People First developments, e.g., the design of assessment and resource allocation tools, support and brokerage arrangements. This will involve:

- ⇒ We will ensure that that carers’ representatives and carers’ issues are fully included within relevant workstreams for the adult social care transformation programme.
- ⇒ We will give particular attention to any groups of carers who appear less likely to be informed about or benefit from personalisation.

## **Action theme 6 – time off from caring**

5.14. This action theme is based on one of the main responses from our local survey and is also a major part of the national carers strategy – the “a life of your own” theme. The outcomes for carers should include greater opportunities for their life outside their caring role as well as improvements to their health and wellbeing (e.g. reduced stress). ‘Time off’ should be considered a preventative measure rather than being viewed only as a respite from a crisis.

5.15. A principal action is to expand planned breaks in line with funding announced in Carers at the Heart of 21<sup>st</sup> Century Families and Communities, alongside consolidating provision for emergency respite. This will be set out in a Joint Breaks Plan with NHS Leicester as the national strategy requires. There is significant investment in breaks services already, although only a minority of carers benefit. The challenge is to make this provision more flexible and person-centred and to include relevant options in work with all eligible carers, while still having regard to the fact that resources are limited.

5.16. Specific actions will include the following.

- ⇒ We will ensure that carers' assessments include identification of the need for time off and the outcomes to be achieved.
- ⇒ We will ensure that eligibility for breaks services is clear and is applied consistently.
- ⇒ We will offer carers the option of planning for emergencies and ensure that emergency plans are recorded adequately and updated.
- ⇒ We will continue to develop extra flexibility and choice via the Carers' Personal Budgets scheme and other parts of the personalisation agenda.
- ⇒ We will consider options for respite services that could be offered on a direct access basis.
- ⇒ We will analyse which specific groups of carers find it difficult to access appropriate breaks and consider improvements to information and access processes and changes in actual service provision.

## **Action theme 7 – ensuring an adequate range of support and advice services**

5.17. Our aim is to ensure that support is available to carers which extends across a range of needs. We need to commission support that extends across practical help, emotional support and financial advice as well as the principal support services such as respite, home care and day services. Statutory sector also need to make best use of the wide range of services available in the voluntary sector. This action area links to the development of preventative services, addressing health inequalities, and maintenance of health and wellbeing.

5.18. Specific actions will include the following.

- ⇒ We will engage in work between across Adults and Housing Department, other council departments, NHS Leicester, and independent and voluntary sector providers to enhance effective commissioning range of services based on need.
- ⇒ We will ensure that workers in each agency are clear about how they can help carers access mainstream services (see also action theme 10).
- ⇒ We will improve statutory staff awareness of services offered in the voluntary sector.
- ⇒ We will identify and address the needs of groups of carers who currently have less access to support and advice sources.
- ⇒ We will establish links between the carers strategy and the safeguarding adults agenda.

- ⇒ We will consider ways in which the expertise of voluntary sector partners can be used more fully in promoting partnerships and developing choice and control options.

### **Action theme 8 – supporting carers to stay healthy**

5.19. Our strategy will aim to respond to the government’s vision in Carers At The Heart of 21<sup>st</sup> Century Families and Communities that “carers should not have to ignore personal health concerns and needs because their caring role does not allow the time to address them. The services and support available to carers must be such that they are able to stay mentally and physically well throughout their caring role”. Actions under this theme relate closely to the policy objective of reducing health inequalities as well as to the health and wellbeing objectives and to the development of prevention.

5.20. Specific actions will include the following.

- ⇒ We will give particular consideration to the health and social care needs of older carers.
- ⇒ We will establish links across the health community by involvement of Leicestershire Partnership Trust and University Hospitals Leicester, including particular reference to hospital discharge issues.
- ⇒ We will ensure that carers are identified in primary health care and identify opportunities to develop best practice in health support for carers, drawing on the work of the demonstrator sites being established in 2009-2010.
- ⇒ We will increase ownership and awareness of the carers’ agenda within NHS Leicester by means of a ‘carer impact’ approach.

## **Action theme 9 – economic wellbeing**

5.21. We need to reduce financial disadvantage and exclusion that may result from taking on a caring role. This includes moving towards the position envisaged by the government whereby all carers who want to work will be able to do so. 60% of Leicester carers in our survey said that financial advice was very important to them, while many carers aged between 45 and retirement age were concerned with the issue of combining work and care.

5.22. We cannot solve the issue of carer poverty, but we can aim for the outcome that Leicester carers will be able to access relevant financial advice, and be offered advice and options relating to staying in or going back to employment. This action area relates to the “a life of your own” agenda, community contribution and participation, and to the themes of health and wellbeing and health inequalities.

5.23 Specific actions will include the following.

- ⇒ We will ensure that the core information products we develop will include information about sources of advice about employment and welfare rights.
- ⇒ Statutory sector employers will review their employment guidance and practices with a view to being examples of good practice in relation to flexible working for carers.

## **Action theme 10 – quality of life**

5.24. The outcome we are aiming for is that carers will have improved opportunities to take part in ordinary community activities. “Carers at the Heart of 21<sup>st</sup> Century Families and Communities” states “carers often find it difficult to access services in the community even when they have the time to do so, owing to those services’ lack of accessibility. This can contribute to their



inability to lead a life outside their caring role.” This area of work links to the “a life of your own” agenda, community contribution and participation, and to the development of preventative services. Participation in community activities also helps carers’ health and wellbeing.

5.25. Specific actions will include the following.

- ⇒ We will work with local carers groups, with other council departments and other providers of services like education and leisure to assist carers to access mainstream community services.
  
- ⇒ We will examine ways in which existing concessionary schemes focussed on people with a disability or other need for support can be made useful to carers in their own right.

## **APPENDIX 1 – CARERS REFERENCE GROUP**

### List of contributors to the Carers Reference Group

Alex Young-Allan, Leicester City Carers Forum  
Ramesh Kanani, Leicester City Carers Forum, Carers Forum and In Touch Group  
Sonia Bray, CLASP – The Carers Centre  
Shelagh Wilson, Asperger’s Syndrome Support Group  
Deborah Swann, Alzheimer’s Society  
Helen Rayman, Rethink  
Sandra Gaskin, West Indian Senior Citizen’s Project  
Suverni Modi, PALS, NHS Leicester  
Maria Russo, Social Worker, (Older People), Adults and Housing  
Bernie Martin, Genesis/LAMP  
Nita Devabhai, Afiya Trust  
Julia Stickland-Boyce, Age Concern  
Jackie Johnson, Age Concern  
John Boyce, Age Concern  
Jo Muldowney, Team Manager (Older People), Adults and Housing Department  
Ranjit Khatkar, GTB Carers Link Project  
Rehana Sidat, Ansaar  
Pamela Campbell, Akwaaba Ayeh  
Paul Mansfield, Adults and Housing Department

## **APPENDIX 2 - RESOURCES AND LINKS**

The principal documents and initiatives referred to in the strategy are as follows.

**Carers at the Heart of 21<sup>st</sup> Century Families and Communities: a caring system on your side, a life of your own – the new national carers strategy, June 2008.**

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_085345](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_085345)

**Putting People First – A Shared Vision and Commitment to the Transformation of Adult Social Care.**

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_081118](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_081118)

**The Darzi Review (Our NHS, Our Future).**

<http://www.ournhs.nhs.uk/>

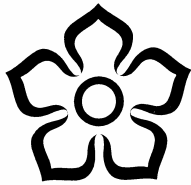
**One Leicester – Shaping Britain’s Sustainable City.**

<http://www.leicester.gov.uk/your-council--services/council-and-democracy/oneleicestervision>

**The Local Area Agreement (LAA).**

<http://www.leicesterpartnership.org.uk/welcome/leicesters-local-area-agreement>

The Adults and Housing Department has information leaflets available on request, such as “Do you need help to cope with caring for someone?” (our main booklet about where to go for help, your rights and what carers’ assessments are all about), and “Trying to juggle caring with a paid job? Or thinking of returning to work?” (short leaflet introducing ‘working and caring’ issues). Please ring 252 6928 to request copies. See also our website <http://www.leicester.gov.uk/your-council--services/social-care-health/carers>



Leicester  
City Council

**WARDS AFFECTED**  
All Wards

**FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:**

**Cabinet  
Council**

**20 April 2009  
15 May 2009**

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**Adoption of Byelaws for Acupuncture, Tattooing,  
Semi-permanent Skin-colouring, Cosmetic Piercing and Electrolysis**

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**Report of the Service Director (Environmental Services)**

**1. PURPOSE OF REPORT**

- 1.1** This report proposes that Council adopt the Department of Health (DoH) model byelaws for acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis in order to introduce a uniform set of public health safeguards across the City.

**2. SUMMARY**

- 2.1** At the present time Leicester City Council has byelaw powers to regulate ear piercing, tattooing, electrolysis and acupuncture. These activities carry a potential risk of blood borne virus transmission (including HIV/AIDS, Hepatitis B and C) if infection control procedures are not observed (eg the use of sterile equipment for each client). Individuals undertaking these activities are required to register themselves and their premises with the City Council and officers are able to inspect for compliance with standards.
- 2.2** However, the activities of cosmetic piercing and skin colouring (e.g. micropigmentation, semi-permanent make-up and temporary tattooing) fall outside the scope of the current LCC byelaws and adoption of the model byelaws would bring these activities within the remit of Leicester City Council's regulatory services and introduce a uniform set of public health safeguards across the City.

**3. RECOMMENDATIONS**

- 3.1** The Cabinet is asked to recommend to Council:-
- 3.1.1** The adoption of model byelaws for Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis as set out in Annex 1 and that they come into force on 1 July 2009.

3.1.2 The revocation of existing byelaws regulating acupuncture, tattooing, ear piercing and electrolysis with effect from 1 July 2009.

3.2 The Cabinet is recommended to:-

3.2.1 Request that the Service Director (Environmental Services) makes the necessary arrangements for the implementation and subsequent enforcement of the new byelaws, including the authorization of relevant council officers.

3.2.2 Agree to the registration fee structure as set out in para 4.2.4.

3.2.3 Request the Service Director (Environmental Services) regularly review the fees and charges in line with the Finance Procedure Rules.

#### 4. **REPORT**

##### 4.1 **Public Health Considerations**

###### 4.1.1 Simple Glossary

*Acupuncture* means the practice of inserting needles into the body to reduce pain or induce anesthesia.

*Electrolysis* means the destruction of living tissue, such as hair roots, by an electric current.

*Tattooing* means any method of placing ink or other pigment into or under the skin or mucosa by the aid of needles or any other instrument used to puncture the skin, resulting in permanent coloration of the skin or mucosa.

*Cosmetic Piercing* means puncturing or penetrating the skin of a client with presterilized single-use needles and the insertion of presterilized jewelry or other adornment into the opening.

*Micropigmentation* means the insertion of pigment into the dermal layer of the skin (this includes semi-permanent / permanent make-up, such as lip and eye liner, body art and tattoos);

*Treatment* means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;

4.1.2 At the present time LCC has the authority to regulate ear piercing, tattooing, electrolysis and acupuncture under byelaws approved by council on 24 November 1983 (and subsequently confirmed by the Secretary of State on 9 May 1984 and made operational on 20 June 1984). Individuals undertaking these activities are required to register themselves and their premises with the City Council and officers are able to inspect for compliance with conditions in the byelaws relating to cleanliness and hygiene.

4.1.3 Cosmetic piercing and skin colouring carry a potential risk of blood borne virus transmission if infection control procedures are not observed (eg the use of sterile equipment for each client). These include HIV/AIDS, Hepatitis. However, the activities of cosmetic piercing (except ear piercing) and skin colouring (e.g. micropigmentation, semi-permanent make-up and temporary tattooing) fall outside the scope of the current LCC byelaws.

4.1.4 The proposal to bring cosmetic piercing and skin colouring activities within the regulatory scope of LCC is being made:

- To provide a uniform set of public health safeguards across closely related high risk activities in the City
- To follow Government public health policies.
- To keep LCC at the forefront of protecting public health (Leicester City Council would add itself to a very small list of authorities in the County and the East Midlands region to being proactive in adopting the byelaws and in turn safeguarding public health)

4.1.5 Thus far LCC has not encountered any problems in maintaining public health standards due to limitations in the scope of its powers. However, with the growth in the popularity of cosmetic piercing and skin colouring and the diversification of the population of Leicester, the possibility of LCC being in a position where it cannot respond effectively to a public health incident is increasing.

## **4.2 Requirements on business**

4.2.1 The byelaws will apply to any premises and business proprietor involved in the practice of acupuncture, the business of tattooing, semi-permanent skin-colouring, cosmetic body piercing or electrolysis unless the activity is being undertaken by or under the supervision of a person who is registered as a medical practitioner.

4.2.2 The envisaged byelaws will:

- Require owners of businesses undertaking these activities to register themselves and their premises with the City Council
- Enable officers to inspect for compliance
- Enable the City Council to take enforcement action where there is an unacceptable public health risk

4.2.3 The byelaws provide for offences and non-custodial penalties for trading without local authority registration or breaching the requirements in the local authority byelaws. The Court upon conviction has the power to cancel any registration under Part VIII of the Local Government (Miscellaneous Provisions) Act 1982, effectively causing any person convicted to cease to lawfully practice in these disciplines, and incurring a further offence should they practice unregistered. There is also an offence of not displaying a certificate of registration or byelaws (for which a person is liable on summary conviction to a fine).

4.2.4 It is proposed that for any business carrying out acupuncture, tattooing, semi-permanent skin-colouring, cosmetic body piercing or electrolysis the fees for registration with Leicester City Council from 1 July 2009 will be as follows:

Premises Registration: £89  
Proprietor Registration: £63 for each treatment carried out on the premises

For example, where a business is carrying out electrolysis and cosmetic body piercing (e.g. ear piercing) at the same premises, the cost to register will be:

Premises Registration	£89
(2 treatments @ £63)	<u>£126</u>
Total	= <b>£215</b>

Registration is a 'one-off' event and the fees will not be required annually.

4.2.5 Currently, there are 275 persons in 161 premises registered with the Authority as carrying out the narrower range of activities set out in the existing byelaws. Of these there are 50 businesses registered as carrying out ear piercing. New registrations are being received at around 30 businesses annually. It is unlikely that there will be a significant overall change in the numbers of businesses carrying out these activities in Leicester.

### **4.3 Inspection for public safety purposes**

4.3.1 Upon receipt of the registration form and fee an officer will contact the business to arrange to carry out an inspection of the premises. If, on inspection, the required standards are met then Leicester City Council will issue two certificates to the business owner to confirm that both the business owner and the premises are registered. These are to be displayed in the premises to make customers aware that the business complies with health and safety legislation and relevant byelaws.

4.3.2 Leicester City Council is the health and safety enforcing authority for businesses in Leicester that provide services including acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis activities. The requirements set out in the byelaws will be included in general Health & Safety inspections undertaken by Council officers. Where a treatment is undertaken in domestic premises then the premises will have to be registered with the City Council and the City Council and Health & Safety Executive (HSE) share enforcement responsibilities. Discussions are underway with the HSE to ensure effective warranting of inspectors.

4.3.3 The inspection frequency set for a business is based on a risk assessment which includes consideration of its specific activities, its compliance history including complaints record. Businesses with a higher risk rating will be inspected more frequently than those which are lower risk. It is expected that a well run businesses covered by the new byelaws would be inspected every 2 to 3 years.

#### **4.4 Legislative Background**

- 4.4.1. Part VIII of the Local Government (Miscellaneous Provisions) Act 1982 originally provided for the regulation of only tattooing, acupuncture and ear piercing and electrolysis. It was subsequently amended by the Local Government Act 2003 to substitute the more comprehensive term 'cosmetic body piercing' for 'ear piercing' to accommodate the growing practice of piercing other parts of the human body, and also to regulate the relatively new practice of 'semi-permanent skin colouring' which was growing in popularity.
- 4.4.2 However, until relatively recently each of the treatments regulated by the 1982 Act required the enactment of its own set of byelaws and required local authorities to undertake five sets of procedures. This, and the fact that the Department of Health had only issued model byelaws for three of the five treatments, considerably slowed down the adoption of the updated byelaws by local authorities.
- 4.4.3 On the 7 September 2006, the Department of Health issued a revised model byelaw for the 1982 Act which consolidated all five areas of regulation into a single byelaw, considerably simplifying the adoption process. This is the model byelaw proposed for adoption and set out in Annex 1.

#### **4.5 Stakeholder Consultation**

- 4.5.1 Stakeholders were consulted during January 2009, in order to gauge their opinions about updating the byelaws. This consultation was widely circulated and included local businesses (owners and employees), members of the public (customers), Leicester College, Leicester City PCT Trust, and Leicestershire AIDS Support Services. The consultation papers can be seen in ANNEX 2.
- 4.5.2 The consultation ended on 30<sup>th</sup> January 2009 and there was overwhelming support for the proposal:
- 94% of respondents thought that the byelaws needed changing,
  - 97% of respondents felt the new byelaws would improve hygiene practices in businesses; and
  - 61% of respondents did not want to see changes made to the model byelaws.

A summary of results to the consultation can be seen in ANNEX 3. ANNEX 4 shows a summary of comments and relevant feedback/advice.

#### **4.6 Adoption Procedure**

- 4.6.1 The Procedure for adopting these byelaws would be that set out in section 236 of the Local Government Act 1972. It is for the City Council to formally resolve to adopt the byelaws set out in ANNEX 1.
- 4.6.2 The adopted byelaws would then be made under the common seal of the City Council, following which a notice of the City Council's intentions to apply for their confirmation by the Secretary of State for Health must be given in one or more newspapers circulating in the area to which the byelaws are to apply.



- 4.6.3 For at least one month after the date of the publication of the newspapers, a copy of the byelaws must be held on deposit at the offices of the City Council for inspection by the public at all reasonable hours, and the City Council must provide any person who applies with a copy of any part of the byelaws. A fee of not more than 10 pence per 100 words contained in the byelaw may be charged in relation to any copy supplied
- 4.6.4 After the month for deposit has expired the application to the Secretary of State for Health would be undertaken by sending two sealed copies of the byelaws, together with copies of the newspapers advertising the byelaw.
- 4.6.5 On receipt of the sealed byelaws, provided that no objections have been received, they will normally be stamped as confirmed by the Secretary of State and returned to the City Council as soon as possible. Where an objection has been received following the advertisement of the byelaws, the City Council will be provided with copies of the objections for its officers to comment upon, which in turn will be considered by the Secretary of State. Should the Secretary of State still be unclear as to the proper resolution of these objections then a Public Inquiry may be ordered to be held into the objections to the adoption of the byelaws, and confirmation or refusal of confirmation dependent upon the Chair of the Inquiries decision.

## **5. FINANCIAL, LEGAL AND OTHER IMPLICATIONS**

### **5.1. Financial Implications**

**5.1.1** Adoption of these byelaws will not require a major additional commitment of resources due to the following reasons:

- LCC will charge reasonable registration fees – this fee is designed to cover the cost of the implementation of the registration and inspection of these premises.
- LCC already inspects many of these businesses, as the premises may be already registered for ear piercing, tattooing, acupuncture or electrolysis.
- LCC already inspects the majority of these businesses under health & safety at work legislation.

The extension of duties can be met from within existing staffing resources.

*Martin Judson, extension 7390*

### **5.2 Legal Implications**

The legal implications have been addressed in the main body of the report. The relevant legal issues here are enforcement, highlighted at 4.2.3 in the report, and the importance of following the adoption process stringently as documented at 4.5. The only adverse legal implications would be the consequences of not adopting the byelaws, but this point is addressed at 4.1.5.

*Satvinder Bal, Legal Services, Tel. (0116) 252 6346*

**6. OTHER IMPLICATIONS**

OTHER IMPLICATIONS	YES/NO	Paragraph Within the Report	References
Equal Opportunities	no		
Policy	no		
Sustainable and Environmental	no		
Crime and Disorder	no		
Human Rights Act	no		
Elderly/People on Low Income	no		

**7. BACKGROUND PAPERS:**

None.

**8. ANNEXES**

**ANNEX 1** – MODEL BYELAWS

**ANNEX 2** – CONSULTATION PAPERS

**ANNEX 3** - A SUMMARY OF RESULTS TO THE CONSULTATION

**ANNEX 4** – A SUMMARY OF COMMENTS AND RELEVANT FEEDBACK/ADVICE

**9. REPORT AUTHOR**

Roman Leszczyszyn

Head of Business Regulation

Ext: 296590

<b>Key Decision</b>	No
<b>Reason</b>	N/A
<b>Appeared in Forward Plan</b>	N/A
<b>Executive or Council Decision</b>	Executive (Cabinet)

## MODEL BYELAWS

### Acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis

Byelaws for the purposes of securing the cleanliness of premises registered under sections 14(2) or 15(2) or both of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and of persons registered under sections 14(1) or 15(1) or both of the Act and persons assisting them and of securing the cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the practice of acupuncture or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis, or any two or more of such practice and businesses made by ..... in pursuance of sections 14(7) or 15(7) or both of the Act.

#### Interpretation

- 1.—(1) In these byelaws, unless the context otherwise requires—
- “The Act” means the Local Government (Miscellaneous Provisions) Act 1982;
  - “client” means any person undergoing treatment;
  - “hygienic piercing instrument” means an instrument such that any part of the instrument that touches a client is made for use in respect of a single client, is sterile, disposable and is fitted with piercing jewellery supplied in packaging that indicates the part of the body for which it is intended, and that is designed to pierce either—
    - (a) the lobe or upper flat cartilage of the ear, or
    - (b) either side of the nose in the mid-crease area above the nostril;
  - “operator” means any person giving treatment, including a proprietor;
  - “premises” means any premises registered under sections 14(2) or 15(2) of the Act;
  - “proprietor” means any person registered under sections 14(1) or 15(1) of the Act;
  - “treatment” means any operation in effecting acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis;
  - “the treatment area” means any part of premises where treatment is given to clients.
  - (c) The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.
- 2.—(1) For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that
- (a) any internal wall, door, window, partition, floor, floor covering or ceiling is kept clean and in such good repair as to enable it to be cleaned effectively;
  - (b) any waste material, or other litter arising from treatment is handled and disposed of in accordance with relevant legislation and guidance as advised by the local authority;
  - (c) any needle used in treatment is single-use and disposable, as far as is practicable, or otherwise is sterilized for each treatment, is suitably stored after treatment and is disposed of in accordance with relevant legislation and guidance as advised by the local authority;
  - (d) any furniture or fitting in premises is kept clean and in such good repair as to enable it to be cleaned effectively;
  - (e) any table, couch or seat used by a client in the treatment area which may become contaminated with blood or other body fluids, and any surface on which a needle,

instrument or equipment is placed immediately prior to treatment has a smooth impervious surface which is disinfected—

- (i) immediately after use; and
  - (ii) at the end of each working day.
- (f) any table, couch, or other item of furniture used in treatment is covered by a disposable paper sheet which is changed for each client;
- (g) no eating, drinking, or smoking is permitted in the treatment area and a notice or notices reading “No Smoking”, and “No Eating or Drinking” is prominently displayed there.
- (2) (a) Subject to sub-paragraph (b), where premises are registered under section 14(2) (acupuncture) or 15(2) (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the 1982 Act, a proprietor shall ensure that treatment is given in a treatment area used solely for giving treatment;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.
- (3) (a) Subject to sub-paragraph (b), where premises are registered under section 15(2) (tattooing, semi-permanent skin-colouring and cosmetic piercing) of the 1982 Act, a proprietor shall ensure that the floor of the treatment area is provided with a smooth impervious surface;
- (b) Sub-paragraph (a) shall not apply if the only treatment to be given in such premises is ear-piercing or nose-piercing using a hygienic piercing instrument.

**3.—(1)** For the purpose of securing the cleansing and so far as is appropriate, the sterilization of needles, instruments, jewellery, materials and equipment used in connection with treatment—

- (a) an operator shall ensure that—
- (i) any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in treatment—
    - (aa) is clean and in good repair and, so far as is appropriate, is sterile;
    - (bb) has not previously been used in connection with another client unless it consists of a material which can be and has been adequately cleansed and, so far as is appropriate, sterilized.
  - (ii) any needle, metal instrument, or other instrument or equipment used in treatment or for handling such needle, instrument or equipment and any part of a hygienic piercing instrument that touches a client is sterile;
  - (iii) any jewellery used for cosmetic piercing by means of a hygienic piercing instrument is sterile;
  - (iv) any dye used for tattooing or semi-permanent skin-colouring is sterile and inert;
  - (v) any container used to hold dye for tattooing or semi-permanent skin-colouring is either disposed of at the end of each treatment or is cleaned and sterilized before re-use.
- (b) a proprietor shall provide—
- (i) adequate facilities and equipment for—
    - (aa) cleansing; and
    - (bb) sterilization, unless only pre-sterilized items are used.
  - (ii) sufficient and safe gas points and electrical socket outlets;
  - (iii) an adequate and constant supply of clean hot and cold water on the premises;

- (iv) clean and suitable storage which enables contamination of the articles, needles, instruments and equipment mentioned in paragraphs 3(1)(a)(i), (ii), (iii), (iv) and (v) to be avoided as far as possible.

4.—(1) For the purpose of securing the cleanliness of operators, a proprietor—

(a) shall ensure that an operator—

- (i) keeps his hands and nails clean and his nails short;
- (ii) keeps any open lesion on an exposed part of the body effectively covered by an impermeable dressing;
- (iii) wears disposable examination gloves that have not previously been used with another client, unless giving acupuncture otherwise than in the circumstances described in paragraph 4(3);
- (iv) wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with another client;
- (v) does not smoke or consume food or drink in the treatment area; and

(b) shall provide—

- (i) suitable and sufficient washing facilities appropriately located for the sole use of operators, including an adequate and constant supply of clean hot and cold water, soap or detergent; and
- (ii) suitable and sufficient sanitary accommodation for operators.

(2) Where an operator carries out treatment using only a hygienic piercing instrument and a proprietor provides either a hand hygienic gel or liquid cleaner, the washing facilities that the proprietor provides need not be for the sole use of the operator.

(3) Where an operator gives acupuncture a proprietor shall ensure that the operator wears disposable examination gloves that have not previously been used with another client if—

- (a) the client is bleeding or has an open lesion on an exposed part of his body; or
- (b) the client is known to be infected with a blood-borne virus; or
- (c) the operator has an open lesion on his hand; or
- (d) the operator is handling items that may be contaminated with blood or other body fluids.

5. A person registered in accordance with sections 14 (acupuncture) or 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Act who visits people at their request to give them treatment should observe the requirements relating to an operator in paragraphs 3(1)(a) and 4(1)(a).

6. The byelaws relating to *state subject matter* that were made by *insert name* on the *insert date* and were confirmed by *insert name of confirmation authority* on *insert date* are revoked.

COUNCIL'S SIGNATURE

COUNCIL'S SEAL

The foregoing byelaws are hereby confirmed by the Secretary of State for Health on and shall come into operation on

Member of the Senior Civil Service

Department of Health

## **NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS**

Proprietors shall take all reasonable steps to ensure compliance with these byelaws by persons working on premises. Section 16(9) of the Local Government (Miscellaneous Provisions) Act 1982 provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. A person who contravenes section 16(9) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale (see section 16(10)).

Section 16 of the Local Government (Miscellaneous Provisions) Act 1982 also provides that any person who contravenes these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may, instead of or in addition to imposing a fine, order the suspension or cancellation of the person's registration. A court which orders the suspension of or cancellation of a person's registration may also order the suspension or cancellation of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charged under the relevant sub-sections of section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Nothing in these byelaws extends to the practice of acupuncture, or the business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis by or under the supervision of a person who is registered as a medical practitioner, or to premises in which the practice of acupuncture, or business of tattooing, semi-permanent skin-colouring, cosmetic piercing or electrolysis is carried out by or under the supervision of such a person.

Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a dentist, or to premises in which the practice of acupuncture is carried out by or under the supervision of such a person.

The legislative provisions relevant to acupuncture are those in section 14. The provisions relevant to treatment other than acupuncture are in section 15.

The key differences in the application of requirements in respect of the various treatments are as follows:

*The references in the introductory text to provisions of section 14 (acupuncture) of the Local Government (Miscellaneous Provisions) Act 1982 **only apply to acupuncture.***

*The references in the introductory text to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) of the Local Government (Miscellaneous Provisions) Act 1982 **do not apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 14 (acupuncture) **only apply to acupuncture.***

*The references in paragraph 1(1) in the definition of "premises" to provisions of section 15 (tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis) **do not apply to acupuncture.***

*The requirement in paragraph 2(2) that treatment is given in a treatment area used solely for giving treatment applies to acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis but not to ear-piercing or nose-piercing using a hygienic piercing instrument.*

*The requirement in paragraph 2(3) that the floor of the treatment area be provided with a smooth impervious surface applies to tattooing, semi-permanent skin-colouring and cosmetic piercing but not to acupuncture or electrolysis or ear-piercing or nose-piercing using a hygienic piercing instrument.*

*The requirements relating to dye or a container used to hold dye used for treatment in paragraphs 3(1) (a) (iv) and (v) apply to tattooing and semi-permanent skin-colouring.*

*The requirement in paragraph 4(1)(a)(iii) that an operator wears disposable examination gloves that have not previously been used with another client does not apply to acupuncture otherwise than in the circumstances described in paragraph 4(3).*

*The provisions of paragraph 4(2) in relation to washing facilities apply to cosmetic piercing using only a hygienic piercing instrument.*

*The exception whereby the byelaws do not apply to treatment carried out by or under the supervision of a dentist applies only to acupuncture (see section 14(8) of the Act).*

## ANNEX 2



# Consultation on Updating Leicester City Council's Byelaws on Ear Piercing, Tattooing, & Electrolysis

**Why do we need new byelaws?** Leicester City Council's existing byelaws date back to the 1980's. These were adopted to adequately control cleanliness in businesses carrying out ear piercing, tattooing, electrolysis & other similar treatments. The byelaws are now over 20 years old and need to be updated to take into account new treatments that have become available. The Local Government 2003 Act gives local authorities powers to introduce such changes by adopting new model byelaws.

### **Why is this consultation taking place?**

Rather than just adopting these model byelaws, the City Council wants to hear from all stakeholders who may be affected. Therefore, your views are important and they will be taken into account by us as part of this consultation process.

**What are the main changes?** The 2003 Act amends the original but now outdated 1982 Act, to include cosmetic piercing and semi-permanent skin colouring, in addition to ear piercing, tattooing and electrolysis. Ear piercing and cosmetic body piercing are now encompassed in one single term "cosmetic piercing". Similarly, "semi-permanent skin-colouring" encompasses micropigmentation, semi-permanent make-up and temporary tattooing. Semi-permanent skin colouring is defined as "the insertion of semi-permanent colouring into a person's skin". This approach allows for new or other similar activities to be covered without the need for new byelaws in the future.

### **Where can I get more information about this?**

The Health and Safety Team can provide more information upon request or on their website:  
Website: [www.leicester.gov.uk/healthandsafetyteam](http://www.leicester.gov.uk/healthandsafetyteam) Telephone: (0116) 252 6479

### **How will these byelaws affect me?**

If you are a business, then you will be given details on how to comply with the new byelaws including the improved hygiene standards. If you are an employee then your employer will provide you with details of the requirements of the new byelaws. If you are a member of the public you will not see any immediate change but in the long term you will notice an improvement in general hygiene standards.

### **Will these byelaws make any difference?**

Yes. The adoption of new model byelaws will help to improve health and hygiene standards in these businesses. The byelaws will also apply to new cosmetic treatments not previously covered by our existing byelaws. In essence, public safety will be better served by adopting these new byelaws.

### **Can I be kept updated on these changes?**

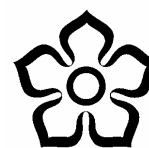
Yes. Please complete the reply slip overleaf and return it to the address given.

### **Can I complete this survey online?**

Yes. Go to: [www.leicester.gov.uk/byelawsconsultation](http://www.leicester.gov.uk/byelawsconsultation)







Leicester City Council

# Comments on the City Council's consultation to update Byelaws on Ear Piercing, Tattooing, & Electrolysis

## The Business (Please circle)

Which business do you: Use/Visit Own Manage Are Employed by

Business Name: .....

Business Address: .....

Is the business a: Hairdresser Tattooist Body Piercer Electrolysis Other

## About the Consultation (Please circle)

Do you think the byelaws need changing? YES NO

If NO why not:

.....

Do you think the new byelaws will improve hygiene practices in businesses: YES NO

If NO why not:

.....

Would you like to see other changes that are not included in the byelaws: YES NO  
If YES, What are these changes:

.....

.....

Do you have any other comments to make about the adoption of new model byelaws:

.....

## About You: (Please circle)

Are you: Male Female

Your Age: Under 18 18 to 25 25 to 45 45 to 64 65 and over

Disability: I am disabled I am not disabled

Ethnic Origin (Please circle)

I am White: of Irish origin of English origin of Other origin .....

I am Black: of Caribbean origin of African origin of Other origin .....

I am Asian: of Indian origin of Pakistani origin of Bangladeshi origin

of Chinese origin of Other origin .....

## Need to be kept informed of the changes?

If you would like to be kept informed about these changes please provide a contact name/address:

Your Name:

.....

By email? State your email address: .....

OR

By letter? State your contact address:

.....

.....

## Data Protection Act 1998

The information provided by you on this form is required for the purpose of this consultation only. The information supplied by you will NOT be disclosed to anyone without your permission.



### ANNEX 3:

## Summary of responses to the City Council's consultation to update Byelaws on Ear Piercing, Tattooing, & Electrolysis

1-2-1 VISTS: 90

TOTAL RESPONDENTS: 34 (NB – not all respondents answered all the questions put to them)

### THE BUSINESS

Which business do you:

Use/Visit: 8 (25%)  
Own: 22 (69%)  
Manage: 1 (3%)  
Employed by: 1 (3%)

Is the business a:

Hairdresser: 12  
Tattooist: 9  
Body Piercer: 11  
Electrolysis: 9  
Other: 7

(NB Some responders ticked more than 1 option as they offer/take up a range of services/treatments)

	<i>Hairdresser</i>	<i>Tattooist</i>	<i>Body Piercer</i>	<i>Electrolysis</i>	<i>Other i.e. Acupuncture</i>
Owner/Employee/Manager	9	6	7	8	3
Customer	3	3	4	2	3

### ABOUT THE CONSULTATION

Do you think the byelaws need changing:

**Yes: 31 (94%)**  
No: 2 (6%)

Do you think the new byelaws will improve hygiene practices in businesses:

**Yes: 32 (97%)**  
No: 1 (3%)

Would you like to see other changes that are not included in the byelaws:

**Yes: 11(39%)**  
No: 17(61%)

### **ANNEX 3: Issues raised during consultation**

**Issue 1:** ***There are too many regulations and this discourages people from starting up businesses and forces others to close.***

Legislation is required to ensure public health is protected as well as the health and safety for those at work. The current regime is out of date and requires updating so to allow for new or other similar activities to be covered without the need for yet more legislation in the future.

**Issue 2:** ***There are other agencies that come to check hygiene standards in our premises.***

Local Authorities are generally responsible for checking hygiene standards in beauty premises, however some activities do have other agencies with responsibilities for example, (see issue 6).

**Issue 3:** ***The prices are too high and will put people off from registering with the City Council***

Section 15(6) of the 1982 Act enables Local Authorities to charge reasonable registration fees for registration of persons carrying on businesses of cosmetic piercing or semi-permanent skin colouring. The fee will cover initial inspection(s) associated with registration, advising the business about registration & associated administration. In addition Local Authorities already inspect these businesses under health & safety at work legislation.

The new byelaws are unlikely to have a significant monetary impact on businesses – other than those requiring improvements in the methods used for securing the cleanliness and hygiene of premises, practitioners and equipment. Businesses already registered for ‘ear piercing’ will not need to re-register if they undertake or subsequently undertake other types of body piercing.

**Issue 4:** ***The same byelaws will apply to different treatments. Don't these need their own specific regulations with tattooing having stricter requirements than semi-permanent make-up.***

Section 15(7) of the 1982 Act provides for local authorities to make byelaws for cosmetic piercing & semi-permanent skin-colouring for the purpose of securing (a). the cleanliness of premises & fittings, (b). the cleanliness of the operators & (c). the cleansing &, if appropriate, sterilization of instruments, material & equipment. This reflects the main aim of the 2003 Act which is intending to increase health protection & reduce risk of transmission of bloodborne virus infections (and so control the risks associated with cosmetic piercing & semi-permanent skin-colouring if infection control procedures are not followed)

**Issue 5: *Can other treatments be included?***

No, the 1982 Act allows for local authorities to regulate ear piercing, tattooing, acupuncture & electrolysis by requiring registration & observance of byelaws. The 2003 Act has amended the 1982 Act to include cosmetic piercing & semi-permanent skin colouring (both are defined under section 120). If the Local Authority comes across treatments other than tattooing, acupuncture, electrolysis, cosmetic piercing & semi permanent skin colouring then it cannot require registration.

**Issue 6: *What about registering laser treatments?***

Such treatment is subject to regulation by the Commission for Healthcare Audit & Inspection & may be carried out in premises required to be registered under the 1982 Act – as such the Local Authority will consult with CHAI to discuss cooperative arrangements to avoid unnecessary duplication of work.

**Issue 7: *What about branding & implants?***

Branding is a form of scarification, usually achieved by burning the skin with heated metal to form a simple but permanent design.

Implant is defined by the Oxford English Dictionary as 'anything implanted in the body'. The CIEH does not provide a definition for implants. However 'beading', a similar activity, is recognized by the guidance and defined as 'the insertion of small beads under the incised skin of the phallus, possibly to make a small one bigger (or rather thicker) or to provide additional sensory stimulation to one's partner'.

These two treatments do not come under the current or amended byelaws and so the Local Authority cannot require registration and observance of the byelaws. However the requirements of HASWA'74 and associated regulations would still apply.

Best practice guidance can be found within The Chartered Institute of Environmental Health's Health's *'Body art, cosmetic therapies & other special treatments'*.

**Issue 8: *Does semi permanent include henna body painting?***

Yes. Henna has been widely used as a temporary skin pigment for thousands of years, and is still popular amongst those wanting a painless and temporary tattoo. Henna acts as a dye because it contains hydroxy-naphthoquinone, also known as lawsone, which stains the skin. Traditionally applied henna tattoos last only 2-3 weeks due to their topical application on to the outer epidermal layer of the skin, usually as a paste.

**Issue 9: *There should be more checks on home tattooing & piercing***

Leicester City Council is the health and safety enforcing authority for businesses in Leicester that provide services including acupuncture, tattooing, semi-permanent skin-colouring, cosmetic piercing and electrolysis activities. The requirements set out in the byelaws will be included in general Health & Safety inspections undertaken by Council officers. Where a treatment is undertaken in domestic premises then the premises will have to be registered with the City Council and the City Council and Health & Safety Executive (HSE) share enforcement responsibilities. Discussions are underway with the HSE to ensure effective warranting of inspectors.

**Issue 10: *What will you be doing to make sure cowboys are registered?***

We rely on members of the public to come to us and report businesses that are not registered. We will also be looking at local media adverts and the internet for anybody who may be offering these treatments in Leicester.

Businesses will be inspected on registration under the byelaws and/or as part of the risk based H&S inspection program of local businesses.

People undertaking tattooing and piercing in their homes or the homes of their clients will need to register with the City Council and appropriate checks will be undertaken.

The City Council recognises that “cowboys” have an unfair advantage against registered businesses as not only do they avoid the financial burden of registering but also the cost of ensuring good standards of cleanliness & hygiene of premises, practitioners and equipment. They are a public safety danger and we will work hard to ensure that all relevant businesses are registered, inspected and working to appropriate standards.

We strongly recommend that members of the public do not visit/have treatments at establishments that are not registered so to protect their own health and safety.

**Issue 11: *Can the City Council make ensure that companies have treatment cover?***

No.

Employers are responsible for the health and safety of their employees whilst they are at work. Employees may be injured at work or they, or former employees, may become ill as a result of their work while in employment. They might try to claim compensation from an employer if they believe the employer is/was responsible. The Employers’ Liability (Compulsory Insurance) Act 1969

ensures that an employer have at least a minimum level of insurance cover against any such claims.

Public liability insurance (treatment cover) is different. It covers an employer for claims made against them by members of the public or other businesses, but not for claims by employees. While public liability insurance is generally voluntary, employers' liability insurance is compulsory. An employer can be fined if they do not hold a current employers' liability insurance policy which complies with the law.

The Health & Safety Executive enforce these requirements.

**Issue 12: *Can the City Council require stricter standards on the level of training?***

The issue of training is not specifically addressed by the byelaws. The provision of training can be found within the Health and Safety at Work etc Act 1974 & Management of Health and Safety at Work Regulations 1999 – which require employers to provide whatever information, instruction, training & supervision that is necessary to ensure *so far as is reasonable practicable*, the health & safety of their employees. An employer is therefore required to provide adequate employee training to ensure that they can carry out their work safely. However, there is no recommended period of study for cosmetic piercing training, and officers will have to rely on discussion with newly trained people to establish competence. Also there is no nationally approved courses available for UK body piercers – commercially run courses are available – recommended that basic first aid & infection control guidance be provided as part of any cosmetic piercing course. [www.habia.org](http://www.habia.org).

**Issue 13: *The City Council should recommend disposable equipment for tattooing.***

The Local Authority generally recommends the use of disposable equipment where possible. When this is not possible officers amongst many other things ensure the effectiveness of infection control procedures including safe working practices, cleaning, disinfection and sterilization. The aim is to reduce the risk of causing infection (as far as is reasonably practicable) among customers and those employed to provide treatment.

**Issue 14: *Plastic piercing guns scar customers if they are not used appropriately. They should be banned from use in registered premises.***

Staff using such equipment should be adequately trained to prevent inappropriate use. Please see Issue 13.

**Issue 15:** *Registered premises should require parental consent before they undertake cosmetic body piercing.*

There is no statutory age of consent for cosmetic piercing (cosmetic body piercing and ear piercing). Cosmetic piercing of a minor is lawful provided a valid consent is given. Furthermore, the Courts have held that a parent's right to decide on behalf of his or her child yields to the child's competence to make a decision (ie if he or she is capable of understanding the nature of the act to be done). Body piercing for sexual gratification is unlawful. Children under the age of 16 are not able to consent lawfully to a piercing that would be regarded as indecent assault. Genital or nipple piercing performed on someone under the age of 16 might be regarded as indecent assault under sexual offences legislation, depending on the facts of the case. A statutory minimum age of consent for tattooing (18 years of age) is specified in the Tattooing of Minors Act 1969.

**Issue 16:** *There should be a prohibition against racist/sexist tattoos*

This is outside the scope of the Byelaws.

**Issue 17:** *Hairdressers should have a choice whereby the cut hair can go to an organisation to be re-used e.g. for graphing, wigs etc.*

This is outside the scope of the Byelaws.

**Issue 18:** *What is the cost implication of increasing awareness of the new laws? Increased awareness will be good for both customers & providers as each will know what to expect & have something to fall back on when either side don't meet expectation.*

The DOH have produced a sample leaflet for Local Authorities to use in informing business when the Local Government Act 2003 is brought into force in their area. The cost to LCC would be the cost of reproducing this leaflet and distributing it to the relevant businesses. The leaflet would also be placed on LCC website. A press release would also be made.

**Issue 19:** *It would be sensible to have a meeting of persons with a vested interest in the appropriate business prior to final approval.*

Businesses have all been consulted already and a further meeting is not thought necessary. We will provide feedback to consultation respondents to keep them informed of progress of the byelaws.

**Issue 20: *Can the proposed byelaws be amended?***

In theory the model byelaws can be amended – however any amendment may jeopardize their confirmation by the Secretary of State and such introduce lengthy delays for adoption etc.

Any amendment could not go beyond securing (a). the cleanliness of premises & fittings, (b). the cleanliness of the operators & (c). the cleansing &, if appropriate, sterilization of instruments, material & equipment - (as specified under Section 15(7) of the 1982 Act & discussed above). The City Council does not consider an amendment of the byelaws to be desirable.