Welcome
2014 Conference

Shared services
Six steps to success
by Olwen Dutton

Moving the goalposts?
New EU Procurement Law Directive
by Stephen Pearson

Digital deeds done dirt cheap
by Geoffrey Russell

A new blueprint for local authority legal services?
by Mark Johnson

Deprivation of liberty after P v Cheshire West
by Morris Hill

EM LawShare training programme 2014

Key contacts
Welcome

Welcome to the Summer edition of Consort EM, with contributions from the six recently appointed partner firms, and some members. There should be something of interest for everyone, including a particularly thought provoking article on the future of in-house legal teams in this era of cuts.

Some of the consortium’s own members, such as Lincolnshire and Northamptonshire, have been front runners in adopting new ways of providing legal services for some time. Others such as Kettering/Wellingborough, Mansfield/Ashtonfield & Staffordshire Moorlands/High Peak have merged their legal teams to provide a more viable and cost efficient service. We hope to run some round table discussions for members from which we can learn from each other’s experiences on these and other current issues.

Efficiencies can be achieved in a variety of ways and open plan offices, hot-desking and home working are finding favour with an increasing number of member organisations. Hand in hand with this goes the drive for a paper-free, or more realistically, a paper-light office. In this edition Geoff Russell makes a compelling and witty case for such a move, and provides new meaning to the phrase “jam on it”.

Geoff, a senior solicitor at Nottinghamshire CC, is one of our own and we would encourage others to follow his example and word-process (I almost said “pen”) an article for us. Alternatively, you may wish to be interviewed for the Spotlight section, like Karen Sullivan from East Midlands Ambulance Service.

On a similar note I am delighted to say that our most extensive training programme yet (see page 21 for details) includes speakers from two members and we would love to see even more next year. I know there is a wealth of knowledge and talent out there.

These speakers came forward in response to the questionnaire on training that we sent out in March, and in the coming months we will be using questionnaires to get your views on other projects such as a precedent bank and online resources.

Finally, as you will see, we have a date and a new exciting venue for this year’s conference. It promises to be a lively, informative and entertaining day - and it is FREE!
Members news

EM LawShare breaks the 70 member barrier

New members who have joined recently include:

This pushes our membership to over 70 bodies, reinforcing our position as the largest consortium of its kind.

We anticipate further growth, particularly in the West Midlands in the next six months.

A full list of members is on the website.

New management panel member

We welcome Gerard Rogers, senior solicitor & deputy monitoring officer at Chesterfield Borough Council to the EM LawShare management panel.

Gerard joins as the new district council representative, following Anita Bradley’s move from Mansfield Borough Council to the unitary Cheshire East Council.

Anita has however agreed to stay on the panel.

See page 4 for a full list of management panel members.

Website update

The EM Lawshare website sits at the heart of the consortium and is a key source of information for all members. Recently, panel firm Browne Jacobson took on responsibility for hosting the site and coordinating the content from partner firms. They are also working on developing a new and improved website, which will be launched at the EM Lawshare conference on 10 October.

The new site will include everything you are used to seeing, such as information about training events, current members, panel firms and useful resources for all members. We are working on exciting new functionality to improve communication and give members access to quick legal advice and community support.

We are also looking at how we deliver our training resources to make them as accessible and helpful as possible, but we need your help to do this. We’ll be carrying out some research with all members about new ways of delivering training on the site – look out for a quick survey coming your way shortly.

Online resources

Throw out that paper!

In the climate of shrinking budgets and paperless offices, we have entered into discussions with the two main online suppliers:

- Thomson Reuters - (Westlaw, Lawtel, PLC); and
- Lexis Nexis (Lexis PSL).

Our aim is to see if we can use EM LawShare’s buying power to obtain advantageous deals for members.

These discussions are very much at the early stage, and so to get a better understanding of members various needs, we plan to circulate a short questionnaire in the next few months.

Free legal helplines

Don’t forget that our legal partners provide free telephone helplines for use by members.

Telephone numbers for each of our legal partners are set out on the back page.
KEY CONTACTS

Management Panel

The management of the consortium and all major decisions relating to it are made by a management panel. The members of this management panel are listed below.

- Jayne Francis-Ward, Nottinghamshire County Council, Lead Authority
- Stuart Leslie, EM LawShare Co-ordinator
- John McElvaney, Derbyshire County Council, Rep for County Councils
- Anita Bradley, Cheshire East Council, former Rep for District Councils
- Stuart Portman, Walsall MBC, Rep for Unitary Councils
- Heather Dickinson, Nottinghamshire County Council, Lead Authority
- Gerard Rogers, Chesterfield Borough Council, Rep for Borough Councils

Contact Us
For more information on EM LawShare please contact the Co-ordinator, Stuart Leslie by email sl.emlawshare@yahoo.com

Training courses
If you have a query relating to training, please email julie.scheller@freeths.co.uk

Newsletter
If you would like to contribute to the newsletter, please email Annie Moy amoy@sharpepritchard.co.uk

Feedback on website
If you need help with the website, have a query relating access or have any suggestions for improvements, please email senara.shapland@brownejacobson.com

Precedents Subcommittee

The EM LawShare steering group have established a precedents subcommittee. The project is led by John Riddell of Weightmans but has representatives from all of the partner firms. Heather Dickinson (Nottinghamshire County Council), Dave Gill (North West Leicestershire) and Stuart Leslie (EM LawShare co-ordinator) represent the interests of EM LawShare members.

EM Lawshare has always aimed to improve quality and save costs. We believe that a precedents bank will be a great asset. Good quality precedents should improve standards and avoid duplication of work around EM LawShare.

The committee is compiling a list of subjects and documents where precedents are required. This will be completed shortly and circulated to all the members of EM LawShare, when you will be asked for general comments and views on precedents.

Once the survey has been completed we can begin to assemble the precedents. They will be obtained from the local authorities, the partner firms and from new pieces of work which are commissioned by EM LawShare. The precedents will be placed upon the EM LawShare website for easy access.

We look forward to hearing your comments but if you have any thoughts now please email john.riddell@weightmans.com and sl.emlawshare@yahoo.com

Autumn Newsletter
Could you contribute?

We are keen to include contributions and suggestions from members of EM LawShare.

An article or news item can be any length and can be on any subject that might be of interest to other members of the consortium.

Alternatively, if you would prefer to be interviewed by phone for the Spotlight feature or contribute an opinion to an article, this can be arranged too.

Simply email Annie Moy at a.moy@sharpepritchard.co.uk and sl.emlawshare@yahoo.com
As some of you may be able to tell from the title, I am an avid AC\DC fan. From 13 onwards I would save my paper round money, head into town and spend Saturday afternoons thumbing through vinyl.

One evening, as I was watching an episode of Tomorrow’s World some bloke demonstrated something called a “CD”. Bizarrely, he wanted to spread jam on it, rinse it under the tap and convince the TV audience it still worked. I was amazed but left with many unanswered questions. Could you do that with peanut butter? Could you hit your brother with it? Could you use it to reflect the sun’s rays and generate a laser beam? I did not know the answers to these questions but shortly thereafter, there it was. In the far top left hand corner of HMV Bridesmith Gate, Nottingham, a single solitary CD stand. Whilst it contained no more than about 50 CD’s a 50 year music process had been overthrown. “Vinyl is dead long live the CD.”

Slowly but surely, more CD stands started to appear. I made the conscious decision to stop buying vinyl and buy CDs. One problem, I did not own a CD player and they were expensive, especially on a paper boy’s salary. Week after week my bedroom stack of newly purchased CD’s would grow with nothing to play them on. My family thought I was mad, especially when I started spreading Jam on them. However, with a little patience, I finally saved up enough money to buy my first CD player and my years’ worth of CD investment proved itself. Not long after that, turntables lay abandoned, broken, unloved, up and down the country with record collections banished to the garage or loft where they would bend and weep until discovered by children, ignorant of heritage, and used as table tennis bat substitutes.

No sooner had the CD’s reign as King been established, it was over. We have become a nation of “rippers” and “burners” committing our CD collections to PC and the MP3 format. But, unlike vinyl, CD’s were digital. All we needed to do was transfer “000011111’s” from one format to another. Unlike vinyl, we did not lose the information, simply, we transferred it.

Although I had not appreciated it at the time, there were important lessons being learnt here. Digital formatting, portability, transferability, future-proofing were all ideas running in the background.
Unlike music, the office has been playing catch up digitally speaking. Boy, do lawyers love paper! Reams of the stuff. The days of smudged blue carbon paper were not so long ago, but as with vinyl, the reign of the paper office is over. The question is, have you fully embraced it in practice yet? Sure, there are some firms which are fully integrated but for most of us, realising a digital office means that we have some digitised processes running alongside our paper systems and cases.

As with my boyhood decision on CDs and vinyl, we were at a crossroads. Do we continue to support the paper regime or do we topple it once and for all and go all out for digital? As a public body and given the scarcity of resources, how could we achieve this? It was my CD player all over again or was it? Realising a fully digital office was to our amazement, relatively inexpensive. What it did require above all, was a willingness to embrace the principle of a fully digitised office and a lot of time. Once committed there was no turning back. Sure some stuff would not work, but we were committed to looking at other solutions and making it work. We went back to basics, the overriding principle was “simplicity”. With no case management system to speak of, we re-designed our directory, centralising work in streams, introducing strict naming protocols for all documents and banning the creation of additional directories by staff. What we now had was a centralised practice in which all work followed the same rules and protocols. It cost nothing but time and effort.

Obviously, we have had to spend some money but we have kept it to a minimum. We introduced electronic post via Ezescan software, in which each practitioner receives their morning post in their own blue mail box (I tried to find a red post box but the icons were not appropriate).

Having converted our practice from analogue to digital, this opened up still more possibilities. We now had continuity for work irrespective of work area. Finding a case or document became a breeze. Whether land or employment, all cases became immediately accessible from your desk top. They were ordered. If someone was off and you needed to access a case, you knew what you were going to get. Utilising the preview now meant that you could read and see all correspondence on all files in the practice, in chronological order, as if it were a paper file without opening the attachment. Filing documents, emails and attachments became a simple drag and drop process. Remote access, electronically paginated bundles with automated indices, generated by officers sitting elsewhere, was now a reality. All documents and emails and videos (or rather MP4’s), irrespective of file sizes and restrictions on email systems, were now being sent electronically and securely. We still have some way to go, but the digital backbone of the office is now fully in place. With the ongoing commitment and support of all of our staff, we are creating a truly paperless practice.

It does, of course, bring a new set of challenges not least with your own IT department together with questions of risk. This is particularly relevant in the current Public Services Network (PSN) context. Parking that to one side, there does need to be a wider dialogue regarding the approach, to risk, bearing in mind that the future seems to be an “All Service” ICT approach, where software will ultimately follow the user rather than installed on a machine, and particularly if we wish to avail ourselves of all the opportunities that digital brings.

It is only a matter of time, but photocopiers will be parked alongside our record and CD collections. It will take time, especially for the courts, but certain types of hearing could be conducted by video now, look at “GotoMeeting”. Courts just need to address their minds to it, although E-Court rooms are now finally on the rise. The digital age of “00000111111’s” is here to stay.

By committing fully to digital, you are future proofing the business now.

Yes, things will come and go, but the digital backbone of the office is here to stay. The question is, are you ready to take the plunge and fully embrace it.

GEOFFREY RUSSELL
Principal Lawyer (Litigation)
Nottinghamshire County Council
geoffrey.russell@nottscc.gov.uk
This year’s further local government budget cuts in England represent a cumulative cut of 25-30% over the period 2010-15: a total reduction of some £20bn. Obvious savings have been made; now, more radical solutions are being sought. Back office services are still a prime target for efficiency drives and legal services are no exception. Factors other than cost are creating pressure for change in local authority legal services - the regulatory environment and liberalisation of legal services (which have allowed non-traditional organisations to establish alternative business structures (ABS’s) to deliver legal services), new technologies, and different career paths, such as non-graduate entry legal apprenticeships which should reduce labour costs. There is a real opportunity for transformational change of culture which reshapes future service delivery.

Slash and burn or sow the seeds of expansion?

There will often be a stark choice between significant downsizing of the in-house legal team or looking at income generation. The bulk of legal service spend is on staff salaries and other employment costs. Shared service solutions, where teams from two or more authorities combine and share specialist posts, can offer attractive savings. Notable pioneering successes are LGSS in Cambridgeshire / Northamptonshire, set up in 2010 and South London Law Partnership, operating across Richmond, Merton, Kingston and Sutton.

In contrast, income generation offers a second route to business efficiency. If successful, the host authority retains a larger legal team with any surplus being reinvested into service improvement. This requires the willingness and ability to sell legal services outside the host authority – to take on trading and compliance risks.

Making the business case

To explore the feasibility of income generation, the business case must be carefully considered. Legal services departments first need a clear vision of what they want to achieve. Is the overriding goal cost reduction, or is it expansion to generate revenue?

How big is big enough? How will the needs of the internal client be balanced against maximising revenue from external clients? If the existing internal service is not meeting client needs or expectations, how can it expect to win business elsewhere? What factors will influence the ability to deliver the plan: expertise, working capital, technology and business process re-engineering?

What markets would the venture serve? Legal services may be sold to other public authorities, and/or to the private and voluntary sectors. The venture must be commercially viable and capable of withstanding external competition.

Choice of model

The choice of model for the venture is important. Local factors will include: political preference and appetite within the authority, the need for a trading entity, what powers should the venture have and how it will be made accountable. The choice must be sensitive to all stakeholders’ views and recognise any employment implications. Will this mean a TUPE transfer? If so, will the authority retain full ownership or will this be an autonomous spin-out where
staff may be incentivised by being able to become part-owners of the legal services venture, perhaps through an employee benefit trust? The venture’s status for public procurement and state aid purposes must be established, with consideration of the applicability of the Teckal exemption.

**The models**

**“Mixed Economy”**

Today most in-house legal teams have been replaced by the “mixed economy” model. The in-house team meets a certain level of demand and uses external service providers to assist with peaks of demand or special expertise. The authority retains a wide range of legal skills, and ensures value for money from external service providers by competitive tendering.

**Total outsourcing**

Extending outsourcing across the complete legal service could achieve greater savings than the mixed economy model, however this entails some loss of control, skills and expertise. There is a market of legal process outsourcing companies such as CPA Global, Pangea3 and Integreon, as well as traditional law firms, keen to win new business. In this model, each member of the authority’s in-house team would transfer to an external supplier. The cost of TUPE protections and pension benefits would be factored into supplier bids. Business process re-engineering or offshoring, coupled with smart technology and automated document assembly could produce significant savings.

**Shared services**

A well-established model with savings coming from uniting two or more services into a single business unit. Operationally, staff can work from a single site, or divide working time between multiple locations. Careful management is needed to build a cohesive team with high morale and a good co-operative ethos. For success, no one authority should dominate; treatment of staff should be transparent and fair. Leaders of the shared service must demonstrate vision to win the hearts and minds of staff.

Regional hubs & franchises

We are likely to see the emergence of a super-level of inter-authority collaboration in which legal services are delivered through a single regional hub which controls the staff on the ground locally. The need to reconcile the interests of a large number of stakeholder authorities may make it difficult to pull off. So the impetus may need to come from an external change agent. A franchise model would be a logical development of this. A central entity well-resourced and capable of setting good practice standards with a strong brand would act as franchisor.

In-house & private practice joint venture

A joint venture legal services business between a local authority and a private practice firm could combine the public sector ethos with private sector innovation and commercial disciplines. Both partners must focus on client service and enhancing their skills base. Kent Legal Services has recently launched a competition to find such a partner.

In-house trading / ABS

Some authorities, such as Lambeth, Harrow & Brent (trading as ‘HB Publiclaw’) are exploring new corporate entities to generate income.

This raises some difficult issues. Currently, solicitors’ professional rules prohibit in-house local authority solicitors from servicing external clients except for other public and quasi-public bodies or local charities. This means authorities must create new corporate entities to provide the services. To the extent that the entity provides ‘reserved legal activities’ for the purposes of Schedule 2 of the Legal Services Act 2007 (broadly advocacy, litigation and conveyancing), or employs or ‘holds out’ its staff as solicitors, it must be authorised and regulated as a solicitors’ practice. The managers will need to think carefully about setting up information barriers between it and the host authority, managing conflicts of interests and addressing the compliance systems and insurances they require to operate commercially.

**Conclusions**

Legal services, just like all other support services need to work within budgets. Increasingly their activity will be focused on areas of highest risk to the council, where the need for bespoke legal input is greatest. More automated document assembly systems and smart workflows will be exploited to provide more self-service solutions for departments. New local government legal service delivery models will emerge, tailored to local circumstances and individual authorities’ preferences. There is a great opportunity to take advantage of new technologies, liberalisation of markets and labour supply for those pioneers who can grasp the nettle in pursuit of taxpayer value.

**EM LawShare partners Bevan Brittan and Geldards will be running a workshop on Shared Legal Services on 23 September 2014 at Interchange Place, Birmingham.**

**Visit emlawshare.co.uk for more details.**

**MARK JOHNSON**
Partner
Geldards

07768 645817
mark.johnson@geldards.com
Many of these projects simply involve collaboration between public sector partners (for example, health and local government organisations collaborating together with pooled budgets to deliver shared services) and should be able to follow a well trodden path of precedents.

However, some more ambitious shared services projects will include the collective procurement of private sector providers/suppliers and raise a whole range of issues and challenges to address.

There will inevitably be local, political and commercial reasons which are unique to each project but some common themes emerge as lessons learned and pointers towards successfully delivering complex shared services projects.

In this article we set out the six steps to success:

Establish and agree shared goals

In any shared services project, there will be slightly different motivations for participation by each of the players.

There may be an implicit assumption that everyone is in it for the same reason. This is often not the case. Even different emphases on the desired outcomes of a project can crop up at a late stage and cause real difficulties with the articulation of evaluation criteria or specification details.

Participation for the prime purpose of improving collective service delivery could produce a very different approach or model to a project based primarily on cost reduction. At a really early stage of the project, it is important to thrash out exactly what each partner’s motivation for collaboration is, and what their goal or success measure looks like.

Only involve willing participants

Understanding each participant’s motivation to join the party will identify whether any of them are there on a somewhat reluctant basis.

There can be a number of reasons for organisations signing up to a shared services project. These can include the need to be seen to be actively participating for internal or external stakeholders - such as members, regulators or government - when there is absolutely no settled intention to go through with the process.

The involvement of reluctant participants will create the obvious problems of lack of commitment, which will become clear very early to potential bidders and undermine their confidence in the delivery of the whole project.

The involvement of reluctant participants will create the obvious problems of lack of commitment, which will become clear very early to potential bidders and undermine their confidence in the delivery of the whole project.

External advisers can usefully act as a catalyst for broaching the difficult subjects at an early stage.

Scope the project carefully

When all participants are clear as to their drivers for participation, their goals from the project and the potential show stopping issues which need to be addressed, the scope of the project can emerge and this will flow through into detailed work on documentation including, crucially, the advertisement in the Official Journal (OJEU).

From a legal perspective, the OJEU is one of the most important documents in a procurement process being the one that parties challenging a process tend to look at first. This is because the OJEU describes the scope of the
opportunity advertised to the market. Changing the scope of this opportunity by adding or withdrawing services and/or contracting authorities can represent a procurement risk as it would potentially breach the principles of equal treatment and transparency. Aggrieved bidders or possible bidders could argue that a change in scope had prejudiced them. To mitigate the risk of challenge on the grounds of prejudice they must be given to how a dialogue can be a desire for every authority to be represented at every meeting and where there are multiple service streams involved in the procurement, this challenge is multiplied. Careful thought should be given to how a dialogue can be run effectively with sufficient involvement and engagement from each of the parties but without involving a cast of thousands in every dialogue session. Practical solutions to keeping everyone informed can be identified to ensure confidence in the process even if all parties are not participating in every meeting.

**Think through the unthinkable**

Linked to participants’ abilities to close their minds to difficult issues is a shared ability to close minds to what happens if things go wrong.

In a shared services procurement there are multiple possibilities, including individual participants pulling out, wanting to change the scope, or additional authorities suddenly deciding they want to become more involved. Talking through all the ‘what ifs’ and deciding on the appropriate outcomes will be time well spent.

Having a strong exit strategy will also tend to flush out a discussion on what happens if the worst comes to pass, and especially what financial implications there may be. This will also highlight authorities which may be participating with less than an absolute commitment to delivering the full project.

The time, effort and commitment needed to deliver successfully a multi-party shared services procurement should not be underestimated. However, the prize at the end of the process can be significant and the current financial climate and recognition of the benefits of joined up service delivery will inevitably mean more of these projects coming to market.

**EM LawShare partners Bevan Brittan and Geldards will be running a workshop on Shared Legal Services on 23 September 2014 at Interchange Place, Birmingham.**

Visit emlawshare.co.uk for more details.

**OLWEN DUTTON**
Partner
Bevan Brittan

0870 194 5006
olwen.dutton@bevanbrittan.com
A change could take the form of closure or expansion to meet fluctuating needs. Alternatively there may be a change to status, from community to foundation, to facilitate a federation between a stronger and weaker partner as a solution to assisting a school which requires improvement following an Ofsted inspection.

In January 2014 new regulations came into force, the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, and accompanying guidance was issued by the Department for Education (DfE).

Catherine Newman, in the Sharpe Pritchard education team explains that the new regime is less onerous than the old one. The guidance confirms that the new regulations further the government’s aim of “increasing school autonomy and reducing bureaucracy” and giving more control directly to governing bodies, even those of community schools, to respond directly to the “needs of parents and communities”.

The governing body of any maintained school may now make the following changes to their school without following a formal statutory process:

- expansion by enlargement of premises; alteration of upper or lower age limit by up to two years, except for adding or removing a sixth form; and

Whilst the number of schools converting to academy status under the Academies Act 2010 continues to increase, there remain alternatives for local authorities and governing bodies that wish to change existing maintained schools, rather than opt for conversion.
• adding boarding provision (in compliance with relevant legislation).

The third category is likely to be utilised less, but the first and second may be attractive to a number of schools. Before any governing body rushes to take advantage of these new freedoms, it should note that the guidance requires that before making any changes governing bodies should ensure that they have:

• secured any necessary capital funding;
• identified suitable accommodations and sites;
• secured planning permission and agreement on the transfer of land where necessary;
• the consent of the site trustees or other landowner where the land is not owned by the governing body; and
• the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans in accordance with the School Admission Code.

Once proposed changes have been implemented the governing body must inform the Secretary of State by ensuring that EduBase (the department’s register of education establishments) is up to date.

Local authorities may also propose these changes for community schools and can propose expansion of foundation and voluntary schools. However, they must follow a streamlined statutory process.

With regard to changes that do require a statutory process, the transition requirements are that proposals published before 28 January 2014 will be determined under the previous regulations and proposals published after that date will be determined under the new regulations.

Proposers should beware if planning expansion on alternative sites such as satellite or split site schools. The new provision must genuinely be a change to an existing school and not a new school.

Decisions should be made on a case by case basis, but proposals on all of the following will be relevant:

• reason for expansion;
• admission and curriculum arrangements;
• governance and administration; and
• physical characteristics of the school.

The more integration between sites, the more likely the change can be said to be an expansion.

The changes that constitute prescribed alterations and for which the statutory process must still be followed are:

• alteration of upper and lower age limit by three years or more;
• adding or removing a sixth form;
• removing boarding provision;
• single sex school becoming co-educational or vice versa;
• transferring to a new site;
• closure of one site in a split site school;
• removing selective admission arrangements at a grammar school;
• changes of category (excluding changes to foundation);
• establishing, removing or altering special education needs (SEN) provision at a mainstream school;
• alteration of upper or lower age limit at a special school;
• increasing or decreasing pupil numbers at a special school; and
• changing the types of needs catered for by a special school.

There is now a four stage statutory process comprising publication, representations, decision and implementation.

The main changes to the previous processes are:

• removal of specified consultation stage as a statutory requirement; and
• reduction of representation period following publication of statutory notice from six weeks to four weeks for all proposals.

However, the guidance confirms that sound “pre-publication” consultation is still good practice and, indeed, an expectation.

How far governing bodies utilise these new opportunities has yet to be seen but the dichotomy between the statutory requirement of a local authority to provide sufficient places for school age children within their area, under Section 14 Education Act 1996, as against the increasing ability of all schools to act independently in relation to their status and numbers can only be increased by the 2013 Regulations.

### School Organisation Maintained Schools: Guidance for Proposers and Decision Makers

The slimmed down guidance replaces nine previous guidance documents:

- Making Changes to a Maintained Mainstream School
- Closing a Maintained Mainstream School
- Expanding a Maintained School by Expansion or Adding A Sixth Form
- Changing School Category to Foundation
- Removal of a School Trust
- Trust School Proposals
- Changing to a Foundation School
- Changing to a Trust School
- Decision Maker’s Guidance.

---

**Catherine Newman**
Senior Solicitor
Sharpe Pritchard

020 7405 4600
cnewman@ sharpepritchard.co.uk
Clarification on the role of clinical commissioning groups

Judgment was handed down on 2 May 2014 in the case of JF v NHS Sheffield [2014] EWHC 1345 (Admin). This was one of the first cases since the introduction of clinical commissioning groups (CCG) in April 2013 to challenge the way in which NHS services are commissioned.

Background

The claimant has complex health care needs, including significant respiratory problems; but what makes her case more complicated is that she acquired a brain injury as a result of a road traffic accident when she was a child and she now suffers from learning difficulties and bipolar affective disorder. For this reason the claim was brought on behalf of the claimant by her litigation friend RW.

The claimant is in receipt of a NHS continuing healthcare package funded by NHS Sheffield Clinical Commissioning Group. This has enabled her to live at home for much of the time since July 2012. A constituent part of her package when at home is that 1:1 supervision and support is provided 24 hours a day. However, due to her health care issues she is frequently admitted to Sheffield Teaching Hospitals NHS Foundation Trust (Sheffield TH). Sheffield TH is contracted by the commissioning group to provide medical services under the standard national commissioning contracts, which include the NHS standard conditions.

Prior to living at home, she resided at a care home during which time, when admitted to Sheffield TH, her carers would go with her and stay for the duration of the admission. Since she has returned to live at home, the carers provided by the healthcare package that enables her to live safely at home, have not stayed with her during her admissions to hospital.

The claimant argued that her carers should stay with her whilst she was admitted to Sheffield TH as they are familiar with her complex care needs and made a request to the commissioning group for her to remain. The claimant asserts that her carers should be allowed to remain with her due to her being assessed as needing 1:1 supervision in the community.

The claim

Initially the commissioning group declined to provide support on the basis that it would be ultra vires and the claimant challenged this by way of judicial review. The commissioning group later accepted that it had the ability in ‘exceptional circumstances’ to provide additional support. The claimant requested that the commissioning group make a decision under its exceptional circumstances policy.

The commissioning group decided that the claimant would not routinely receive her usual funded package whilst in hospital for a number of reasons but primarily because Sheffield TH had been commissioned to provide the necessary care. There was no indication that Sheffield TH was unable to provide the required care to the claimant and to allow the carers to stay would be an unnecessary use of resources. The decision was challenged on three main grounds, however the key question in the case was; which public body bears responsibility for assessing the claimant’s needs in hospital, with a view to arranging appropriate support?

The legal framework

The obligation to commission health services (including NHS continuing healthcare) is imposed on commissioning groups by section 3 of the National Health Service Act 2006 (“the 2006 Act”), which provides:

“(1) A clinical commissioning group must arrange for the provision of the following to such extent as it considers necessary to meet the reasonable requirements of the persons to whom it has responsibility--

(a) hospital accommodation,
(b) other accommodation for the purpose of any service provided under this Act,
(c) medical, dental, ophthalmic nursing and ambulance services,
(d) ...
(e) such other services or facilities for the prevention of illness, the care of persons suffering from illness and the after-care of persons who have...
Section 9 of the 2006 Act provides the mechanism by which commissioning groups may commission health services. Section 9(1) of the 2006 Act defines “NHS contracts” as “arrangements under which one health service body ("the commissioner") arranges for the provision to it by another health service body ("the provider") of goods or services which it reasonably requires for the purposes of its functions.”

The NHS Sheffield Clinical Commissioning Group is a commissioner and the Sheffield TH is a provider within the meaning of s. 9(1), contracting for the provision of hospital services, as envisaged by s.9(1).

**Responsibility for assessing the claimant’s needs in hospital**

The issue of who has responsibility for assessing the claimant’s needs in hospital, with a view to arranging appropriate support, goes to the very heart of the current commissioning regime. The judge in this case confirmed that it is not for the commissioning group to govern in what manner the hospital will address and meet the needs of the patient on admission.

If the claimant’s arguments had been upheld then it would have meant that despite contracting with hospitals to provide care, commissioning groups would be required in some circumstances to undertake an assessment of the care which should be provided by a hospital. In effect the commissioning group would be regulating the hospital, restricting the hospital’s ability to exercise its professional judgement. This is a role which we successfully argued was not appropriate for the commissioning group.

The judge in *JF v NHS Sheffield* concluded that commissioning groups were entitled to use the contracts put in place with hospitals, which provided mechanisms for hospitals to make requests for additional information if needed, to discharge their duties pursuant to section 3 of the NHS Act 2006.

The *JF v NHS Sheffield* case confirmed that it was for the hospital not a commissioning group to determine what care is required in hospital. However hospitals need to be alive to the potentially complex requirements of disabled patients and whether additional measures need to be put in place. As the judge commented, mental disability imposes additional requirements upon the hospital to ensure that needs are understood and met. Commissioning groups should ensure that they are able to provide a quick response to requests from hospitals for additional information and/or resources regarding a disabled patient to enable a continuous high level of care to be provided to patients.

The judge in *JF v NHS Sheffield* emphasised that if concerns were had regarding the quality of care provided to the patient then the hospital’s complaint procedure should be utilised. He also highlighted the existence of the private law duty of care and that injunctive relief against a hospital was a possible remedy before any harm had actually come to a patient.

**Conclusions**

The case of *JF v NHS Sheffield* confirms the role of hospitals and commissioning group’s in the current commissioning regime. It identifies that complaints about care provided to patients whilst admitted to hospital should be raised directly with the hospital. *JF v NHS Sheffield* is useful for commissioning group’s who find themselves having to defend claims which have been incorrectly brought against them, rather than the provider.

However the case also highlights the potential additional complexity involved in treating those with a mental disability and that in some situations additional resources may need to be provided by the commissioning group at the request of the hospital.
In a move which UKIP supporters might characterise as “further meddling from Brussels”, we are about to see the effect of the New EU Procurement Directive 2014/24 and the new directive with regard to concession arrangements 2014/23 come into UK law.

At the time of writing this note, we are still awaiting the draft regulations which will have the effect of transposing these directives into UK law, but they seem to have been delayed due to other pressures on the parliamentary draftsman’s time. Given that the directives only came into force on 17 April 2014, and EU member states have 2 years to implement them within national legislation, this is not a problem in itself, but the precise detail of the regulations will be crucial in advising.

Why change the existing rules?

The stated objectives of the proposals are to:

- simplify and modernise procurement procedures;
- facilitate access for small and medium enterprises to public contracts;
- allow for greater strategic use of public procurement to further other EU policy objectives such as environmental, social and industrial innovation; and
- increase flexibility in procurement.
It is probably fair to say that a number of the interesting provisions of the directive have the effect of putting into statute law provisions which result from decided case law, particularly in the European Court of Justice, over the past 10 years or so. Procurement, because of its major commercial implications, has been the subject of extensive litigation both within the UK and across Europe. On some levels attention seems to have been given to the frequent complaint from tenderers that the current law is complex, bureaucratic and presents barriers to entry into the market for SMEs. They may not have the resources to complete what can sometimes be quite onerous tendering procedures.

What are the key changes?

The directive runs to 176 pages – some of this is an extended preamble, but the key provisions for those of us working in the field can be boiled down to the following “Top 12” :

1 Abolition of the distinction between Part A and Part B services

The somewhat artificial distinction between what needed to be advertised, and what did not, has been abolished because “.....the result of the evaluation has shown that it is no longer justified to restrict the full application of procurement law to a limited group of services”. In its place a new lighter regime has been introduced which enables a threshold of circa €750,000 to apply with regard to contracts for health care, social care, education and prison services and they will be subject to a reduced regime.

2 Limitation on the ability to modify contracts during their term

In order to codify the decisions of various cases including the well-known Pressetext decision, it is provided that:

2.1 modification of the subject matter of a contract has to be based on “clear, precise and unequivocal review clauses”;

2.2 changes to the scope of contracts where a change of contractor cannot be made for economic, technical or other substantive reasons can be made only where the need for the modifications are brought about by circumstances which could not have been foreseen, the overall nature of the contract is not changed and the increase in price is not higher than 50% of the original contract value. This is the “exceptional” provision.

Generally, price variation clauses within contracts which allow variations of up to 10% of the initial contract value for services contracts, 15% for supply contracts and works contracts will be permissible. This is likely to have a significant effect in terms of agreeing post-contract variations, by increasing the length or the contract value.

3 The transfer of a contract to a successor contractor – Article 72

This has been a familiar issue throughout the recession in the face of insolvency and corporate restructurings. The directive now states that where there is a “succession” of the contracting party following insolvency, corporate restructuring (including takeovers and mergers) provided the new or restructured contracting party is still within the “criteria for qualitative selection” initially provided for the clause permitting this change in the contract will be valid. It is also permissible to transfer a contract where the contracting authority takes over obligations which need to be performed by sub-contractors;

4 New timescales on tender processes

Generally, the time limit for the receipt of tenders is 35 days for open procedures and 30 days for restricted and other procedures. These periods can themselves be reduced if all bidders agree – this could be useful when there is pressure to achieve a quick contract letting process.

It will also be possible to issue an Annual Procurement Prior Information Notice for an authority to give details of its proposed procurements over the next 12 months.

5 New pre-qualification rules

It has been a frequent complaint that tenderers have to re-qualify for each tender by completing separate PQ documents. Tenderers will now be able to apply for something called a “European Single Procurement Document” which provides certification to contracting authorities that tenderers have not been convicted of offences that make them ineligible to bid or are insolvent.

Financial information will be reduced to asking for a balance sheet, previous 3 years turnover figures and a bank reference or evidence of professional risk insurance. Minimum turnover requirements cannot generally be more than 2 x the annual contract value of a contract being let unless there are some special risks which are stated.

For the first time, poor performance of a contract can be taken into account and bidders can be excluded on this basis. This deals with the issue where contracting authorities feel bound to entertain a bid from a tenderer with a poor performance.

6 Electronic procurement

Fully electronic procurement including on-line submission of tenders will be required by 30 June 2016 unless extensions are granted.
A w ard criteria – Article 67

There are new procedures under the directive where contracting authorities will now be able to take account of not just price or the most economically advantageous tender but also take into account the effectiveness of proposals including a lifecycle cost approach. This would include the hidden and indirect costs, associated with a contract, which may include energy costs, maintenance costs, and the environmental costs of disposing of old and redundant equipment when a contract ends.

Public service m utuals

Article 77 is something that was lobbied for long and hard by the UK government. It means that procuring bodies can reserve the rights for organisations to take part in contracting procedures who are mutual in form, that is, they exist for the purposes of pursuing public service aims and reinvest profits to further those aims. They are also usually managed and owned by their employees. This exemption is temporary and is limited to a period of 3 years.

Recognition of the “in-house transaction” – Article 12

In order to recognise the Teckal situation it is now stated that a contract can be awarded without a procurement procedure if a contracting authority exercises control over a legal entity similar to that which it exercises over its own departments, and at least 80% of the activities of that entity are carried out for the controlling contracting authority or for the legal entities controlled by it. Additionally, there can be no participation of private undertakings within the control of the legal entity.

Recognition of the Hamburg waste case

Following the case of Commission v Germany (C480/06 2009) – commonly known as the Hamburg waste case there has been an exception to the procurement rules with regard to contracts between public authorities if they are established with a view to meeting “common objectives” – this allows recognition of “shared service” and other major or jointly operated procurement enterprises and can be applauded. This is now formally recognised.

New procurement procedures

The directive introduces 2 new procedures – the competitive procedure with negotiation and the innovation partnership procedure.

The competitive procedure with negotiation is potentially the most practical one. Unlike the current competitive dialogue procedure where “negotiation” rather than clarification and fine-tuning has to end at the point that full tenders are submitted, this new procedure will allow contracting authorities to negotiate with bidders post-tender in order to improve the content of offers.

The innovation partnership allows for public authorities to invite tenders to solve a specific problem leaving room for the parties to work out the solutions together and allows for the contract to be developed as it progresses, or to be structured in successive stages, allowing for such things as intermediate targets – this might typically be used useful for the NHS or universities who are seeking to sponsor a research-based project through a contractual route.

New enforcement bodies – it has been a frequent criticism of EU procurement that unless a challenge is made through domestic courts there is no proper oversight of whether the procurement rules are being followed properly. Under the directive, each Member State will need to set up a body to be responsible for the oversight of the EU procurement rules with the power to review procurement decisions and contracting authorities will have a duty to send copies of contracts with a value of over €10m (works or supplies and services of over €1m). The section also provides that all public contracts must provide that they can be terminated if the European Court declares that they were procured in a breach of the directive or the EU Treaty. This attempts to deal with the current conflict between EU procurement and domestic contract law.

Abnormally low tenders

Previously, there has been a power to ask tenderers to explain their bids if they appear to be abnormally low. The new directive imposes at Article 69 a duty on contracting authorities to ask tenderers to explain their tender pricing where the value for a tender appears to be abnormally low.

Award criteria – Article 67

There are new procedures under the directive where contracting authorities will now be able to take account of not just price or the most economically advantageous tender but also take into account the effectiveness of proposals including a lifecycle cost approach. This would include the hidden and indirect costs, associated with a contract, which may include energy costs, maintenance costs, and the environmental costs of disposing of old and redundant equipment when a contract ends.
Spotlight on...

Karen Sullivan, Trust Secretary for East Midlands Ambulance Service.

How did you get to EMAS?
I joined the ambulance service from Nottinghamshire County PCT in March 2012, coming from a similar role as Company Secretary. I am a CIPFA accountant and trained as an auditor in central government before moving into local government and then the health service.

What is the scale of the organisation?
East Midlands Ambulance Service NHS Trust (EMAS) provides emergency and urgent care, patient transport, call handling and clinical assessment services. Key statistics are:
- serving 4.8 million people;
- over 6,425 square miles;
- in Derbyshire, Nottinghamshire, Lincolnshire, Northamptonshire, Leicestershire and Rutland, North and North East Lincolnshire;
- over 2,800 staff;
- 70 locations, including two Emergency Operations Centres at Nottingham and Lincoln;
- around 700 vehicles, including emergency ambulances, fast response cars, and patient transport vehicles;
- 2,000 calls from members of the public every day ringing 999 – this is the equivalent of receiving an emergency call every 43 seconds!

What does your role entail?
Reporting to the Chief Executive, I am responsible for the corporate governance within the service, ensuring that sound arrangements are in place and followed. This involves supporting the board and the various subcommittees with their meetings, minutes and complying with external requirements. I am also responsible for risk management arrangements and compliance with the standards of the Care Quality Commission. Finally, my team investigates and administers litigation claims against the Trust which are handled via the NHS litigation authority.

How does this role compare with previous roles?
This is the first time I have worked in an organisation with a 24/7 operational environment. This has a very special culture which brings a unique set of challenges. Many staff are on the road most of the time, so disseminating information about policies and procedures to entire teams can be difficult. Whilst each ambulance has a laptop for recording patient information and transferring it to the relevant hospital, and receiving information, they can be hindered in rural areas with poor or no reception.

What regulatory framework do you operate in?
We are regulated by the Care Quality Commission, which sets rigorous standards to ensure patients are safe in our hands. We are inspected every year, and our last inspection revealed that the service did not meet a number of standards. In particular they were concerned that at the time we were not meeting our national targets which relate to reaching patients in a specified time.

What are the most pressing legal issues for you at the moment?
Meeting these targets is proving a real challenge but we have improved significantly since the inspection, as despite planning for contingencies, there are many factors outside our direct control. For example, the late night drinking caused by the World Cup will put a strain on already stretched resources. Whilst we have been able to plan for this, we are also affected if there is a major accident on the M1 as this has a knock on effect on surrounding roads. Similarly, capacity problems at A&E departments can have an impact.

What legal issues are on the horizon?
As the ambulance service develops its role as key a healthcare provider in the region and moves away from the traditional view of it as a transport service, then we will be looking to develop innovative ways of working while ensuring we keep within legislative and other requirements including the procurement rules. We are currently working on a five-year plan setting out our intentions for the future.

What piece of advice are you most likely to be heard giving?
I am often to be heard saying “don’t waste time on perfection, when good is good enough”.

To volunteer for a future edition of Spotlight, contact amoy@sharpepritchard.co.uk or sl.emlawshare@yahoo.com

www.emlawshare.co.uk
Deprivation of liberty after *P v Cheshire West* – what now and what next?

On 19 March 2014, the Supreme Court handed down the much-anticipated ruling in the conjoined cases of *P v Cheshire West and Chester Council* and *P & Q v Surrey County Council* (2014) UKSC 19 on the meaning of ‘deprivation of liberty’ for people who lack the mental capacity to make their own decisions on residence and care. The court decided that universal human rights and equality mean that the threshold for deprivation of liberty must be the same for everyone, regardless of any disability, and that the existence of a deprivation is wholly distinct from any justification that may make it lawful - "a gilded cage is still a cage" as Lady Hale observed.

Has the decision clarified the issue? And what will happen to deprivation of liberty cases now and in the future?

**Do we now have clarity?**

To a degree: if the applicant is "under continuous supervision and control and is not free to leave", there is a deprivation of liberty under article 5 of the European Convention on Human Rights (ECHR). The purpose, benign or otherwise, the "relative normality", and applicant's own compliance are all irrelevant.

Uncertainty remains, however, where an applicant is not free to leave, but is not "under continuous supervision or control" - or vice versa - with arguments likely over when something that is considered to be "support" is really "supervision and control".

Lady Hale’s gilded cage “acid test” could also describe the situation of many of the estimated 800,000 people with dementia (200,000 of whom are in care homes) and the 1.5m people with a learning disability, significantly more than the current 2,000 or so who are under a Deprivation of Liberty Safeguards (DOLS) authorisation at any time. The decision is unlikely to allay the House of Lords’ concerns - expressed in their 13 March 2014 report on the Mental Capacity Act and DOLS - that "thousands or tens of thousands"
of people are being deprived of their liberty without due process, recommending that the safeguards should be extended to supported living.

The implications

The resource implications are potentially huge for local authorities, recognised, it appears, by Lady Hale who said that the periodic checks “need not be as elaborate as those currently provided for in the Court of Protection or in the Deprivation of Liberty Safeguards”.

If there were any lingering doubts about the significance of the Supreme Court’s decision, these were swiftly and unequivocally dispelled by Sir James Munby, President of the Family Division, who was reported as warning that the aftermath could place an ‘immense burden’ on local authorities. Sir James told the Court of Protection at an open hearing on 8 May that the ruling was likely to lead to a ‘very significant’ increase in the number of deprivation of liberty cases that would have to be considered by the Court of Protection. As part of this hearing, Sir James indicated that he wanted to attempt to create some form of agenda for a further hearing, which took place on 5 and 6 June, focussing on the different categories of case that would be likely to come before the courts, as well as the procedure to be followed for making DOLS applications. The judgment following this hearing has yet to be handed down and, since further submissions were invited, it may not be made public for some time. However, during the hearing, it was made very clear that the focus at this stage would be on the practice and procedure to be adopted, ideally streamlined and simplified, where there may be a deprivation of liberty, as opposed to consideration of substantive questions of what amounts to a deprivation of liberty. Among the key issues considered were:

- the prospective increase in the number of applications to the Court of Protection;
- the current position on public funding for individuals deprived of their liberty, whether or not they need to be a party to proceedings and the role of litigation friends;
- evidence that the court must have when considering applications;
- the safeguards offered by article 5(4) of the ECHR including the frequency of reviews, and who will decide such frequency; and
- the power of the court (if any) to consider applications to extend urgent authorisations granted pursuant to section 21A of the Mental Capacity Act.

So what next?

Sir James’ judgment following the hearing on 5 and 6 June will be crucial in providing some sort of framework for the huge rise in the number of cases to be considered. Based on figures from 106 English local authorities’ responses to a survey, the press has reported that the number of people who care arrangements need to be independently assessed has increased from 10,184 in the year to March 2014 to a projected 112,533 in the current tax year. The number of cases which need to be brought before the Court of Protection is expected to go from 134 cases last year to 18,633 in the year to March 2015. It is anticipated that the figures will increase by a further 30%, once the Welsh and remaining English councils’ figures are also considered.

It seems inevitable that the judgment will attempt to deal with the issues detailed above, including whether or not ‘bulk’ applications are permissible, as opposed to separate applications required for each individual, the involvement or otherwise of litigation friends and whether those individuals need to be a party to the proceedings.

Given the enormity of the task ahead, the nuts and bolts of the streamlining of the process will also be of paramount importance to all involved, particularly in the face of the scarcity of resources not just in local authorities but across the judiciary. In Sir James’ own words, ‘The fact is if 10,000 applications came in tomorrow they could not be dealt with. That is the reality I’m afraid.’

The widespread sense of anticipation that preceded the Supreme Court’s decision has been matched, if not overtaken, by that for Sir James’ impending pronouncements on these issues.
Free CPD training - 2014 programme

We are delighted to announce an exciting and diverse programme of over 30 training events in 2014/15 from our new legal partners: Sharpe Pritchard, Browne Jacobson, Bevan Brittan, Freeths, Geldards and Weightmans.

The seminars will be presented by lawyers from these six firms, each of whom are specialists in their field, and in locations across the East Midlands. This includes Leicester, Nottingham and Derby, with some courses repeated in Birmingham. Furthermore, a number of courses will be available via video conferencing.

Detailed course outlines will be available on emlawshare.co.uk

To book a place and find out more about video access, contact Julie Scheller on 0845 272 5701 or email julie.scheller@freeths.co.uk

Remember the courses are FREE!

2015 courses will be detailed in our Autumn newsletter.

<table>
<thead>
<tr>
<th>Date</th>
<th>Title</th>
<th>Repeated in West Midlands</th>
</tr>
</thead>
<tbody>
<tr>
<td>Thursday 3 July</td>
<td>Highways: Compulsory Purchase Order; Section 38/278 Agreements and Highways Claims</td>
<td></td>
</tr>
<tr>
<td>Thursday 3 July</td>
<td>Procurement: State Aid (new directive) and social value - The new Public Contracts Regulations – what to expect and how to be prepared</td>
<td></td>
</tr>
<tr>
<td>Tuesday 17 July</td>
<td>Property Update</td>
<td></td>
</tr>
<tr>
<td>Wednesday 3 Sept</td>
<td>Adult Social Services, including DOLS issues; The Care Bill and DOLS after Cheshire West</td>
<td></td>
</tr>
<tr>
<td>Wednesday 10 Sept</td>
<td>Civil Litigation, including Mediation and Judicial Review; Update on electronic disclosure, the Jackson reforms and mediation</td>
<td></td>
</tr>
<tr>
<td>Wednesday 17 Sept</td>
<td>Planning, including Environmental Issues; Planning update and developments in EIA (2)</td>
<td></td>
</tr>
<tr>
<td>Tuesday 23 Sept</td>
<td>Shared Services: Today here – Tomorrow, the world!</td>
<td></td>
</tr>
<tr>
<td>Thursday 25 Sept</td>
<td>Employment: Keeping a lid on it post Saville, Haringey and the rest ...</td>
<td></td>
</tr>
<tr>
<td>Tuesday 30 Sept</td>
<td>Corporate Governance: An explanation of the principles underpinning how local authorities are governed</td>
<td></td>
</tr>
<tr>
<td>Thursday 2 Oct</td>
<td>Education: Education and special educational needs</td>
<td></td>
</tr>
<tr>
<td>Wednesday 8 Oct</td>
<td>Commercial Contracts: Data and technology contracts – a brave new legal world?</td>
<td></td>
</tr>
<tr>
<td>Thursday 6 Nov</td>
<td>Construction, including highways and maintenance contracts; A short guide to your highways maintenance contract</td>
<td></td>
</tr>
<tr>
<td>Tuesday 11 Nov</td>
<td>Information Law and Governance: An update and practical guide to this subject</td>
<td></td>
</tr>
<tr>
<td>Thursday 13 Nov</td>
<td>Regulatory: The Local Authority and me, II: The position of senior officers and managers in criminal prosecutions</td>
<td></td>
</tr>
<tr>
<td>Thursday 20 Nov</td>
<td>Environmental Health: Regulatory controls in food safety and environmental protection for environmental health officers</td>
<td></td>
</tr>
<tr>
<td>Thursday 27 Nov</td>
<td>Housing Management Litigation, including Anti Social Behaviour</td>
<td></td>
</tr>
<tr>
<td>TBC Nov</td>
<td>Employment: The local authority and me! The position of senior officers and managers in criminal prosecutions</td>
<td></td>
</tr>
<tr>
<td>Thursday 4 Dec</td>
<td>Licensing Law: Theory and practice - A guide to liquor and taxi licensing and mock hearing</td>
<td></td>
</tr>
<tr>
<td>Wednesday 10 Dec</td>
<td>Property Update</td>
<td></td>
</tr>
<tr>
<td>Thursday 11 Dec</td>
<td>Introduction to Judicial Review and Case Law Update</td>
<td></td>
</tr>
<tr>
<td>Thursday 18 Dec</td>
<td>Health Integration: Legal issues associated with the integration of health and social care</td>
<td></td>
</tr>
</tbody>
</table>