

## Appendix xi - Specific Legal Implications

Reference	Proposal Summary	Specific Legal Implications
<b>Appendix i</b>	<b>Section L: Culture &amp; Community Services</b>	
<b>L6</b>	Libraries and information service Draft: Consultation: Proposed changes to Library and Information Service	<p>The Public Libraries and Museums Act 1964 makes provision for regulating and improving library services. Section 7(1) sets out the duty of every library authority to provide a “comprehensive and efficient library service for all persons desiring to make use thereof”. Section 7(2) provides that, in fulfilling its duties, a library authority should have regard to the desirability “of securing ....by any other appropriate means” that facilities are available for the borrowing of, or reference to, books and other printed matter, pictures, records, films and other materials in sufficient number, range and quality to meet the general requirements and any special requirements of adults and children. Section 9(1) provides that “a library authority may make contributions towards the expenses of .....any person providing library facilities for members of the public”.</p> <p>Members are reminded that they must take into account the outcome of consultation before making a decision.</p>
<b>Appendices ii &amp; iii</b>	<b>Section Q: Early Intervention &amp; Safeguarding</b>	
<b>Q3</b>	Targeted Services Savings: - Sensory Teachers - Educational Psychologists - Reduce Carers funding	<p>Section 175 of the Education Act 2002 imposes a duty on local authorities (amongst others) to make arrangements in regard to the welfare of children. Local authorities must make arrangements to ensure that their education functions are exercised with a view to safeguarding and promoting the welfare of children.</p> <p>Section 321 of the Education Act 1996 sets out the basic duty on local authorities to identify and determine the special educational provision which should be made available for children for whom they are responsible . The proposals have to be consistent with the local authorities ability to meet its statutory responsibilities.</p> <p>There is a statutory framework for joint commissioning of social care and health services and each year the Council and the CCG agree their respective financial contribution towards the budget required to deliver the services and make decisions as to the letting of contracts to providers. Each partner can delegate its function to the other, if this is considered to be in the interests of stakeholders and the efficient</p>

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		<p>delivery of the services. Any reductions in budget will involve negotiation and agreement with the CCG. Where the Council holds the budget it must ensure this is managed to avoid any overspend.</p> <p>As these services are provided to vulnerable young people, to the extent that there is a change to the provision, then consultation will be required and a report setting out the outcome of such consultation placed before the decision maker. However, the appendix suggests that there will be no detriment to the service so the need to consult does not arise.</p> <p>The recipients of the service have protected characteristics under the Equality Act 2010 and the Council must comply with its statutory duty under this Act when making decisions of a strategic nature about how to exercise its functions, to have due regard to the desirability of exercising them in a way that is designed to reduce inequalities.</p>
Q5	Youth Service	<p>A full report is presented to Mayor and Cabinet setting out the proposals for the development of a mutual to deliver the youth services. This report contains detailed legal and financial implications. If the formation of a mutual is agreed, then the Lewisham mutual would have to compete in the market for a contract for the youth service for a period of up to three years although only mutuals will be permitted to tender. The Council will have to specify the nature of the services it requires the mutual to deliver although this can be in the form of an output specification to allow the bidders to come forward with their own proposals as to how to deliver the services and to offer, if they so wish, any innovative proposals. It is lawful to offer Initial financial or other support to the mutuals provided that it is fair to all bidders and not discriminatory. There will be employment implications which will be set out in the Report. General legal implications apply.</p>
Appendices iv & v	<b>Section A – Smarter &amp; Deeper Integration of Social Care &amp; Health</b>	
A11	Managing & improving transition planning	<p>The Children and Families Act became law on the 1 September 2014. The new law makes it clear that children and young people with special educational needs and disabilities ( SEND) should be supported on a consistent basis across Education, Health and Social Care from 0-25 years of age. Education Health and Care plans need to consider the needs of younger people in receipt of education. How those needs are</p>

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		<p>met can be highly flexible. Assessment duties are set out in the Care Act 2014 and associated guidance.</p>
<b>A14</b>	<p>Achieving best value in the provision of care packages</p>	<p>The new general duty under the Care Act 2014 of a local authority, in the case of an adult, is to promote that adult's well-being. "Well-being", in relation to an adult, means that adult's well-being so far as relating to any of the following—</p> <ul style="list-style-type: none"> <li>(a) physical and mental health and emotional well-being;</li> <li>(b) protection from abuse and neglect;</li> <li>(c) control by the adult over day-to-day life (including over the care and support provided to the adult and the way in which it is provided);</li> <li>(d) participation in work, education, training or recreation;</li> <li>(e) social and economic well-being;</li> <li>(f) domestic, family and personal relationships;</li> </ul> <p>When deciding how best to meet an individual's care needs, the Council is entitled to take into account its own resources as well as the client's stated preferences. In planning to meet an individual's needs, the Council may consider the most cost effective way in which this can be done and can take into account the individual's resources and contributions. This may include considering their family and support networks, their welfare benefits and the community resources available. This has already been the subject of several reports. Commissioning issues and separate reports as services are re-commissioned.</p> <p>This has already been the subject of several reports. Commissioning issues and separate reports will be required as services are re-commissioned.</p>
<b>Appendix vi</b>	<b>Section I: Management &amp; Corporate Overheads</b>	
<b>I9b</b>	<p>HR: Reduction in Human Resources Support - Trade Union Secondments</p>	<p>There are employment implications arising out of this proposal and the Council's management of change policies will have to be followed and compliance with all relevant Employment legislation</p>
	<b>Section J: School Effectiveness</b>	
<b>J2b</b>	<p>Attendance and Welfare</p>	<p>Section 443 of the Education Act 1996 requires local authorities to make arrangements to enable them to establish (as far as possible) the identity of children in their area</p>

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		<p>who are not receiving a suitable education. Section 444 imposes a statutory responsibility of local authorities to ensure that parents fulfil their legal duty that children of compulsory school age receive suitable, efficient full-time education either by regularly attending school or otherwise. Section 446 of the Education Act 1996 requires that proceedings for offences under sections 443 or 444 can only be instituted by a local authority.</p> <p>The local authority is statutorily required to ensure that its education and training functions are exercised with a view to promoting high standards, fulfilment of potential and fair access to opportunity for education and training. The proposals have to be consistent with the local authorities ability to meet its statutory responsibilities.</p>
<b>Appendix viii</b>	<b>Section N: Environmental Services</b>	
<b>N5</b>	Review of Lewisham's Fleet & Passenger Transport Service	Once the current proposal has been more particularised, then full legal implications will be provided.