



Executive

Monday 10 December 2012 at 6.00 pm

Committee Rooms 1, 2 and 3, Brent Town Hall, Forty Lane, Wembley, HA9 9HD

Membership:

Lead Member Councillors:

Portfolio

Butt (Chair)	Leader/Lead Member for Corporate Strategy & Policy Co-ordination
R Moher (Vice-Chair)	Deputy Leader/Lead Member for Finance and Corporate Resources
Arnold	Lead Member for Children and Families
Beswick	Lead Member for Crime and Public Safety
Crane	Lead Member for Regeneration and Major Projects
Hirani	Lead Member for Adults and Health
Jones	Lead Member for Customers and Citizens
Long	Lead Member for Housing
J Moher	Lead Member for Highways and Transportation
Powney	Lead Member for Environment and Neighbourhoods

For further information contact: Anne Reid, Principal Democratic Services Officer
020 8937 1359, anne.reid@brent.gov.uk

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The press and public are welcome to attend this meeting

Agenda

Introductions, if appropriate.

Apologies for absence and clarification of alternate members.

Item **Page**

1 Apologies for absence

2 Declarations of pecuniary interests

Members are invited to declare at this stage of the meeting, any relevant financial or other interest in the items on this agenda.

3 Minutes of the previous meeting 1 - 12

4 Matters arising (if any)

5 Deputations (if any)

Children and Families reports

6 Fostering Service Annual report - March 2011 - April 2012 13 - 48

The purpose of this report is to inform the Executive about the work undertaken by the Fostering Service between April 2011 and March 2012. The format and headings for the report are as set out in Fostering Regulation 2011. The report provides the Executive with information on the service offered to foster carers and outcomes for children including compliance with the National Minimum Standards. The report also updates Executive on the activity of the Fostering Panel and work undertaken to improve the recruitment and retention of foster carers.

Ward Affected:
All Wards

Lead Member: Councillor Arnold
Contact Officer: Krutika Pau, Director of
Children and Families
Tel: 020 8937 3126 krutika.pau@brent.gov.uk

7 School funding reforms 2013/14 49 - 72

Following a nationwide consultation the Department for Education have introduced new legislation requiring all local authorities to amend their local Schools Fair Funding Formulae from April 2013. The Executive has the statutory responsibility to approve any amendments to Brent's Fair Funding Formula following consultation with the Schools Forum. This report sets out recommended amendments to Brent's Fair Funding

Formula for the Executive to consider and approve.

Ward Affected: All Wards
Lead Member: Councillor Arnold
Contact Officer: Krutika Pau, Director of Children and Families
Tel: 020 8937 3126 krutika.pau@brent.gov.uk

8 Strategy for Implementing the Two Year Old Early Education and Childcare Free Entitlement 73 - 96

This report seeks agreement to the strategy to implement the September 2013 two year old childcare and early education offer. It highlights a number of challenges to ensuring the supply of quality places meets the anticipated demand.

Ward Affected: All Wards
Lead Member: Councillor Arnold
Contact Officer: Krutika Pau, Director of Children and Families
Tel: 020 8937 3126 krutika.pau@brent.gov.uk

9 Authority to award a framework agreement for the provision of school meals services to Brent schools 97 - 104

This report requests authority to award a framework agreement for the provision of school meal services (the "Framework Agreement") as required by Contract Standing Order No 88. This report summarises the process undertaken in tendering this Framework Agreement and, recommends a method of appointment of contractors to the Framework Agreement.

(Appendix also referred to below)

Ward Affected: All Wards
Lead Member: Councillor Arnold
Contact Officer: Krutika Pau, Director of Children and Families
Tel: 020 8937 3126 krutika.pau@brent.gov.uk

Environment and Neighbourhood Services reports

10 Cemeteries Strategy 105 - 184

This report provides the Executive with an overview of Brent's Cemeteries Strategy. The strategy concerns the four cemeteries owned and managed by Brent Council and will enable the council to provide an inclusive and cost effective service to meet current and future demand for burial. The strategy was produced following a comprehensive consultation process and sets out a clear vision, set of objectives and action plan for cemetery provision in Brent.

Ward Affected:
All Wards

Lead Member: Councillor Powney
Contact Officer: Neil Davies, Sports and Parks
Tel: 020 8937 2517 neil.davies@brent.gov.uk

11 Authority to participate in the London Highways Contract for Highway Services 185 - 208

The current Brent highway framework agreements end on 31st March 2013. This report requests that the Executive grants authority to award a call-off contract to Conway AECOM with total anticipated value of £7.8m per annum to deliver highways maintenance and related services on and around the London Borough of Brent Road Network from 1 April 2013 to 31 March 2021, as required by Contract Standing Order 88. The proposed contract is a call off from one of the London Highways Alliance Contract (LoHAC) framework agreements, the product of a collaborative procurement which will be accessible to all London Boroughs and Transport for London (TfL). The report also sets out the financial savings and other benefits associated with the contract and the next steps to ensure successful mobilisation and on-going contract management.
(Appendix also referred to below)

Ward Affected:
All Wards

Lead Member: Councillor J Moher
Contact Officer: Paul Chandler, Head of Transportation
Tel: 020 8937 5151 paul.chandler@brent.gov.uk

Regeneration and Major Projects reports

12 Disposal of the Town Hall 209 - 226

With the building of the new Civic Centre, the existing Town Hall site will become surplus to the Council's requirements during 2013. Previous reports to the Executive have outlined that the Council needs to maximise the capital receipt for the Town Hall in order to contribute towards the Civic Centre business plan. This report sets out the marketing exercise undertaken for the Town Hall and makes recommendations to the Executive in respect of the disposal of the Town Hall site. The report also recommends that the Executive agree to authorise the appropriation of the Town Hall site to planning purposes to enable the operation of powers under Section 237 of the Town and Country Planning Act 1990 (Section 237) to facilitate the redevelopment of the Town Hall site.
(Appendix also referred to below)

Ward Affected:
Barnhill

Lead Member: Councillor Crane
Contact Officer: Richard Barrett, Property and Asset Management
Tel: 020 8937 1334 richard.barrett@brent.gov.uk

Central reports

13 Public Health Contracts - Process for transfer and commissioning intentions for 2013/14 227 - 242

This report sets out for the Executive plans for the transfer of public health service contracts to the council to ensure service continuity in 2013/14.

Ward Affected: All Wards
Lead Member: Councillor Hirani
Contact Officer: Andrew Davies, Policy and Performance
Tel: 020 8937 1609
andrew.davies@brent.gov.uk

14 Authority to award contract for temporary agency staff 243 - 252

This report requests authority to award a contract as required by Contract Standing Order No 88. This report summarises the process undertaken in selecting the supplier for this contract and recommends to whom the contract should be awarded.
(Appendix also referred to below)

Ward Affected: All Wards
Lead Member: Councillor R Moher
Contact Officer: Cara Davani, People and Development
Tel: 020 8937 1909 cara.davani@brent.gov.uk

15 London Councils Grants Scheme 253 - 284

This report seeks agreement to London Councils Grants Committee budget for 2013/14 and the associated reduction in the level of contribution by Brent Council to the London Borough Grants Scheme.

Ward Affected: All Wards
Lead Member: Councillor Butt
Contact Officer: Joanna McCormick, Partnership co-ordinator
Tel: 020 8937 1608
joanna.mccormick@brent.gov.uk

16 Collection Fund Surplus/Deficit at 31 March 2013 285 - 288

As part of the Council Tax setting process for 2013/2014 the Council is required to estimate the amount of any surplus or deficit on the Collection Fund as at 31 March 2013. This must be done by the 15 January 2013 and this report asks members to approve the balance projected.

Ward Affected: All Wards
Lead Member: Councillor R Moher
Contact Officer: Mick Bowden, Deputy Director of Finance

17 Performance and Finance review, Quarter 2, 2012/13

289 -
328

The purpose of this report is to provide Members with a corporate overview of Finance and Performance information to support informed decision-making and manage performance effectively
(Appendix also referred to below)

Ward Affected:

All Wards

Lead Member: Councillor Butt

Contact Officer: Mick Bowden, Deputy Director of Finance, Phil Newby, Director of Strategy, Partnerships and Improvement
Tel: 020 8937 1460, Tel: 020 8937 1032
mick.bowden@brent.gov.uk,
phil.newby@brent.gov.uk

Adult Social Care reports - none

18 Reference of item considered by Call in Overview and Scrutiny Committee (if any)

None

19 Exclusion of Press and Public

The following items are not for publication as they relate to the following category of exempt information as specified in the Local Government Act 1972 namely:

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

APPENDICES:

- **Authority to award a framework agreement for the provision of school meals services to Brent schools**
- **Authority to participate in the London Highways Contract for Highway Services**
- **Disposal of the Town Hall**
- **Authority to award contract for temporary agency staff**
- **Performance and Finance review, Quarter 2, 2012/13**

(reports above relate)

Date of the next meeting: Monday 14 January 2013



Please remember to **SWITCH OFF** your mobile phone during the meeting.

- The meeting room is accessible by lift and seats will be provided for

members of the public.

- Toilets are available on the second floor.
- Catering facilities can be found on the first floor near The Paul Daisley Hall.
- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge

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LONDON BOROUGH OF BRENT

MINUTES OF THE EXECUTIVE Monday 12 November 2012 at 7.00 pm

PRESENT: Councillor Butt (Chair), Councillor R Moher (Vice-Chair) and Councillors Arnold, Beswick, Crane, Hirani, Jones, Long, J Moher and Powney

Also present: Councillors Al-Ebadi, Chohan, Hashmi, Hunter and Lorber

1. **Adjournment**

At the start of the meeting, due to disturbance from members of the public present, the Executive resolved to adjourn the meeting for 10 minutes and reconvene in another location.

2. **Declarations of pecuniary interests**

Councillor Crane declared a personal and prejudicial interest in the report relating to the structure of Public Health Services in Brent and indicated that he would leave the meeting for that item taking no part in the discussion thereon.

3. **Welcome**

The Chair, on behalf of members, welcomed Christine Gilbert (Interim Chief Executive) to her first meeting of the Executive.

4. **Minutes of the previous meeting**

RESOLVED:-

that the minutes of the previous meeting held on 15 October 2012 be approved as an accurate record of the meeting subject to Clause 8 – Outcome of the consultation and recommendations for a localised council tax scheme, para 2 - delete '£54.1M' insert '£5.1M'.

5. **Matters arising**

None.

6. **Deputations**

None.

7. Renewal of existing contracts for the delivery of Speech and Language Therapy Service to Key Stage 1&2 and Key Stage 3&4 for pupils in mainstream Brent schools

The report before the Executive sought authority for the renewal of two contracts supplying speech and language therapy to pupils in Brent schools at Key Stages 1&2 and Key Stages 3&4. The service was commissioned by Brent Council and supports the council in meeting its statutory responsibilities to deliver Speech and Language Therapy (SALT) to Brent pupils with statements of Special Educational Needs. Councillor Arnold (Lead Member, Children and Families) advised that the extension was for one year to establish whether there were any opportunities for increased efficiency, working closely with the Health Service. The result would be better services for children.

RESOLVED:-

- (i) that approval be given to an exemption from the tendering requirements of Contract Standing Orders to allow the renewal of the current Speech and Language Therapy contract for Key Stages 1&2 with Brent Community Services from 1 April 2013 to 31 March 2014 at a total cost of £255,148 at existing terms and conditions, on the basis that there are good operational and financial reasons for doing so as set out in section 3 of the report from the Director of Children and Families;
- (ii) that approval be given to an exemption from the tendering requirements of Contract Standing Orders to allow the renewal of the current Speech and Language Therapy contract for Key Stages 3&4 with North West London Hospitals Trust from 1 April 2013 to 31 March 2014 at a total cost of £103,060 at existing terms and conditions, on the basis that there are good operational and financial reasons for doing so as set out in section 3 of the Director's report.

8. Local Account

Councillor Hirani (Lead Member, Adults and Health) introduced the borough's Local Account the purpose of which was to communicate priorities and to provide members, residents and other stakeholders with an accountability mechanism by which self-regulation and improvement activities could be systematically monitored and reported. Councillor Hirani drew attention to the view that Brent was a borough of contrasts, having many opportunities but yet with relatively high levels of poverty and a significant gap in life expectancy between men in the most affluent and those in the most deprived parts of the borough. He referred to the challenges that would face residents as a result of changes to housing affordability and to council tax benefits, which would impact on health and increase demands on the authority. Councillor Hirani outlined improved and modernised adult social care services in place to support users and give increased choice and control. He also referred to key local health and well-being challenges which the strategy would aim to address including oral health, mental health, tuberculosis and obesity. The council would be working closely with health partners to give children the best start, empower communities and improve overall mental well-being.

Members welcomed the report and acknowledged the improvement in services and outcomes over recent years.

RESOLVED:

- (i) that the performance and contextual information contained in the report from the Director of Adult Social Care be noted;
- (ii) that the current and future strategic risks associated with the information provided be noted;
- (iii) that progress continue to be challenged with responsible officers as necessary.

9. **Carers Services Hub Model**

The report from the Director of Adult Social Services requested authority to award a contract as required by Contract Standing Order No 88 for the provision of a carer's hub advice and support model service. The report summarised the process undertaken in tendering the contract and, following the completion of the evaluation of the tenders, recommended an organisation to be awarded the contract. Councillor Hirani (Lead Member, Adults and Health) reminded the Executive that at the meeting of the Executive in May approval was given to pre-tender considerations and the criteria to be used to evaluate tenders and the procurement process and evaluation criteria. The aim was to improve the consistency of the carer's experience in their journey when accessing services in Brent in accordance with mandatory priorities identified through the consultation process. The contract would commence on 1 February 2013 to run for up to five years.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in paragraph 3 of Schedule 12A to the Local Government Act 1972, namely:

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

RESOLVED:

that approval be given to award a contract to Brent Carers Centre for a carer services hub advice and support service for a period of three years followed by discretionary extensions of 1 year plus 1 year (up to 5 years).

10. **Authority to enter into a Partnership Arrangement under Section 75 National Health Services Act 2006 in respect of Brent's Integrated Community Equipment Service**

Councillor Hirani (Lead Member, Adults and Health) reminded the Executive of the requirement under Sections 74 and 75 of the National Health Service Act 2006 for local authorities and NHS bodies to work together to improve health and health care provision. This included provision made for flexible funding and working arrangements such as the pooled budgets proposed for the Council and Brent PCT to continue to provide an Integrated Community Equipment Service via an existing

contract with Medequip. The agreement would be short term to run until 31 March 2013.

RESOLVED:-

- (i) that approval be given to re-enter into a partnership arrangement up to 31 March 2013 for provision of Brent's Integrated Community Equipment Service with the Brent PCT under Section 75 National Health Services Act 2006 as set out in the report from the Director of Adult Social Services. Under this arrangement the Council will be lead agency on behalf of the partners (the council and Brent PCT) with each partner being financially accountable for the actions and expenditure of each partner's practitioners;
- (ii) that approval be given to the setting up of a pooled budget with Brent PCT under the partnership agreement and to the transfer of the council's pro rata contribution as set out in paragraph 4.1 for the financial year 2012/13 to that budget;
- (iii) that the council be the budget holder for the pooled budget;
- (iv) that it be noted that written agreement will be required to be entered into between the Council and Brent PCT in respect of the proposed partnership and that the Director of Adult Social Services be authorised, in consultation with the Director of Legal and Procurement, to agree the exact form of that agreement.

11. **Framework Agreement for Supporting People Services**

Members had before them a joint report from the Directors of Adult Social Services and Regeneration and Major Projects which requested authority to award a Framework Agreement for supporting people services as required by Contract Standing Order No 88. The report summarised the process undertaken in tendering the Framework Agreement and, following the completion of the evaluation of the tenders, recommended providers to be appointed onto the Framework Agreement and the award of five call-off contracts to the proposed Framework Providers. This report further requested authority to renew a number of existing contracts for five to nine weeks to ensure planned implementation for the five call-off contracts.

Councillor Hirani (Lead Member, Adults and Health) referred to the preventative work carried out under the programme and the services provided both statutory and non-statutory. The aim was to help as many people as possible with an extensive contract and increased efficiencies which would generate savings. Councillor Hirani drew attention to the list of providers, which he was pleased to note, included some based locally.

The Executive also had before them appendices to the report which were not for publication as they contained the following category of exempt information as specified in paragraph 3 of Schedule 12A to the Local Government Act 1972, namely:

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

RESOLVED:

- (i) that approval be given to appoint to the Framework the providers listed in paragraph 3.27 of the report from the Directors of Adult Social Services and Regeneration and Major Projects for Supporting People services for a period of four years;
- (ii) that approval be given to award five call-off contracts to the providers detailed in paragraph 3.35 of the report for a period of two years followed by discretionary extensions of 1 year plus 1 year (up to a maximum of four years);
- (iii) that approval be given to exemption, in accordance with Contract Standing Order 84(a), from the usual tendering requirements of Contract Standing Orders to renew the existing 26 Supporting People contracts referred to in paragraph 3.9 for 5 weeks and 9 weeks on the basis of good operational and financial reasons as set out in paragraph 3.9 of the report from the Directors of Adult Social Services and Regeneration and Major Projects.

12. Authority to tender for the sale of dry recyclate

Councillor Powney (Lead Member, Environment and Neighbourhoods) introduced the report which requested approval to invite tenders for the re-processing and subsequent sale of recyclable materials collected through the council's dry recycling service (blue bin + bring banks). He advised that the preferred option was to negotiate with the existing waste contractor a reduction in the waste fee (the charge levied for a quantity of waste). The results of the tender exercise would provide a clear picture of the value of the recyclate and would give the council alternatives should the preferred option not be successful.

Members welcomed the initiative, particularly the opportunity to reduce landfill and meet recycling targets.

RESOLVED:-

- (i) that approval be given to the procurement of a service provider for the re-processing and subsequent sale of recyclable materials collected through the dry recycling service;
- (ii) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders for this service as set out in paragraph 3.20 of the report from the Director Environment and Neighbourhood Services;
- (iii) that approval be given to the Director of the Environment and Neighbourhood Services to invite expressions of interest, agree shortlists, invite tenders in respect of this service and evaluate them in accordance with the approved evaluation criteria referred to in (ii) above.

13. Local Nature Reserve Declaration at Masons Field, Fryent Country Park

The report from the Director of Environment and Neighbourhood Services provided a brief overview of Masons Field and Fryent Country Park, detailed the advantages of declaring Masons Field a Local Nature Reserve and summarised consultation undertaken on the proposal. The report also outlined the improvement programme currently being implemented at Masons Field through Heritage Lottery funding.

RESOLVED:-

- (i) that agreement be given to the Declaration of Masons Field as a Local Nature Reserve;
- (ii) that agreement be given to officers completing the remaining stages of the Declaration and Public Notice as outlined in paragraphs 3.14-3.15 of the report from the Director of Environment and Neighbourhood Services.

14. Dynamic Purchasing System (DPS) for the procurement and management of temporary accommodation

Councillor Long (Lead Member, Housing) introduced the report from the Director of Regeneration and Major Projects which sought authority to invite tenders for Dynamic Purchasing System (DPS) for the Procurement and Management of Temporary Accommodation pursuant to the Council's Private Sector Accommodation Scheme (PSA). This procurement exercise was designed to provide a sufficient supply of accommodation in the right places to adequately respond to the changes being made to the benefit system with the introduction of the Overall Benefit Cap in April 2013. Councillor Long referred to the adverse impact of the benefit cap of £500 pw on claimants and a recent review by the Department for Work and Pensions of the temporary accommodation subsidy regime and have confirmed this would continue to be based on current arrangements amounting to a budget cut. Other points of concern in identify accommodation were transport links to the borough and maintaining community links. Councillor Long made reference to the Temporary Accommodation Placement Policy appended to the report which set out the rationale for the placement of households in temporary accommodation, both inside and, where necessary, outside the borough and drew attention to the equalities impact assessment which acknowledged that the policy would have a disproportionate impact on the grounds of race and faith. Work was taking place to improve the employment opportunities of residents to help them remain the borough. Councillor Long also referred to other actions being taken to mitigate the impact of these changes including the proposed Dynamic Purchasing System (DPS), a completely electronic system to purchase commonly used services, such as the procurement and management of private temporary accommodation. The DPS would commence in April 2013 for the duration of two years with an option to extend for up to two years.

The Director of Regeneration and Major Projects re-emphasised the adverse impact on some communities set out in the Equalities Impact Assessment and the efforts that would be made to mitigate which members acknowledged. They wished for it to be made clear that many local authorities had little choice but to take such measures in order to comply with statutory obligations.

RESOLVED:-

- (i) that approval be given to the pre-tender considerations and the criteria to be used to evaluate tenders for a DPS for the Procurement and Management of Temporary Accommodation as set out in paragraph 3.12 of the report from the Director of Regeneration and Major Projects;
- (ii) that approval be given the inviting of expressions of interest, agreement of shortlists, the invite Tenders for a DPS for the Procurement and Management of Temporary Accommodation and their evaluation in accordance with the approved evaluation criteria referred to in (i) above;
- (iii) that the content of the Council's temporary accommodation placement policy as set out in Appendix 1 of the report be noted and authority be delegated to the Director of Regeneration and Major Projects to finalise and approve any minor amendments to the temporary accommodation placement policy.

15. **Olympic Way**

Councillor Crane (Lead Member, Regeneration and Major Projects) reminded the Executive of the dispute over the ownership and status of Olympic Way with Quintain Estates (QED) existing for a number of years. In recent years QED has carried out much of the maintenance and has derived income from advertising along it. It was felt that Olympic Way needed long term capital investment to bring it to a standard worthy of a key route in the borough and to maintain the route in excellent condition. The report before members proposed an agreement between the council and Quintain that fairly apportioned maintenance costs and income from advertising and other uses and guaranteed the long term significant improvement of the route.

The Executive also had before them an appendix to the report which was not for publication as it contained the following category of exempt information as specified in paragraph 3 of Schedule 12A to the Local Government Act 1972, namely:

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

RESOLVED:-

- (i) that approval be given to the drawing up of a legal agreement with Quintain Estates on the future maintenance of Olympic Way and share of income from advertising and other activities;
- (ii) that officers prepare, subject to further legal advice, legal documents for the Olympic Way agreement based on the principles set out in paragraph 3.13 of the report;
- (iii) that approval of the exact terms of that agreement be delegated to the Director of Regeneration Major Projects/ Assistant Director, Property and Asset Management.

16. **The structure of Public Health Services in Brent**

The Deputy Leader, Councillor R Moher introduced the joint report from the Directors of Adult Social Services and Strategy, Partnerships and Improvement which confirmed that as from 1 April 2013 the council would be taking on responsibility for health improvement and with it many of the services currently delivered by public health teams based in PCTs as a result of the passing of the Health and Social Care Act. The report before members recommended a model for public health in Brent and integration into the current officer structure. The full time Director of Public Health would have a wide remit, promoting equalities, ill health prevention and guiding commissioning activity. The budget transfer was expected to take place in April 2013 and NHS Brent's public health allocation for 2012/13 was £17.3m, which left a gap of around £1.3m in funding. The resource allocation could lead to a further reduction in funding for Brent of around 16% to around £13.5m. Additionally, the population figure used in calculations was approximately 60,000 less than the 2011 census would indicate, resulting in further underfunding. She recommended that the Executive adopt the proposed integrated model.

Councillor Hirani (Lead Member, Adults and Health) highlighted the three areas of activity on which public health would focus: health intelligence, public health commissioning and health improvement which would provide opportunities for existing leisure services. He put the view that as local government was receiving £2.2bn, less than 50% of the total public health budget, the transfer to councils should be viewed as being only partial.

Councillor Arnold (Lead Member, Children and Families) reminded the Executive that the report now before them was a revised version to that presented to the previous meeting and deferred for further consideration. She referred to the list of new services for which local government would be responsible and suggested the need for further clarification on the elements NHS work that were being transferred prior to agreeing the structure. Councillor R Moher responded that the decision at this stage was to agree to the integrated model and confirmed that further work would be taking place. The Director of Adult Social Services added that a further report on public health contracts was due to come before the Executive in December and work with colleagues was taking place.

Councillor Hunter (Vice Chair, Health Partnerships Overview and Scrutiny Committee) welcomed aspects of the proposals particularly the opportunity for more joint working with the Director of Public Health at the centre. However, she questioned the extent to which in the absence of line managerial responsibility, the Director of Public Health could ensure that public health was a priority, sought assurances that money not spent on posts would be spent on services and the extent to which existing Brent NHS staff were aware of the implications for jobs. She also felt that central government should take into account the likelihood of under-funding as a result of the differential between population figure used in calculations and the 2011 census figures. The Director of Strategy, Partnerships and Improvement advised that a meeting was due to take place with the trade unions and that a job matching exercise would be conducted. Councillor Moher assured that the programme would be driven to ensure a healthier borough.

The Chair (Councillor Butt, Leader of the Council) proposed an amendment to the recommendations in the report to approve the proposed structure in principle, subject to the Interim Chief Executive considering the detail of the structure and its integration within the council, which was agreed.

RESOLVED:-

that approval be given in principle to the proposed structure for the public health service in Brent as set out in the report from the Directors of Adult Social Care and Strategy, Partnerships and Improvement, subject to the interim Chief Executive considering the detail of the structure of the service and how it will be integrated within the council.

Councillor Crane declared a personal and prejudicial interest in the above item and left the meeting having taken no part in the discussion thereon).

17. The future administration and governance of Barham Park Trust

The report before the Executive from the Director of Legal and Procurement recommended the further separation of the council's role as Trustee for Barham Park Trust from its statutory role and functions as a London borough council, and the development of specific policies and procedures for the effective management and use of the Trust's assets in order to fulfil its charitable purposes. It also recommended changes to the financial management of the Trust funds. The review of governance issues was part of the major review of the Trust which started in 2009 and has been more actively pursued since the beginning of 2012. It also took into account matters raised by the Charity Commission. Members heard from Councillor Jones (Lead Member, Customers and Citizens) that the Charity Commission were satisfied with new arrangements and that Trust members would be trained in the financial and legal responsibilities of their role.

Councillor Lorber (Ward Councillor, Sudbury) expressed the view that the Trust should meet frequently, three or four times, particularly in its first year, to address concerns raised by and with the Charity Commission which, he felt, should have been set out in the report. He felt the Trust would give officers a clear direction emphasising that the Park should not be treated as a council asset.

Councillor Powney (Lead Member, Environment and Neighbourhoods) clarified that the purpose of the report was to establish principles of governance over the park and that the one meeting per year referred to in the report was the minimum. He drew attention to a consultation exercise on park improvements that was underway and felt that any change would be incremental given the financial situation. The Director of Legal and Procurement added that she felt it was now more appropriate to move forward under the new arrangements and was keen to ensure that the training to be provided was taken on board.

Councillor Butt assured that Trust would give consideration to the recommendations from the Charity Commission and welcomed the improved transparency of the new arrangements which would benefit the community.

RESOLVED:-

that agreement be given to the Executive carrying out the functions of trustee of Barham Park Trust and to:

- (i) note the Barham Park Trust status as a charitable trust

- (ii) arrange for the trustee functions in relation to Barham Park Trust to be discharged by a sub-committee of five members of the Executive to be known as 'Barham Park Trust Committee' namely Councillors Hirani, R Moher, Powney, Crane and Jones;
- (iii) agree the membership and terms of reference of the Barham Trust Committee of the Executive as set out in paragraph 3.7 of the report from the Director of Legal and Procurement;
- (iv) delegate the day to day trustee functions and decision making to the Assistant Director Neighbourhood Services in consultation with the Assistant Director Regeneration and Major Projects and the Deputy Director Finance and Corporate Services who shall collectively be known as the 'Barham Park Trust Management Team';
- (v) the officers in iv) above are delegated such executive powers relating to their service areas as are necessary to carry out the day to day trustee functions and, in so far as they relate to Barham Park Trust matters, these powers are the same as those delegated to Directors in those service areas under Part 4 of the Constitution;
- (vi) recommend to Full Council that the Director of Legal and Procurement be requested to amend the Constitution accordingly;
- (vii) note the Director of Legal and Procurement will provide specific guidance to members and officers in their role as trustee, and provide training;
- (viii) note that changes to the Trust accounts will be undertaken.

18. **London 2012**

The Leader of the Council, Councillor Butt, was pleased to introduce the report which outlined the successful delivery of the London 2012 Games events and associated activities within Brent. He expressed a wish that the legacy of the Games would be a healthier community and a range of local improvements. Members echoed his sentiments and asked that staff involved be thanked for their contribution to the Games which were a success story for the borough,

RESOLVED:-

- (i) that the report from Interim Chief Executive and the successful delivery of London 2012 activities in Brent be noted;
- (ii) that the legacy implications for Brent of the London 2012 Games be noted.

19. **Mid-Year Treasury Report 2012/13**

The report from the Deputy Director of Finance provided members with an update on recent treasury activity.

RESOLVED:

that the 2012/13 mid-year Treasury report as also submitted to the Council and Audit Committee be noted.

20. **Any Other Urgent Business**

None.


21. **Reference of item considered by Call in Overview and Scrutiny Committee**

None.

The meeting ended at 8.15 pm

M BUTT
Chair

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	<p style="text-align: center;">Executive 10 December 2012</p> <p style="text-align: center;">Report from the Director of Children and Families</p>
<p style="text-align: right;">Wards Affected: ALL/</p>	
<p style="text-align: center;">Fostering Service Annual Report March 2011 - April 2012</p>	

1.0 Summary

- 1.1 The purpose of this report is to inform the Executive about the work undertaken by the Fostering Service between April 2011 and March 2012. The format and headings for the report are as set out in Fostering Regulation 2011. The report provides the Executive with information on the service offered to foster carers and outcomes for children including compliance with the National Minimum Standards. The report also updates Executive on the activity of the Fostering Panel and work undertaken to improve the recruitment and retention of foster carers.

2.0 Recommendations

- 2.1 Executive notes the contents of both the Fostering Service Annual Report and Regulation 35 Report.
- 2.2 Executive approves the Fostering Service Statement of Purpose.

3.0 Detail

- 3.1 Brent Council is committed to ensuring that, wherever possible, children are supported to live and be brought up within their family and community network. Where this is not possible and children need to become looked after by the authority, this should be in a family setting or in a placement which prepares them for this. As far as is possible, this will be with Brent approved foster carers.
- 3.2 Foster Care is a highly regulated area of social work practice and there have been a range of new regulations and statutory guidance issued by the Department of Education (DfE) which took effect from 1 April 2011 and have been informed by the views of children and young people. The National Minimum Standards provide the framework against which OfSTED inspects local authority Fostering Services and Fostering Agencies. Considerable work has been undertaken in the last year within the service to

develop practice and procedures to ensure compliance with the new Fostering Standards and Regulations. The standards also profile the central importance of the child's relationship with their Foster Carer and the need for Foster Carers to be recognised as core members of the team working with the child. There is a recognition that Foster Carers need to be empowered to take on the day to day tasks of parenting and provide care in the same way as any good parent would do.

- 3.3 The new Care Planning, Placement and Case Review Regulations 2010 also came into force in April 2011. The aim of the revised regulations and guidance is to streamline processes to increase the emphasis on more effective care planning for children in care. These regulations highlight permanence as the underpinning concept for all social work with children and family support through to adoption. Permanence is defined as the framework for emotional, physical and legal permanence which gives a child a sense of security, continuity, commitment and identity.
- 3.4 The service has been working to an Improvement Plan over the last two years, primarily focused on improving the overall quality of the service, increasing the use of Brent Foster Carers whilst decreasing reliance on more expensive Independent Fostering Agencies. The service has an additional 25 Foster Carers approved in the last year, but to ensure quality within the service, 9 Foster Carers have either chosen to resign or have been deregistered.
- 3.5 An Action Plan was implemented along with weekly case tracking meetings which proactively reviewed all activity within the service. All recruitment activities in relation to prospective carers (including initial visits and assessments) were tracked on a weekly basis to ensure that carers were assessed rapidly and to prevent no drift. Similar scrutiny was applied to the annual review process for Foster Carers and the management of any allegations against them.
- 3.6 One of the main areas of focus in the Improvement Plan was on the quality of care given by Foster Carers. A comprehensive training programme with a dedicated training officer was implemented. This ensured all carers undertook their Children's Workforce Development Programme qualification which is a regulatory requirement. In turn the standard of care has improved as Foster Carers knowledge, awareness and understanding has increased with improved training.
- 3.7 Two years ago, Brent's Fostering Service was losing carers to external providers and money was being spent on external fostering provision due to issues around the quantity and quality of Brent Foster placements. In 2010, the service had 81 children placed with Brent carers compared with 127 with Independent Fostering Agencies. Currently the service has 115 children placed with Brent Foster Carers compared with 98 placed with Independent Fostering Agencies.

Ofsted

- 3.8 The Ofsted "Inspection of safeguarding and looked after children services" report published in November 2011, identified positive outcomes as well as areas for improvement for services to looked after children. Good practice and positive impact for looked after children were highlighted:

- Children feel safe in their placements; Good long term placement stability for children, although further improvements are needed in short term stability;
- The presence of positive relationships between looked after children and their allocated qualified Social Worker;
- The good quality of Brent Foster Carers and the quality of support they receive to keep children safe, including the provision of specialised support from CAMHS, which increases their knowledge and understanding of the needs of young people;
- Evidence that Looked After Children are making satisfactory progress and enjoying school. Education achievement is improving and the dedicated Education for Looked After Children 'EDLAC' team ensures that educational support is available. Children and Young People are encouraged to, and do participate in a good range of out of school activities and successes are celebrated in achievement awards events;
- Effective multi-agency work to support young people and reduce offending behaviour
- The presence of the Kinship Care Team which has improved awareness of the need to consider a child's wider extended network when looking at accommodation or permanence plans among professionals. Quality assurance of viability assessments has improved and all statutory requirements met.
- Increased placement choice as a result of successful Foster Carer recruitment campaign

Foster Carers

- 3.9 Foster Carers continue to be well supported by the Service. This support includes regular supervisory visits by the Supervising Social Worker and monthly Foster Carer support group meetings which have taken place throughout the year. All Foster Carers are signed up members of Foster Talk - an independent advocacy and advice service for Foster Carers.
- 3.10 In September 2011, the service launched a new initiative - the 'Foster Care Focus Group'. The purpose of the group is to provide a participation / consultative forum for smaller groups of carers to engage with senior managers to address issues relating to foster carers and improve partnership working. The focus group will be the link between the Council and Foster Carers and will assist the effective flow of information between senior managers and Foster Carers. The group meets on the first Monday of every other month.
- 3.11 Each local authority has been required to develop a Foster Carers' Charter that sets out clear principles on how Foster Carers should be treated; it recognises their invaluable work and also profiles the expectations of carers. Within Brent the charter has been developed with carers and was launched at the Foster Carer Conference in June 2012.
- 3.12 The annual black tie Dinner and Dance event for Foster Carers was held at the Quality Inn in Wembley on 9 December 2011 as a "thank-you" for all Brent's Foster carers including Kinship Carers. The event was instigated at the request of foster carer and is extremely popular and well received, and this year approximately 125 people attended.

Recruitment

- 3.13 In the past 2 years the service has developed innovative recruitment strategies by exploring new ways to reach prospective carers such as: attending a National Islamic

Event at the Excel Centre in London, facilitating an Information morning at a Brent Somalian Community Centre and launching a mobile recruitment campaign using an open top double decker bus which tours Brent and neighbouring boroughs. We have also advertised by Life Screen in all G.P. surgeries and health centres, held information evenings, talked to schools, supermarkets and had great success advertising with IKEA.

- 3.14 At the end of March 2012, 369 children were looked after by the Council. 213 of these children were placed in Foster Carer of which 115 children were placed with Brent Foster Carers and 98 children were placed with Foster Carers approved by Independent Fostering Agencies. A further 35 children were placed with Kinship family / Friend carers.

Fostering Panel

- 3.15 Improvement has been made to the Fostering Panel to make sure it worked in an efficient and effective way. Additional panels were introduced to improve timeliness of approval and matching and a robust monitoring system was implemented, which alerts us to any potential delay and provides the opportunity to counteract it. Monitoring sheets are completed for each case presented at panel and the panel provides feedback to the Agency Decision Maker.
- 3.16 The Panel makes recommendations to the Fostering Service and these recommendations are referred to the Agency Decision Maker for a decision as to whether a Foster Carer should be approved. There are two Agency Decision Makers, one is the Assistant Director, Children's Social Care and the other is Head of Service - Social Care Locality Teams. The Fostering Panel meets on a monthly basis and it feeds back any issues or concerns to the Registered Manager, who is the Head of Service, Placements.
- 3.17 This year the panel introduced feedback from those attending to help improve the service delivery. The following information was obtained from an analysis of the 25 responses received..
- All applicants felt they had been given appropriate information prior to Panel and that the process had been fully explained to them
 - 63% of applicants found the Panel to be easier to attend than they thought it would be whilst 26% found it to be as expected and 10% found it harder than expected.
 - All applicants except one agreed that there was nothing that should have been asked that was not, and all were glad they had attended.
- 3.18 There have been no complaints or referrals to the Independent Review Mechanism (IRM) brought to the Chair's attention in this period.
- 3.19 In the past year Panel have had access to training with Social Care Staff which was facilitated by an external trainer, with a focus on refreshing understanding of Panel Members and Social Worker roles and responsibilities. The training was well received. Further panel training on the roles and responsibilities for panel members will be held September 2012.
- 3.20 The CAMHS Service consists of four Clinical Psychologists who split their time working with 'core' CAMH LAC Team (which includes work with looked-after, Kinship and

Adopted children), and providing consultation, training and psychological input to workers within Brent Social Care.

- 3.21 During the last year, the psychologists in the team have delivered 3 consultation/training sessions to Social Workers and Foster Carers. The sessions were on topics relevant to the relations between foster carer and child, such as how to explain bad news to a child; exploring the impact of past experiences on a carer's potential ability to be a Foster Carer/Adopter; meeting with carers to improve aspects of their behaviour management skills of their foster-child. In addition, over the last year they have provided over 200 consultation sessions to social workers or carers on case specific issues. This is a highly valued component of the service and central to our strategy to support carers to care for challenging young people who would otherwise have to be placed in alternative (and more costly) placements. It makes a major contribution to enhanced placement stability by providing direct support to carers.
- 3.22 CAMHS also provide a monthly Foster Carer Support Group. This was initiated following feedback from training where by some of the Foster Carers asked for a regular group to provide a space to discuss issues specific to the mental health and psychological wellbeing of foster children.
- 3.23 The surgery has been well received and a service evaluation of it demonstrated its success at supporting and sustaining placements. This study was published in The British Psychological Society's Journal 'Education and Psychology' Vol 28(3)2011, Hibbert G and Frankl, J. entitled *A consultation service for Social Workers and Foster Carers in a child and adolescent mental health service*.

Complaints and Allegations

- 3.24 There have been four formal complaints to the Foster Service. All were case specific and did not highlight any particular theme or trend / systemic issues for the service to respond to. All complaints were resolved at stage one within the service.
- 3.25 There have been five allegations by children / young people against their Foster Carer or a member of the household. One allegation was substantiated, and the placement terminated; two allegations were unsubstantiated; two were inconclusive. The learning from these cases was built into the training programme for carers and the development of a Policy and guidance for safe internet usage.

Accidents, Injuries and Illnesses to children

- 3.26 Accidents, illnesses and injuries have been notified via the Schedule 6 & 7 monitoring systems to the Service. Most of these were minor incidents which did not require medical intervention but were dealt with via basic first aid and home remedies. However, four events required medical assessment / treatment.

Children Missing

- 3.27 The Placement Service is committed to safeguarding children and young people in particular those who are most vulnerable and at risk. Last year, between April 2011 and March 2012 12 children went missing from foster homes. All these children were of secondary school age and the majority stayed out overnight (usually with friends or family) and returned the following day. In two cases where the child was away for a

longer period of time the Local Authority knew their whereabouts and was in contact with them. They all returned safely to their foster carers.

- 3.28 The service works within the Local Safeguarding Children Board's policy framework for missing children and ensured that all those children who did go missing were visited and spoken to on their return.

Child Deaths

- 3.29 There have been no child deaths in Foster Care during this period.

Ongoing Development of the Service

- 3.30 Improvements within the service have been driven by a range of quantitative and qualitative initiatives. The increased use of better performance management information and the embedding of a culture around its use has been key. This has helped to drive improvements in recruitment activity of foster carers, placement activity of children, the speed of movement of children through the system to permanency, alongside other issues such as improved placement stability. The Head of Service monitors the overall performance of the service very closely to ensure that these improvements continue to be on target. This will continue to be a key component of developments over the coming year.
- 3.31 Alongside these initiatives, the service will continue to focus on improving the quality of provision over the coming year. This will mean a continued focus on recruiting more Brent foster carers, building on the considerable success it has had in reducing the previous excessive reliance on expensive independent fostering agency placements. This drive to increase Brent foster carers has the added benefit that children are then largely placed within the Borough, meaning less disruption to their education as well as their peer and family networks.
- 3.32 Equally, the service will continue to ensure that those foster carers who are recruited are well supported and provided with training programmes focused specifically on their individual needs as carers. Retention of good carers is paramount. CAMHS will continue to work with carers to provide specialist advice and support. This support to foster carers also incorporates the annual review which looks at their suitability to continue to work as carers for Brent.
- 3.33 Elected Members continue to play an important role in supporting the Fostering Service through membership of Foster panels and by promoting fostering in Brent. The Head of Service meets with the Director of Children and Families and the Lead Member of the Council on a regular basis to update on progress made through the Improvement Plan.
- 3.34 Finally, the service is keen to be outward looking and is always exploring other collaborative arrangements. The service is an active member of the West London Fostering Consortium. The benefits of this partnership have been evident in the last year, whereby costs have been saved through sharing both information and training. Members meet bi monthly to share best practice and to look at responses to new government initiatives and changes in regulation.
- 3.35 In the forthcoming year, further work will be undertaken to look towards the feasibility of sharing services. This will begin in April 2012 when Harrow will be sharing Brent's preparation training for foster carers.

4.0 Financial Implications

4.1 There are no direct financial implications arising from this report. All activities and developments covered in this report have been undertaken from within existing budgets.

5.0 Legal Implications

5.1 The National Minimum Standards, together with Regulations relevant to the placement of children in foster care such as the Fostering Services (England) Regulations 2011, form the basis of the regulatory framework under the Care Standards Act 2000 for the conduct of fostering services.

6.0 Diversity Implications

6.1 There are no diversity implications contained within this report.

7.0 Staffing/Accommodation Implications (if appropriate)

7.1 There are no accommodation issues contained within this report.

Appendices:

- Appendix 1 - Fostering Service Statement of Purpose 2012 – 2013
- Appendix 2 Regulation 35 Report.

Background Papers

- Regulations, Statutory Guidance and Minimum Standards

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Fostering Service

Statement of Purpose

2012-2013

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INTRODUCTION AND LEGAL CONTEXT

Brent Council Fostering Service's Statement of Purpose is prepared in accordance with the requirements of the Care Standards Act 2000 (CSA) for the conduct of Fostering Services. The National Minimum Standards for Fostering Services and Fostering Services Regulations govern the work of fostering services throughout England and are used in inspecting and registering fostering agencies.

Standard 16 of the National Minimum Standards for Fostering Services and Regulation 3 (1) of the Fostering Services (England) Regulations 2011 require a fostering service to produce a statement which contains a range of detailed information as set out in Standard 16. It is intended as a useful source of information for Foster Carers, Fostering Social Workers, Childcare Social Workers and young people. The aims and objectives of the Statement of Purpose should be child focused and show how the service will meet outcomes for children.

THE PRINCIPLE AIMS AND OBJECTIVES OF THE FOSTERING SERVICE

- Brent is committed to safeguard and promote the welfare of each child as paramount. The Foster Service is committed to provide a range of safe and secure foster placements to help children to develop and enjoy stable relationships with significant adults who can best meet their needs including their religious, ethnic and cultural needs
- The Foster Service is committed to providing a range of safe and secure foster placements to meet the assessed needs of children in care and promote and safeguard their welfare. The Service aims to provide placements that promote stability and positive outcomes for children and young people by working in partnership with young people, carers, birth families, other professionals and the community

In carrying out its responsibilities, the Service aims to:

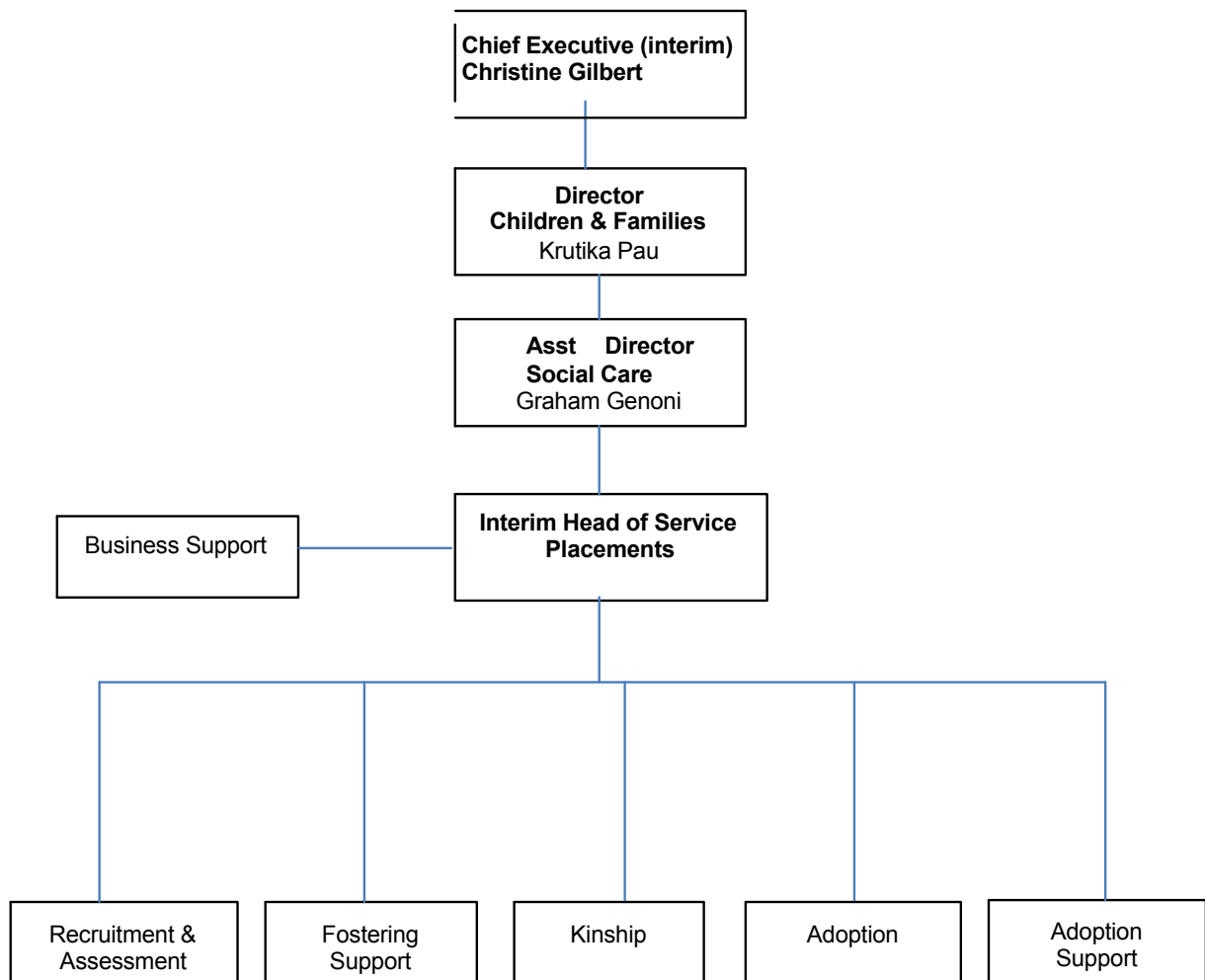
- To ensure the views of children, parents and carers are sought and taken into account, having regard for their age and understanding, in the continuous development and improvement of the service
- To take the wishes and views of children and young people seriously and to enable them to be part of any decision making process that affects them
- To recognise the importance of and support appropriate levels of contact with family and community as is consistent with their welfare and care plan
- To recognise and value the diverse nature of the community it serves and proactively engage with the local community to identify potential carers
- To ensure there is a sufficient range of safe and appropriate placements available for the Looked After Children in Brent
- To actively monitor and supervise all placements to ensure children are safe, their needs are met and they are making progress to achieve positive outcomes
- To contribute to and ensure effective multi-disciplinary and partnership working to meet the health, educational and social needs of children within placements
- The service operates within the framework of equality of opportunity and anti-discriminatory practice. Children will not be discriminated against on the grounds of race, culture, religion, language, age, gender, sexuality, disability or social class in terms of service provision. Wherever possible children are matched within their own cultural, racial, linguistic and

religious communities, and where this is not possible, plans must be put in place to keep the child's culture alive for them

- Children with disabilities are to be placed in an environment that recognises and caters for their disability, and at the same time promotes their social inclusion
- To ensure staff and carers are well trained and competent in delivering a quality Fostering Service, including opportunities for continued learning and professional development. To ensure all staff and carers have completed safeguarding checks and have a valid CRB
- To provide all staff and carers support and supervision with clear lines of accountability and management
- To provide each Foster Carer a named allocated Supervising Social Worker
- To work in collaboration with and provide advice on Fostering issues to other colleagues in Brent Children and Families Directorate
- To operate clear administrative records and financial management systems pertinent to the running of the service, including the maintenance of comprehensive and up-to-date records on all children placed
- To ensure all complaints and allegations against carers/staff are investigated under departmental procedures in a timely fashion and lessons learned filter to improvements in future practice
- The Fostering Service operates a Fostering Panel that provides a quality assurance role with regards to the recruitment and review of Foster Carers and Foster placements.
- The panel will ensure the welfare and safety of children is paramount in all decision making.

THE ORGANISATIONAL STRUCTURE OF THE FOSTERING SERVICE

The Fostering Service is part of Brent's Children and Families Department within the Social Care Division. The structure of the service and how it relates to the organisation is shown below.



All of the managers of the Fostering Service teams are qualified Social Workers with a minimum of 2 years post qualifying experience. All the managers are enrolled to commence a management course later in 2012 to obtain an appropriate management qualification. All Assessing and Supervising Social Workers are qualified Social Workers and have a minimum of two years post qualifying experience or are supervised by colleagues who have such experience.

The Registered Provider of the Fostering Service is the London Borough of Brent. The Registered Manager of the Fostering Service is the Head of Service - Placements. There are two Agency Decision Makers - the Assistant Director, Children's Social Care and the Head of Service - Localities and Children with Disabilities.

OUR SERVICE TO CHILDREN

The primary purpose of the Fostering Service is to provide safe, secure and caring foster families for children who are unable to live with their parents. Whenever possible and where it is safe to do so, children will be placed with someone in their extended family or close family friend. These arrangements are recognised in legislation as 'Family and Friend' placements. Where this is not possible, placements will be found with one of our approved Foster Carers or a suitable Foster Carer approved by an independent fostering agency. We aim to clearly identify the particular emotional, physical, cultural and religious needs of a child and find a foster family who can best meet those needs.

Except in emergencies, we plan introduction meetings between the child and the Foster Carers in an effort to lessen the anxiety for the child of moving to a new family. Where a child is placed in an emergency the Child's Social Worker or the Foster Carer's Supervising Social Worker will give the child as much information about the Foster Carers and their household as possible.

Children will be seen in placement by both their own Social Worker and the Foster Carer's Supervising Social Worker. Children will be encouraged to express their wishes and views about their foster placement and they will be invited to contribute in writing to their Foster Carer's Annual Review.

PLACEMENT OF CHILDREN

The Brent Commissioning and Resource Team, identify Foster Carers who have vacancies and work with the Fostering Support Team to assess if this is a potentially appropriate placement for the child. If they agree, the match is proposed to the Foster Carer/s and the Child's Social Worker who will further consider the match, involving the child as appropriate, and make arrangements for placement if agreed.

CHILDREN'S GUIDE

The Fostering Service Children's Guides are for children aged 5 to 10 years and children over 11 years. There are also children's guides for children placed with Family and Friends Carers. All children within those age ranges placed with Foster Carers are provided with a copy of the Children's Guide. The Children's Guide is available in different formats as required.

The Children's Guide provides information about what it means to be fostered, what Social Workers do and what children can do if they are not happy in their foster home or if they have any worries or concerns.

HOW BRENT FOSTERING SERVICE OPERATES

The Fostering Recruitment and Assessment Team

The Recruitment and Assessment Team is the team responsible for recruiting foster carers for the London Borough of Brent Placements Service.

Brent has a widely diverse community and recruitment activity and assessment processes respond positively to the diversity and differences in child raising practices, family values and attitudes in order to recruit from a wide pool of carers across the different spectrums of racial, cultural, religious and social classes living in Brent. The Team has a rolling programme of recruitment activity including on-going publicity, special marketing campaigns; and special events during national fostering week as well as word of mouth from other approved Foster Carers.

All applicants are assessed, trained and prepared to care for children who become looked after in Brent. Foster Carers are approved to care for children short term or long term; or as a family link or as a specialist Foster Carer.

The team operates a duty system, from Monday to Friday, 9am to 5pm, to ensure that any potential applicant is able to have an immediate response to their enquiry and to answer any general queries they may have. The team has a dedicated Recruitment Coordinator, who is the first point of contact and takes all referrals and process enquiries from members of the public interested in becoming a Brent Foster Carer.

The Team is also responsible for identifying permanent Foster placements for children as requested. The Recruitment and Assessment Team works collaboratively with other social work teams within the department and professionals involved in a child's network.

Structure of the team

- 1 Business Support Administrator
- 1 Recruitment Coordinator
- 1 Marketing Officer
- 4 Social Workers
- 1 Senior Social Worker
- 1 Handy Man
- 1 Team Manager

Fostering Support Team

The main remit of Fostering Support Team is to supervise, review, train, support and supervise all placements made with Brent Foster Carers which include short term, long term, enhanced care, targeted care and 'Family Link' short breaks placements for children with disabilities.

The team works closely with the Brent Commissioning and Resource, Children Looked After (Care Planning) and Locality Teams in identifying appropriate placements for Brent's looked after children. The team also works and consults with the Child and Adolescent Mental Health Service for on-going support and issues in respect of placements. All Foster Carers are allocated to a Supervising Social Worker.

Structure of the Team

- 1.5 Business Support Administrators
- 7 Social Workers
- 2 Senior Social Workers
- 1 Team Manager

The Kinship Team

The Kinship Team is responsible for assessing, supervising and supporting all Kinship Foster Carers and placements. Kinship assessments are made in accordance with Regulation 24 of the Care Planning Regulations 2010.

The Kinship Team is responsible for all Special Guardianship assessments whether they are directed as part of public care proceedings or private applications. Special Guardianship assessments need to be completed within three months of formal notification that an assessment is required.

The Kinship Team use the 'Family Rights Group' assessment report template and guidance for Kinship Fostering assessments and some Special Guardianship assessments, particularly where children are already placed under a fostering arrangement.

In the same way that short term and long term Foster Carers are supported, all Kinship Foster Carers are allocated a Supervising Social Worker - who monitors the placement, and offer carers support, advice and guidance.

Kinship Foster Carers are encouraged to attend the training courses available for all Brent Foster Carers. Kinship Carers (including Special Guardians and Residence Order carers) are encouraged to utilise the specific Kinship training offered by the North West London Consortium. There is also an established Kinship Support Group in Brent which is open to all Kinship Foster Carers, Special Guardians and Residence Order carers.

Structure of the Team

- 1 Business Support Administrator
- 1 Family Support Worker
- 7 Social Workers
- 1 Senior Social Worker
- 1 Team Manager

Private Fostering

The Kinship Team takes a lead role in ensuring that Brent is able to fulfil its statutory duty in relation to Private Fostering arrangements, under the Children (Private Arrangements for Fostering) Regulations 2005. Private Fostering assessments and visits are completed by the Kinship Social Worker responsible for Private Fostering, in accordance with the requirements as outlined in the Private Fostering procedures.

SUPPORTING SERVICES

The Foster Service operates a duty system during office hours Monday to Friday 9am to 5pm. The Brent Emergency Duty Team provides advice and support to looked after children and Foster Carers where there is a situation that requires an immediate response out of normal office hours. The Emergency Duty Team also deals with emergency admissions of children to care.

The work of the Fostering Service is well supported by a wide range internal services such as Brent Legal Services and Finance Department and external services such the Child and Adolescent Mental Health Service (CAMHS), the Looked After Children Nurse and the dedicated Education Team for children looked after. Dedicated CAMHS professionals are colocated within the Placement Service to provide timely support to Foster Carers and children when required.

THE FOSTERING PANEL

The Fostering Service has a Fostering Panel constituted in accordance with Regulation 23 of the Fostering Services (England) Regulations 2011. There is a written Policy and Procedure relating to the operation of the Panel. The service maintains a 'central list' of Panel members. The Panel chair is an independent person with professional experience of fostering and there are two vice-chairs. Other panel members on the central list include a Social Worker, with more than three years relevant post-qualifying experience, a Brent Councillor, independent members and the agency medical adviser. The Panel meets on the first Friday of every month. The Panel is quorate when five or more of its members meet including the chair or vice chair, a social worker and at least one panel member who is independent are present, unless the vice chair is chairing and they are independent of the agency. Detailed minutes are kept of all Panel meetings.

The functions of the Fostering Panel are to consider:

- Each application and recommend whether or not a person is suitable to be a Foster Carer and the terms of their approval
- The first annual review of each approved carer and any other review as requested by the fostering service
- The termination of approval or change the terms of approval of a Foster Carer.

New applicants and existing Foster Carers are invited and encouraged to attend Panel when their application or review is presented to Panel.

The Panel has a quality assurance role and monitors the standard of reports presented to it and feeds back any issues or concerns to the Registered Manager. The Panel makes recommendations to the Fostering Service and these recommendations are referred to the 'Agency Decision Maker' for a decision.

If the Panel or the Agency Decision Maker is minded not to recommend approval or recommends termination of approval, applicants are advised that they can request that their case is reconsidered by the Panel or apply to the Independent Review Mechanism (IRM) for a review of their case.

CAPACITY AND DEMAND

The Fostering Service responds to planned and unplanned admissions. The structure of the Service recognises that unplanned admissions will occur and seeks to proactively address this need. Carers are specifically recruited and approved on the basis of the service they will provide. During the assessment process and final approval, consideration is given to the impact placements will have and the capabilities/skills of carers. Thus emergency and unplanned admissions are directed towards carers with appropriate skills and capabilities.

Where the Fostering Service is unable to meet the placement needs of a child, the commissioning of placements from independent agencies is managed and monitored by the Commissioning and Resources Team.

THE FOSTER CARER CHARTER

Brent Foster Carer Charter - "Children are at the heart of our work"

Brent Placement service is committed to providing and promoting safe, stable and nurturing placements where the outcomes and life chances are positive for looked after children. In order to achieve this it is important to have a working relationship which is based on trust and respect among all children services that are involved in the care of the child.

The Service has worked in partnership with Foster Carers to achieve the charter which was launched in 2012. The charter explains what the roles and responsibilities of the Service and the Carers towards each other and the children we care for.

COMPLAINTS

All local authorities are required to have Complaints Procedures under the National Health Service and Community Care Act 1990 and also, where children are involved, under the Children Act 1989.

All complaints and queries will be dealt with in a manner that meets Brent local and National requirements. Children, their birth family and Foster Carers will all be given a copy of Brent Council's complaint leaflet.

Children will be made aware of the complaints procedure, children's rights services and of their right to make representations and complaints. This information is contained in the Children's Guide. Birth families and carers will be advised of the complaints procedure and their right to make representations and complaints.

During the period April 2011 to March 2012 the Service received 4 formal complaints

OTHER POLICIES AND PROCEDURES

Brent Council and the Fostering Service have a wide range of policies and procedures which include Whistleblowing / Confidential Reporting Safeguarding and Safe Care, Children Missing from Care and Internet Safety. The Fostering Service provides fostering placements for a Parent and their Child, where it is considered that a parent needs the help and support of a Foster Carer, to be able to care for their child and has a specific policy and procedure relating to such placements.

FOSTER CARERS HANDBOOK

All approved Foster Carers are provided with a Foster Carer Handbook, which contains all the policies and procedures relating to Foster Carers, as well as useful information about child care issues and resources.

MONITORING AND EVALUATION

Monitoring

The Brent Fostering Service quarterly and yearly reports are presented to the Lead Member of the Council along with Senior Management Team. The Members Scrutiny Committee also monitors this information.

Other monitoring includes staff supervision linked to the appraisal system, monthly-recorded visits to Foster Carers, Annual Reviews, the Fostering Panel and feedback from training sessions and case recording and practice audits. The Independent Reviewing Officer is a member of the management team, but has no direct line management for cases or staff. The Team Managers monitor data about incidents of concern in foster care, including restraint, allegations, complaints, unauthorised absence etc. The Registered Manager monitors the Schedule 6 and 7 requirements of the Fostering Service Regulations 2011.

Evaluating the Service

The information gathered through quarterly and annual reports, audit, inspections and customer feedback is constantly evaluated by the managers of the Fostering service, to judge its on-going effectiveness and make changes where necessary.

The Fostering Service is also subject to formal inspection by Ofsted and inspections usually take place every three years.

FAIRNESS AND DIVERSITY

The Fostering Service works within Brent's Fairness and Diversity Policy.

The key aims are to ensure:

- Employees and service users alike are treated equally with fairness and respect and that their diversity is both valued and celebrated
- That our working practices are characterised by flexibility, efficiency and excellence, the results of a supportive management style that enables its diverse work force to realise their full potential in serving our customers
- That our employee profile reflects diversity at every level of the organisation, and posts will be filled through a fair system of recruitment and promotion

ARRANGEMENTS FOR THE REVISION AND CIRCULATION OF THE STATEMENT OF PURPOSE

The Registered Manager is responsible for the annual revision of the Statement of Purpose. Revisions may occur at other times if necessary. Staff and Foster Carers will be consulted on proposed revisions as appropriate.

The revised Statement of Purpose will be presented to the Fostering Panel annually for their consideration. Formal approval of the revised document will be the responsibility of the Registered Provider, (The London Borough of Brent).

The revised Statement of Purpose will be sent to Ofsted annually and when any significant changes have been made, within 28 days of approval by the Registered Provider.

The Statement of Purpose will be available to all staff via the Councils Intranet and to members of the public via Brent Councils website. Paper copies can be provided to looked after children and their parents on request.

Useful Contacts

Brent Placement Service
Brent House Annexe
356 - 358 High Road
Wembley HA9 6BX / Tel: 020 8937 4538
fostering@brent.gov.uk

Fostering Network
87 Blackfriars Road
London SE1 8HA / Tel: 020 7620 6400
info@fostering.net

The Independent Review Mechanism
Unit 4, Pavilion Business Park
Royds Hall Road
Wortley, Leeds LS12 6AJ
Tel: 0845 450 3956 / irm@baaf.org.uk

Ofsted
Piccadilly Gate
Store Street
Manchester M1 2WD
Tel: 0300 123 1231 / enquiries@ofsted.gov.uk

London Borough of Brent Children's Social Care Placements Service

Review of Quality of Care Regulation 35 Report

The Fostering Services (England) Regulations 2011 (Schedule 6 - Monitoring & Schedule 7- Events and Notifications)

This report covers the reporting period March 2011- April 2012

Introduction and Purpose of Regulation 35 reports and reports under National Minimum Standard 25.

Regulation 35 of The Fostering Services (England) Regulations 2011 requires the registered person to maintain a system:

- for monitoring the matters set out in Schedule 6 at appropriate intervals, and improving the quality of foster care provided by the Fostering Agency.

This must include consultation with Foster parents, children placed with Foster parents, and their placing social workers and managers.

The Fostering National Minimum Standards (NMS) 25.7, also states that the executive side of the local authority should:

- receive written reports on the management, outcomes and financial state of the Fostering Service every three months
- monitor the management and outcomes of the services in order to satisfy themselves that the service is effective and is achieving good outcomes for children
- satisfy themselves that the provider is complying with the conditions of registration.

These reports form part of the provider's quality assurance procedures and the 'registered person' for the Fostering Agency, who is the Head of the Placement Service in Brent, is required to forward these reports to Ofsted within 28 days of completion.¹ These are completed on a quarterly year basis and presented to the Director of Brent Children and Families and Members for their consideration.

Ofsted provides a template for reports, which contains data they require for inspection and supplements/replaces the fostering dataset. These data and quality assurance reports are submitted to Ofsted once a year based on data for the year 1 April to 31 March.

As part of the pre-inspection activity on the inspection planning day, inspectors will check the Regulation 35 and NMS 25 reports and any emerging lines of enquiry will be included in the inspection plan.

Schedule 6 includes the following matters to be monitored by the registered person:

1. Compliance in relation to each child placed with Foster parents, with the child's care plan.
2. All accidents, injuries and illnesses of children placed with Foster parents.
3. Complaints in relation to children placed with Foster parents and their outcomes
4. Any allegations or suspicions of abuse or neglect in respect of children placed with Foster parents and the outcome of any investigations.
5. Recruitment records and conduct of required checks of new workers.
6. Notification of events listed in Schedule 7
7. Any child missing from a Foster parents how without permission.
8. Use of any measures of control, restraint or discipline whilst in foster care.
9. Medication, medical treatment and first aid administered to any child placed with Foster parents.
10. Where applicable, the standard of any education provided by the Fostering Service.
11. Records of assessments
12. Records of Fostering Panel Meetings
13. Records of appraisals of employees
14. Minutes of staff meetings

This report lists how Brent Fostering Service is monitoring these key areas and how this has been used to improve the quality of care provided.

¹ *The Children Act 1989 guidance and regulations volume 4: fostering services*, Department for Education, 2011;

1. Compliance in relation to each child placed with Foster parents, with the child's care plan.

1.1 Evidence of monitoring:

- a. Copy of child's care plan is given to the Foster Carer either at point of placement or at Placement Planning Meetings within 72 hours of placement being made - record on Frameworki (FWi, the client electronic recording system in Brent).
- b. Copy of support plan is provided to professionals, including the Foster Carer.
- c. Children's Placement Panel meets on a Monday to review every placement and care plan to ensure resource allocation meets the needs of the child / young person.
- d. Supervision of the Foster Carer by the Supervising Social Worker.
- e. Supervision of the Supervising Social Worker by the Team Manager.
- f. LAC Child Care Review
- g. FWi Management report
- h. Case file audits

1.2 How this monitoring has been used to improve the quality of care provided by the agency:

- a) The Fostering Service - Managers; Supervising Social Workers and Foster Carers - is an active participant in every aspect of pre placement matching; decision making; placement planning, and all aspects of the on-going review of the child's care plan and associated statutory planning and review processes including PEP and LAC health assessment planning and review. There are robust and effective arrangements in place to enable the Registered Manager to ensure that care is provided as set out in the child's care plan. Internal processes are further complemented by the statutory review processes which the Fostering Service actively engages and the Registered Manager has regular meetings, dialogue and feedback from other Senior Managers and the IROs as to how the Fostering Service is contributing to the provision of good care and outcomes for children placed.
- b) The service ensures through placement planning meetings that the LAC care plan is translated into the Placement Plan and Foster Carer Support Plan so as to ensure the Foster Carer is clear of their responsibilities for meeting the Foster child's assessed needs and planned outcomes and how they will work in partnership to this end. Placement Plans are quality assured and signed off by Team Managers within the Fostering Support Team.
- c) The Fostering Service Supervising Social Worker conducts their first supervisory visit of all new placements within 5 working days and as a minimum every 4 - 6 weeks thereafter to monitor how the placement is progressing, and ensure the Foster Carer and child are receiving the support and services required to meet the care plan. Arrangements for delegated responsibilities are routinely discussed as part of planning.
- d) Foster Carers performance in meeting the child's planned needs and outcomes is also appraised in the annual review. There is a comprehensive standing agenda for the matters to be monitored during the supervisory visits and annual reviews, and detailed records are made in the Foster Carer's electronic case file. Foster Carers also keep a log of the child's progress which records all key events in the child's life to evidence progress against the care plan, but carers are strongly encouraged to complete the log on a daily basis whenever possible. The log is reviewed during supervisory visits. As part of supervisory visits and annual reviews, Foster children are always seen and spoken to as to their wishes, feelings and views about the placement and the progress they are making. Team managers routinely audit case records of supervisory visits and monitor annual reviews, and discuss any issues in professional supervision and the Fostering Service management / performance meetings.

- e) The Fostering Service is now implementing new quality assurance systems whereby audits will be recorded using standardised audit templates to enable the service to obtain a clearer understanding and evidence audit activity, analyse findings and use this to inform service developments. In addition, the council's Children and Families Directorate holds a weekly Placement Panel of which the Fostering Service is one standing representative alongside the Commissioning and Resource Team; Locality Teams; Care Planning Teams and chaired by a Senior Manager. The Panel provides oversight of care planning, information sharing and placement moves and provides another layer of quality assurance and feedback as to the Fostering Service's contribution to meeting individual children's care plan. A Placement Team Manager attends this meeting.

2. All accidents, injuries and illnesses of children placed with Foster parents.

2.1 Evidence of monitoring:

- a. Clear process for reporting and recording on FWi
- b. Supervision of the Foster Carer by the Supervising Social Worker.
- c. Unannounced visits by the Supervising Social Worker.
- d. Annual Foster home review.
- e. Case file audits
- f. Management tracking spread sheet re Schedules 6 and 7 and significant events.

2.2 How this monitoring has been used to improve the quality of care provided by the agency:

- a) The vast majority of referrals made under this category relate to young children who have been injured due to boisterous play and were of a minor nature. Various illnesses that were reported would be regarded as the usual issues associated with children and would include coughs, colds, virus's etc. One was due to marijuana use that caused the young person to pass out and was taken to hospital, but discharged the same day.
- b) Of the minor injuries these were dealt with by advice around supervision of the child and review of both the Safe Care policy and the Health and Safety policy of the Foster Carer.
- c) All young people are given advice around drug usage and that advice is not limited to the placement service. Information and advice is available through schools and the community based youth substance misuse service. For more serious issues there is Addaction. There is a well developed service associated with drug and alcohol issues for adolescents in Brent and access to FRANK for independent advice and support. This specific case was referred to Addaction and additional advice was given by the Social Worker and Foster Carer and was felt to be a proportionate response.

3. Complaints in relation to children placed with Foster parents and their outcomes.

3.1 Evidence of monitoring:

- a. Complaints investigation procedure/Formal complaints monitored by Delegated Complaints Officer and formally reported to Senior Managers and Members.
- b. Placements Management Team Meetings
- c. Bi-monthly Focus Group. This consists of the Head of Service, Team Manager, Fostering Support, Chair of the Foster Carer Association and up to ten approved Foster Carers.
- d. FWi recordings/Complaints Episode
- e. Case file audits
- f. Management tracking spread sheet re Schedules 6 and 7 and significant events.

3.2 How this monitoring has been used to improve the quality of care provided by the agency:

- a) Complaints are discussed within the Management Group of the Placement Service and at team meetings to ascertain if there is any learning or any patterns which are emerging.
- b) Most complaints are resolved at stage one, Team Manager will usually undertake a visit to the Foster Carer to resolve issues.
- c) Where appropriate, without specific identifying information, complaints are considered at Foster Carer support group and to bring issues into wider arena for consideration by the Foster Carers themselves. For example, Foster Carers complained about how contact was managed and this was raised within the support group and brought back to team manager's attention. This was then escalated to the Foster Carer Focus Group for wider discussion and resolution. This resulted in a review of how contact was managed and the contact co-ordinator did a presentation to the Foster Carers support group.
- d) information from this group has also been utilised to improve the Matching process with Care Planning Social Workers to address any potential safeguarding issues or potential vulnerabilities of the placement. The Matching form was reviewed and amended as a result of this.

4. Any allegation or suspicion of abuse or neglect in respect of children placed with Foster parents and the outcomes of any investigation

4.1 Evidence of monitoring:

- a. Allegations Against Staff protocol used - Brent LSCB - case file Audits
- b. Referrals to LADO.
- c. FWi recordings / Allegations Episode
- d. Foster Home Review after completion of investigation and presentation back to the Fostering Panel
- e. Management tracking spread sheet re Schedules 6 and 7 and significant events.

4.2 How this monitoring has been used to improve the quality of care provided by the agency:

- a) The information is reviewed and monitored through Schedule 6 and 7 reports to see if there are any patterns that emerge and how these may be addressed by the agency.
- b) A comprehensive file audit is usually completed as part of any investigation to try and see if any issues could have been recognised at an earlier stage.
- c) In terms of improvements, training has been identified to address gaps in knowledge or to promote standards of care offered by Foster Carers.
- d) The policy has recently been changed with regards unannounced visits, two are being required each year as a minimum standard.
- e) All current investigations are considered at the weekly Placement Service Management Meeting. This forum is also utilised when outcomes are known to reflect on any potential areas of improvement.
- f) All allegations are reported to the LADO for consultation and decision on how to take forward. The Head of Service has meetings with the Brent LADO to review any allegations, how they are progressing and monitor outcomes of those investigations.
- g) The fostering preparation training includes information for Prospective Foster Carers how to protect and prepare themselves when fostering, addressing safer caring strategies. Post

approval training has also been amended to include this aspect of the fostering task as a result of feedback from Foster Carers.

5 Recruitment records and the conduct of required checks for new workers

5.1 Evidence of monitoring:

- a. Posts are widely advertised within professional press, council's internet job vacancy section and both national and local press.
- b. The responsible team manager will review all applications to shortlist for interview those candidates who meet the job description and person specification.
- c. Brent HR Department will facilitate the recruitment in terms of responses to advertising and completion of CRB of successful candidates.
- d. The responsible Team Manager will collate the references in written format and will then contact the referee for verbal feedback / confirmation of the candidate.
- e. A copy of all associated information is kept on the computer system called ET Web. Brent Recruitment Policy is available and used by all Team Managers.
- f. On appointment all staff have to complete Corporate and Service area induction. This would include attending training and visiting other teams to understand more fully the context of their professional role and relationships.
- g. Probationary period closely monitored to ensure candidate meets the required standards of Brent Children's Social Care.
- h. Information about all new staff and the required checks and references in the Placement Service are maintained on the monitoring spreadsheet

5.2 How this monitoring has been used to improve the quality of care provided by the agency:

- a) Ensure that the right candidates are in post to meet the job description. The service employs non-social work qualified staff who have skills to support children outside of the statutory role.
- b) Staff training is provided and reviewed, for example, the new National Minimum Standards and 2011 Fostering Regulations, training was provided to update all staff.
- c) Staff have been seconded to undertake the Social Work degree. This inherently raises the level of professionalism within the service for the benefit of children and young people.
- d) This also allows for staff retention, meaning low turnover of workers so continuity of workers for the Foster Carers and children they care for.
- e) Information is now shared between Team Managers to ensure awareness of issues and continuity for both management and the worker.

6. Notifications of events listed in Schedule 7

6.1 Evidence of monitoring:

- a. Formal supervision of Supervising Social Workers of the Foster Carer.
- b. Formal supervision of the Supervising Social Worker with their respective Team Manager.
- c. Referral to Ofsted, other key Senior Managers and Executive Committees where required
- d. FWi recordings / Management Decisions
- e. Management tracking spread sheet re Schedules 6 and 7 and significant events.

6.2 How this monitoring has been used to improve the quality of care provided by the agency?

- a) A monitoring system is in place and managed by the Business Support Officer who collates all the data relevant to this schedule. This is then audited by Head of Service at regular intervals and outcomes discussed with Team Managers, LADO or LSCB if appropriate.
- b) Schedule 7 referrals are related to the more serious aspects of behaviour and care offered to vulnerable children and young people. Therefore the agency response would often be associated with S47 investigations and involve the LADO.
- c) Within this reporting period the outcome that related to this service area was to review and update the Health and Safety Checklist used within both the assessment and also to increase unannounced visits to a minimum of 2 a year, preferably.

7. Any child missing from a Foster parent's home without permission

7.1 Evidence of monitoring:

- a. Formal supervision processes with Foster Carers and social work staff
- b. Management representation at Missing multi agency safeguarding forum
- c. LSCB Safeguarding Protocol and Procedures are being used - Case file audits.
- d. FWi recordings.
- e. Management tracking spread sheet re Schedules 6 and 7 and significant events.

7.2 How this monitoring has been used to improve the quality of care provided by the agency:

- a) LB of Brent has an established protocol for children who go missing from home and care. This is a multi-agency document that is monitored and reviewed by the LSCB.
- b) All approved carers, including Kinship carers, have been provided with a copy of the Missing Children policy and procedure. This protocol explains very clearly the actions required from the point the child is viewed as being missing to conclusion and outcomes.
- c) The key areas for the Placement Service in understanding the risks associated with a child / young person at point of placement, for example, if they have a history of running away, a risk assessment is completed. This will then inform the support and Care Plan of the child.
- d) When the child returns to their placement they are spoken to and ascertain why they felt their response to an issue was to run away and how this may be addressed to avoid a similar strategy being used by the young person in the future. The child / YP is not restricted as to who they may wish to speak to. It may be they have developed a more trusting relationship with another professional / independent person of their choice.
- e) On their return home the assessment of need and risk assessment is reviewed and where appropriate new ones are completed and circulated to involved professionals.
- f) Missing children has now also been incorporated into the preparation and post approval training for Foster Carers to enable them to reflect on what might be going on for the child/young person, develop insight and empathetic ways of responding, setting boundaries and keeping children and young people safe.

8. Use of any measure of control, restraint or discipline in respect of children accommodated in a Foster home

8.1 Evidence of monitoring

- a. Supervision of the Foster home and Foster Carer by the Supervising Social Worker.
- b. Annual Foster home review.
- c. Where there are concerns about appropriate use of restraint or discipline Safeguarding Procedures have been initiated.
- d. Frameworki recordings.
- e. Management tracking spread sheet re Schedules 6 and 7 and significant events.

8.2 How this monitoring has been used to improve the quality of care provided by the agency:

- a) There have not been any referrals made under this section in this reporting period.
- b) Training has been reviewed over the last year and 93 training events were arranged over the 2011 - 2012 period. Feedback is gathered at the end of the training event and overwhelming responses have been positive and felt by attendees to add to their skill set. This has a positive impact on the care being offered by Brent Foster Carers.
- c) This has now been reviewed with reference to the preparation group training due to the inherent safeguarding issues that relate to use of inappropriate boundary setting and behaviour management.
- d) In addition the policy and procedure relating to this area of foster care has been reviewed and updated. That updating process would also include the recently revamped Foster Carers Handbook.

9. Medication, medical treatment and first aid administered to any child placed with Foster parents

9.1 Evidence of monitoring

- a. Safe Care & Health and Safety policy required to be signed and used by all approved Foster Carers.
- b. Supervision of Foster Carers by Supervising Social Workers.
- c. Foster carer's diary of events.
- d. Considered within annual Foster home review.
- e. Frameworki recordings.
- f. Management tracking spread sheet re Schedules 6 and 7 and significant events.

9.2 How this monitoring has been used to improve the quality of care provided by the agency

- a) The introduction of the Delegation of Authority has been productive on many levels. It empowers carers to undertake day to day tasks without seeking permission from the placing authority. The improvement comes from children and young people being treated by the carer as any child would and so make the Foster home more reflective of normal family life. This now forms part of the placement meeting and the form is now introduced for parent's discussion and signature when the child enters care.
- b) This issue has been included within the review of the preparation training programme and the policy was changed earlier this year for inclusion within the new Foster Carers Handbook.
- c) Training has been provided in respect of this area. A monitoring sheet has been developed and distributed to all approved carers, including Kinship Carers.
- d) This is monitored during Foster Carer Supervision.
- e) Monitored by Child's Social Worker and Health.

10. Where applicable, the standard of any education provided by the Fostering Service

10.1 Evidence of monitoring:

- a. LAC Education team provides a service to all LAC children.
- b. Virtual school for those both within and out of Borough Placements to ensure educational provision as part of the Care Plan.
- c. PEP meetings and subsequent reviews.
- d. LAC Child Care Reviews
- e. Formal supervision of Supervising Social Workers of the Foster Carer.
- f. Formal supervision of the Supervising Social Worker with their respective team manager.

10.2 How this monitoring has been used to improve the quality of care provided by the agency:

- a) There has been a corporate response to educational provision within Brent Children's Social Care. PEP completion now stands at 94% for all children in the care system.
- b) PEP is also an agenda item of LAC Child Care Reviews for all school age children.
- c) The PEP is given a review date that reflects the issues rather than being orientated towards timescales. Therefore, at the initial and subsequent meetings, the review date is set to reflect need and complexity of issues.
- d) All LAC children are enrolled within a school.
- e) An independent agency has been engaged to monitor school attendance. After each registration period the Foster Carer and the allocated Social Worker will be telephoned to ensure attendance is prioritised. The agency then provides the LAC Education Team with daily and weekly reports.
- f) Education is monitored at the children's LAC review. Any educational difficulties are discussed with Foster Carers who also have the support of the Education LAC Team.
- g) Foster Carers take an active role in the child's educational needs and attend parents evening and school events.

11. Records of assessments

11.1 Evidence of monitoring:

- a. Team Managers have responsibility for all assessments and maintain tracking spreadsheets to monitor progress. Assessments are for both Reg 24 and 26 Foster Carers.
- b. Team Manager allocates through the formal supervision of workers and records this on FWi.
- c. All assessments and related information is recorded on FWi as a document and/or episode.
- d. Team Manager quality assures the assessment once submitted by the Assessing Social Worker.
- e. Panel Adviser undertakes quality assurance role prior to being sent to the Fostering Panel.
- f. Fostering Panel considers all assessments and a clear record kept of case discussion and any resulting decisions made.
- g. Team Manager and Marketing Officer have run very successful recruitment campaigns to offer wider variety of foster placements that can meet the needs of children coming into care.
- h. Marketing Officer leads recruitment campaigns for hard to place children and / or children with special needs.

11.2 How this monitoring has been used to improve the quality of care provided by the agency

- a. The Fostering Service undertakes extensive Fostering Recruitment Campaigns within the local community to attract a diverse range of Foster Carers to meet the needs and profiles of Brent's looked after children. We undertake an on-going campaign in the Brent Magazine, which is delivered to all household within the Local Authority, as well as library, Doctors surgeries and places of worship. If we are seeking a specific type of Foster Carer, we will undertake specific campaigns, such as undertaking outreach activities on St Patrick's Day or at Black History Month. Every year we will undertake recruitment and advertising campaigns to run parallel with Fostering Fortnight. We also undertake concurrent planning by working closely with other teams such as the Kinship Team or Adoption Team, to identify prospective families.
- b. The assessment recognises the diverse skills, characteristics and attributes needed by Brent Foster Carers to meet the needs of Brent Looked After Children. The Recruitment and Assessment Team Manager looks at the children who require permanency; and therefore is able to work with the team to identify any potential applicants who may have the skills to care for a specific child. This starts at the initial stages of recruitment through to targeted outreach, as well as when a referral is taken.
- c. The assessment format has been subject to a fundamental review to ensure it is more evidenced based. The focus change was to incorporate safeguarding issues, for example around identifying risk elements of behaviour. The intention being to ascertain the parenting skills of an applicant that would contribute to placement stability.
- d. During the assessment process, the team works closely with CAMHs to assess and determine any specific training needs taking into account the needs of the applicant and / or child. Additionally, the service commissions external information and training, for example: training for Foster Carers who were going to have a trans-racial placement or who require specific skills to care for a child.
- e. Every Assessing Social Worker has completed training in how to undertake a competency based assessment. The assessment methodology ensures new Foster Carers have both the capacity, understanding and core skills for the fostering task - this is built upon through close supervision, review and appraisal and arrangements for continued professional development. During the assessment process, Assessing Social Workers use a variety of tools, to ensure that the applicants can respond and develop through a variety of styles.
- f. The process and progress of each assessment is discussed in regular supervision using reflection and analysis, to inform how any issues arising can be addressed most effectively. All Assessing Social Workers have annual appraisals - any professional development needs are reviewed throughout the year, and support is given to achieve them.
- g. The Preparation Training Programme was not felt to be reflective of current issues and also needed to be updated in line with National Minimum Standards and Regulations.
- h. The most significant area of improvement are around matching children to potential foster placements. All children within the care system have complex and evolving needs that often require specific skill sets to ensure they are met. By having more approved Foster Carers this increases choice and the likelihood of a successful placement and, therefore, a more positive outcome for the child / YP.

- i. Leading from the above it has been possible to review at an early stage potential matching of long term cases, which is considered at the weekly management meeting.
- j. There has also been a review of how Kinship Viability Assessments are completed within the service. By having a more comprehensive assessment completed in the early stage will mean only more suitable Kinship applicants will be progressed, which will hopefully reduce time spent on inappropriate assessments being directed by the courts.

12. Records of Fostering Panel Meetings

12.1 Evidence of monitoring:

- a. Minutes of Panel are completed at each Panel.
- b. All Minutes are distributed by the Panel Minute Taker for approval by each Panel Member.
- c. Feedback forms are completed by everyone that attends the Panel, staff, Foster Carers and prospective Foster Carers - which are reviewed by Panel Advisor and information feedback to Panel and Fostering Service.
- d. Panel Minutes are provided to the Agency Decision Maker with feedback forms that are completed by those who attend panel. Therefore ADM provides an additional layer for the agencies quality assurance responsibilities.
- e. The agency provides an Annual Panel Report that is made widely available to those parties and agencies with an interest in Panel's role.
- f. There is a high level of communication between the Panel and the service area. A Panel Adviser attends the Panel and the Chair has the ability to liaise directly with the Head of Service via e-mail and telephone.
- g. Annual Appraisals of all Panel Members are completed and used to monitor the functioning of the Panel and training
- h. FWi Panel Episode

12.2 How this monitoring has been used to improve the quality of care provided by the agency

- a) The most significant improvement relating to this would be the Kinship Carers assessment format. This was felt by panel members to be overly complex and so has been changed to make it more accessible.
- b) The changes to the Fostering Regulations relating to the functioning of the Panel has meant:
 - tighter turn around of Kinship Carers Assessments
 - establishing a larger pool of potential Panel Members
 - earlier approval of minutes by Panel Members

13. Records of appraisals of employees

13.1 Evidence of monitoring:

- a. Formal appraisals are completed annually for all staff and signed off by Head of Service.
- b. All appraisals are completed by Managers on the staff they supervise.
- c. Appraisals are linked to HR ICT system ET Web. This is a confidential zone that includes personal information so is kept separate from other formal recordings.
- d. All staff annual appraisals have been undertaken and objectives set.

13.2 How this monitoring has been used to improve the quality of care provided by the agency

- a. Staff development is an on-going process to facilitate improvement of professional standards and social work practice.
- b. The role of the Placements Service Supervising Social Worker does not encompass a direct relationship with the child / young person. However, the child / young person is consulted at various points both formally, for example LAC Child Care Review, and informally, for example, during visits (both arranged and unannounced visits) when interaction will occur.
- c. An audit of issues and themes from staff supervision was conducted. The outcome was specific training was identified as a need across the service around Report Writing, Legal aspects of the new National Minimum Standards and Care Planning. This was a very positive learning experience for the Team Managers (and staff) and will now be completed every six months.
- d. In addition, staff training away days were re established, to review and develop the work of the team, with a team building element incorporated into the day
- e. The Staff Forum now meets once a month for all staff in the Placement Service. The purpose of the staff forum is to share issues and professional experiences, top to bottom management, to inform service delivery and development.

14. Minutes of staff meetings

14.1 Evidence of monitoring:

- a. Minutes are taken for each meeting.
- b. Additionally a copy of the minutes is kept in a folder for ease of reference.
- c. Head of Service reviews the Minutes.

14.2 How this monitoring has been used to improve the quality of care provided by the agency

- a) Any issues or themes that are identified in Team Meetings are taken to the Placement Management Team or are taken by the Head of Service to the Senior Social Care Management Team.
- b) The Head of Service also now meets with the Lead Member of the Council and the Director of Brent Children's Social Care on a regular basis.
- c) Outcomes and responses are then cascaded down to Team Managers and staff. Where more 'public' dissemination is required this can be achieved through the supervising social worker discussing with their Foster Carers, can be included in the Fostering Newsletter or an e-mail / letter delivery if more urgent.

15. Summary of Improvements made to the quality of care and Service developments by the Fostering Service during this reporting period

There was a comprehensive service review during 2010/11 to ensure that the Placements Service meets all statutory requirements and reflective of good practice. The aim is to achieve the best possible outcomes for the children and young people who live away from their birth families or who live with kinship carers.

The outcome of this review has contributed to the following improvements in service delivery:

- 1) There have been different ways developed to get children's feedback, these include a DVD made by looked after children sharing their experiences; children's 'Wish and Thoughts' book have also been developed. Children were actively involved in all aspects of this process and their feedback was used to produce the books and contents.
- 2) Introduction of new recording processes and formats in how consultations are completed making them both age appropriate and service user friendly. For example, the young person consultation document was revised and utilised in addition to the LAC Review consultation form. A children's and young people's focus group was established, they meet every two months to consider issues that are important to them about their experiences in care. This is facilitated by an independent member of staff within Brent and a written record kept of issues for the Placements Service to address, although this is recorded anonymously and no comment is ascribed to a specific child.
- 3) A Public Health Analyst sent a Health Questionnaire to all Foster Carers regarding their awareness of children's health. This proved very positive and helpful for all concerned, feedback was obtained and shared.
- 4) Brent Foster Carer Charter was discussed and developed in consultation with Brent Foster Carers and child care professionals, and was launched at the Annual Foster Carer Conference in June 2012.
- 5) Recent Government guidance has moved away from the 'professionalization' of Foster Carers, towards the child / young person experience of foster care being as close as possible to 'normal' family life as can be achieved. Decision making for many day to day, caring tasks are to be delegated to the Foster Carer and a more formal procedure for this is 'Delegation of Authority' has being developed by the Placements and Care Planning Services.
- 6) There are now two levels of auditing within the service. There is a formal, quarterly audit completed by Team Managers that provides an overview of the quality of the work being completed and ensures it meets statutory requirements. Then within the supervision process is a more basic audit tool completed by workers and then reviewed within their supervision with the Team Manager.
- 7) The above was introduced as part of the Quality Assurance Strategy which took place in March 2012. This was undertaken in a comprehensive manner and resulted in a new policy being written and implemented.
- 8) Tracking Meetings are held every week regarding monitoring all aspects of the Fostering Service. LAC Panels have been introduced to track and monitor the child's journey from the point of coming into care to the permanency outcome. This allows for managers within both Care Planning and the Placements Service to be aware of and track every child and how their care plan is progressing.
- 9) Matching children to the right carers is a fundamental aspect of ensuring that the child's needs are met and the placement remains stable and secure. There is currently an audit taking place to identify issues and themes, with an emphasis on complaints to inform service delivery.
- 10) One significant area of improvement is around matching children to potential foster placements and where possible keeping them in their family and friend networks. All children within the care system have complex and evolving needs that often require specific skill sets to ensure they are met. By having more approved in house Foster Carers and having a robust system for assessing and placing with appropriate connected people, increases choice and the likelihood of a successful home being provided and, therefore, more positive outcomes for the child/young person.

- 11) The Head of Service now meets with the Director and Lead Councillor on a regular basis to act as the thread between those with responsibility for delivering the service with those with corporate responsibility.
- 12) The Preparation Training Programme for prospective Foster Carers needed to be more reflective of current issues and incorporate the new National Minimum Standards and Regulations introduced in 2011. Therefore this has been updated and feedback to date has been positive.
- 13) Further to the above, the same issues were associated with the Foster Carers Handbook. In response the handbook was reviewed and many aspects of it re-written. Again, initial feedback to the draft have been positive and it will be made available through different mediums to make it more accessible.
- 14) The 'Children's Guide to Fostering' is in two different formats to reflect the age and understanding of the children and young people, and a Kinship Guide has also been developed. It was updated in June 2012 and is available on the web site.
- 15) Kinship Care is a rapidly expanding option to secure a child's permanency through Regulation 24 placements and where appropriate moving into Special Guardianship Orders (SGO), with robust SGO Support Plans. The policy and procedures are in the process of being evaluated and updated. Feedback from the Fostering Panel has been incorporated into the new assessment format to make it simpler and more user friendly. The emphasis being on the ability of the child / young person and the connected person(s) being able to engage in the process and the format used to record this and understand the rationale associated with the decisions made at Panel.
- 16) The service has implemented a structured quality assurance system including a standardised programme of audit and performance monitoring, analysis and service improvement.

16. Children's views on the Fostering Service

The service completed an analysis of children's views of the Fostering Service - the wishes and feelings of children placed.

Sources of evidence reviewed were:

- 20 records of supervisory visits undertaken by the Placement Service Supervising Social Workers - the record of discussion with child in placement
- 10 Annual Foster Carer Review - Foster Child's questionnaire

A full copy of the report can be provided if requested. Although a small sample, it is an indication of children and young people's views, consideration is being given to collecting information from a wider group of children in placement.

Recording evidences that the supervising social workers take an active interest in the Foster Child, have good knowledge of them and their needs and plans, and are pro-active in engaging with and discussing their needs and progress, offering support and guidance where appropriate.

Children and young people spoke very positively about the foster service that they receive. Most children report that they do feel a part of the family and enjoy family life. Most children state that they want to stay where they are - none stated they wanted to move apart from one child who would like to live with his mum, but also stated that his Foster Carer was the 'best carer in the world'.

Some commented that they feel a part of and enjoy their extended family network. Most children report feeling well supported and cared for and cared about by their Foster Carers, in their new homes and

there is a good deal of positive evidence that they feel they have good attachments and positive relationships based on trust. Many children in their feedback articulate having a good quality of life and describe improvements in their educational attainment; access to leisure pursuits where they pursue special interests and hobbies; and describe an improvement in how they manage their feelings, relationships and behaviour. Some describe feeling empowered by their Foster Carers; learning how to cook and do certain household chores and were able to say that they are making progress educationally and socially.

There were many positive comments about the Foster homes regarding the accommodation. Children say they receive a good amount of support from a varied range of sources including tuition; CAMHS; health services; mentoring and counselling and these are making a difference in their life and outcomes.

There were no significant issues or concerns expressed by any children, One young person raised some concerns about their foster care in respect of boundaries around time spent with friends; money for clothes and one young person said they wanted more pocket money. Another young person articulated frustration at the lack of decisions making authority the Foster Carer had and the impact of having to refer to the social worker for permission for so many every day issues.

Brent has a dedicated Participation Officer and Care in Action Council which children are actively involved in. We are looking at ways to work more effectively with Care in Action Council to have more young people participation in developing the Fostering Service.

17. Placement Service development objectives for 2012/13 are:

Fostering Support Team:

- i) Ensure that the child's voice is heard and taken in to consideration at all times during supervisory visits.
- ii) Ensure that Foster Carers are robustly supported; Reviews, supervisory visits, Medicals, CRB and Stat checks are up to date.
- iii) Prevent breakdown of placement through robust matching process from the outset in liaison with children looked after, Foster Carers, CAMHS, Commissioning and resource, care planning, locality and other stake holders and partner agencies.

Kinship team objectives:

- i) Completing Kinship fostering assessments within 16 weeks.
- ii) For the team to consider how to use more creative ways of gleaning children's views as part of Kinship assessments and supervisory visits.
- iii) To look at the provision of social work resources within the Kinship Team in relation to Assessments and Supervisory work. Consideration to be given to whether we split this work within the team.

Recruitment and Assessment Team objectives:

- i) To approve a minimum of 25 carers for the next financial year.
- ii) To complete assessments within 4 months timescale.
- iii) To make sure that the referrals and enquires are completed in a timely manner.
- iv) To improve the efficiency and effectiveness of the duty system.
- v) To undertake targeted and specific recruitment campaigns to target specific groups and in specific areas of the local authority.
- vi) To implement and pilot a 'Foster to Adopt' assessment.

Signed:

Hilary Brooks - Interim Head of Placement Service

Date

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**Executive
10 December 2012**

**Report from the Director of
Children and Families**

School Funding Reforms – 2013/14

1. Summary

- 1.1. Following a nationwide consultation the Department for Education have introduced new legislation requiring all local authorities to amend their local Schools Fair Funding Formulae from April 2013.
- 1.2. The Executive has the statutory responsibility to approve any amendments to Brent's Fair Funding Formula following consultation with the Schools Forum.
- 1.3. This report sets out recommended amendments to Brent's Fair Funding Formula for the Executive to consider and approve.

2. Recommendations

- 2.1. The Executive is recommended to agree the following:
- 2.2. Adopt Model 2 (Appendix C) as the Fair Funding Formula for Brent Schools for 2013/14 with the impact being closely monitored with the Schools forum over the coming year and reviewed again for the 2014/15 financial year.
- 2.3. Agree on the level of protection to be used for Special Educational Needs (SEN) as set out in Appendix E.
- 2.4. Agree to transfer £1m from the High Needs Block to the Schools Block to be distributed via the Income Deprivation Affecting Children Index (IDACI) for Primary Sector and IDACI and Attainment for Secondary Sector, to be used as a proxy for SEN needs between £6k and £12k.
- 2.5. Agree to transfer £500k from the Schools Block to the Early Years Block for SEN in Early Years.
- 2.6. Agree to switch the deprivation factor in Early Years from using the Index of Multiple Deprivation (IMD) to using IDACI.

3. Background

3.1 On 26 March 2012, the Department for Education (DfE) issued its latest consultation on school funding, '*School funding reform: next steps towards a fairer system*', together with operational guidance for local authorities on the revised funding system. This report sets out the proposals in the consultation and the possible impact on Brent Schools.

3.2 This consultation follows on and builds on two previous documents:

- '*A consultation on school funding reform: Rationale and Principles*' (issued in April 2011) and
- '*A consultation on school funding reform: Proposals for a fairer system*' (issued in July 2011).

3.3 This last consultation was for a shorter period than usual and closed on **21 May 2012** to allow the DfE to make their announcements in the summer.

3.4 The DfE is proposing to move towards a **national funding formula** in the next spending review period. Therefore, in order to get the building blocks in place and the components of any national funding formula 'right' as far as possible, this consultation sets out the proposed changes for funding schools for the **financial year 2013/14**. The DfE has stated that the proposed changes ensure minimal disturbance for all schools and Academies.

3.5 The DfE is consulting on the following areas in respect of the move towards a national funding formula:

- Simplification of the local funding arrangements;
- Improving the way in which local areas are funded;
- Improving arrangements for funding pupils and students with high needs; and Simplification of the arrangements for the funding of early years provision.

3.6 This was the third consultation on school funding reform and there were a number of updates and further consultations as the scale of the changes and the short timescale are proving to be a major challenge for the DfE and for local authorities.

3.7 As a consequence, there will be a one year settlement for 2013/14. This will involve significant changes but there will be little time to implement them by **April 2013**.

3.8 The changes can be summarised as follows:

- Local authorities will be required to simplify their local funding formulae from 2013/14 as the DfE are reducing the number of approved factors from 37 to 10;
- Local authorities will be required to introduce one value for Age Weighted Pupil Unit (AWPU) for primary schools and either one value or a Key Stage 3 and Key Stage 4 AWPU in secondary schools;
- Local authorities will be required to submit a budget pro-forma in respect of 2013/14 by the end of October 2012. This will bring the whole process forward by 5 months;

- There will be one value in respect of lump sums in the local funding formula for all schools, regardless of size;
- Special schools will no longer be funded by a local formula;
- The minimum funding guarantee will remain for two years (2013/14 & 2014-15);
- There will be changes in Schools Forums arrangements, giving schools more powers on funding decisions in respect of the local funding formula;
- Funding for high needs pupils and students (aged 5-25) in all settings will change significantly from April 2013 with the creation of a high needs block;
- Local authorities will become commissioners in respect of high needs pupils and students aged up to 25.

3.9 These changes can be viewed as an interim position before the introduction of a national funding formula during the next spending review period. The changes are aimed at making it easier for headteachers, maintained schools, Academies and proposers, in respect of Free Schools, University Technical Colleges (UTCs) and Studio Schools, to understand the funding system.

3.10 The timetable for implementing the reforms are as follows:

Date	Action
4 October 2012	School Census Day
October 2012	Local authorities submit provisional school budget pro-forma to the EFA
28 November 2012	School Census database closed
December 2012	EFA confirms DSG for 2013/14 (prior to recoupment of funding for Academies)
January 2013	Local authorities submit final data for Schools Budget proforma
January to March 2013	Local authorities confirm budgets for their maintained schools. EFA confirms Academy budgets.

4. Proposals for Brent's Fair Funding Formula for 2013/14

- 4.1. Appendix A shows the make-up of the existing 2012/13 fair funding formula, detailing the basis for the calculations in each formula factor.
- 4.2. In trying to identify the impact of moving towards the DfE's requirements three possible models were developed and these formed the basis for consultations with Brent's Schools Forum and with all local schools. These are presented in Appendix B, C and D and the impact of each is summarised in Table 1 below.
- 4.3. In moving from the current funding formula to the new DfE requirements a significant issue was identified relating to the overall relative funding levels between the primary sector and the secondary sector. This arose due to historic large levels of a former

grant called Standards Funds that had been mainstreamed into the fair funding formula and which were heavily weighted towards secondary schools.

- 4.4. Appendix B (Model 1): this model attempts to maintain current funding levels within each sector with no significant shift of funding from one sector to the other. This model results in significantly higher funding rates for deprivation, prior attainment etc. in the secondary sector compared to the primary sector.
- 4.5. Appendix C (Model 2): this model applies the same funding rates for deprivation, prior attainment etc. in each sector. This results in a significant shift in funding from the secondary sector to the primary sector, although this is mitigated to a large extent by the Minimum Funding Guarantee (MFG).
- 4.6. Appendix D (Model 3): this model attempts to offer a middle position which results in a lower shift of funding and smaller differentials in unit funding rates.
- 4.7. Table 1 summarises the key elements of the different models, detailing the budgets for primary & secondary, example unit values, the MFG value and the swing of funding compared to current sector funding levels. The table shows the position pre-MFG; when the MFG is applied the large swings shown would not actually occur.
- 4.8. In setting the formula for 2013/14 the key considerations include the following:
- The need to keep funding turbulence to a reasonable minimum. Creating large shifts of funding between sectors or between schools can cause major issues and are usually avoided. The fact that the MFG is in operation reduces this risk greatly as it means that any school due to lose excessive funding will be protected so that it does not lose more than 1.5% per pupil. This means that even model 2 which shows a very large pre-MFG shift of funding away from Secondary Schools would not deliver such a large shift as no Secondary school would actually lose more than 1.5% per pupil.
 - The extent to which large differences in unit values are appropriate. Model 1 requires significantly higher secondary unit values for Age Weighted Pupil Units (AWPU), deprivation, English as an Additional Language (EAL) etc. This would result in a secondary pupil from a particular deprivation banding attracting significantly more funding than a primary pupil from exactly the same deprivation banding. This would be repeated for other unit values such as AWPU, EAL and prior attainment. This raises the question of the extent to which this can be reasonably justified.
 - These changes have to be put in place against a much tighter time-scale than local authorities would normally choose. With the MFG in place and the ability to review the impact over the coming year and put in changes for 2014/15, the risks of this accelerated timetable are to a large extent minimised.

TABLE 1

Model	Primary Budget £	Secondary Budget £	Primary MFG £	Secondary MFG £	Swing Primary Budget £	Swing Secondary Budget £
Current	105,976,539	80,792,694	54,383	643,049	N/A	N/A

Funding Formula						
Unit Values	AWPU: £2,680	AWPU: £3,696				
Model 1 – Maintaining current funding levels between primary and secondary sectors	107,638,749	80,697,944	433,001	132,707	0	0
Model 1: Example unit Values	AWPU: £3,386 EAL: £401 IDACI Band 3: £490 IDACI Band 6: £590 Low Attainment: £505	AWPU: £4,744 KS3 & £5,235 KS4 EAL: £1,796 IDACI Band 3: £780 IDACI Band 6: £890 Low Attainment: £1,425				
Model 2 – Same unit values across primary & secondary	117,150,021	74,744,929	-7,591,618	4,604,539	9,511,272	-5,953,015 (NB: real swing after MFG would be -1,348,476)
Model 2: Example unit Values	AWPU: £3,538 EAL: £1,030 IDACI Band 3: £265 IDACI Band 6: £1,000 Low Attainment: £1,000	AWPU: £4,638 KS3 & £5,119 KS4 EAL: £1,030 IDACI Band 3: £265 IDACI Band 6: £1,000 Low Attainment: £1,000				
Model 3 – Reducing loss to secondary sector.	113,721,740	78,704,657	-4,783,483	1,297,144	6,082,991	-1,993,287 (NB: real swing after MFG would be -696,143)
Model 3: Example unit Values	AWPU: £3,538 EAL: £940 IDACI Band 3: £275 IDACI Band 6: £650 Low Attainment: £880	AWPU: £4,638 KS3 & £5,119 KS4 EAL: £1,634 IDACI Band 3: £565 IDACI Band 6: £1,220 Low Attainment: £1,456				

5. Proposals for SEN Funding – High Needs Block

- 5.1 The Government's funding reforms will also impact on the funding of support for pupils with Special Educational Needs and a sub-group of the Schools Forum was formed to review these changes in detail. The SEN Sub Group met on 6th September

2012 and reviewed three main issues. The first issue reviewed was the impact on schools as they will now be required to fund the first £6000 of every statement. This could have the unintended consequence of penalising schools that have taken an inclusive approach and also causing a financial burden that is too large to cope with in any one year. The SEN Sub-Group recommended that a level of protection should be offered to those schools most affected and in addition that the specific protection mechanism to be developed should be based on the following principles:

- Only schools most affected would receive protection rather than all schools receiving some level of protection
- The protection method should be based on the size of the financial impact compared to the size of the schools budget. This is based on the principle that an amount that represents a large proportion of a schools budget is much more difficult to cope with regardless of the absolute amount.
- Protection should be tapered over 2-3 years

5.2 Based on these principles Appendix E, details the proposed protection mechanism. It shows the percentage of budget share that each school's contribution would equate to and which schools would trigger protection where the contribution represents more than 2% of its budget share. Where schools trigger protection their contribution will be scaled down to a third in 2013/14, two-thirds in 2014/15 and in 2015/16 they would have to make the full contribution.

5.3 The second significant issue reviewed by the SEN Sub-Group was the impact of moving to a threshold of £6000 which is lower than the Council's existing threshold, which equates to £12,000. For this cohort of pupils with SEN where their additional costs of SEN exceed £6000 but are not sufficient to trigger statement funding it was agreed to allocate funding to all schools using a proxy within the schools block. The factors agreed to be used for this proxy are IDACI for the Primary sector and IDACI & Prior Attainment for the Secondary Sector. This would move an agreed sum from the High Needs Block into the Schools Block. This additional funding allocated to schools would establish the principle that any additional needs of a pupil with high needs would be met by individual schools up to the first £12,000. If the needs exceed £12,000 then a further top-up would come from central budgets. Appendix F models this using a proposed sum of £1m which has been split between Primary and Secondary sectors using pupil numbers.

5.4 The third issue reviewed by the SEN Sub-Group was the case for increasing SEN funding for the Early Years sector. This issue has also been discussed through the Schools Forum Early Years Sub-Group. Through the work of both groups a strong case has been put forward to target more funding for SEN in the Early Years Sector, thus supporting the Council's early intervention and prevention priorities. Benchmarking with a number of other local authorities also shows many local authorities target more funding towards early years. The Early Years Single Funding Formula does not have an explicit SEN factor; however it does contain a proxy based on deprivation. It is therefore proposed to increase funding allocated through this factor. The current factor uses IMD scores, which is slightly different to IDACI, which will be used for mainstream schools. It is proposed to switch to IDACI to be consistent with the Schools Block formula and allocate an additional £500k through this factor for both maintained and Private, Voluntary and Independent (PVI) settings.

6. Consultation Outcomes

6.1 The Schools Forum approved the following proposals:

- Adopt Model 2 for 2013/14 (12 voted in favour, 5 voted against)
- Proceed with SEN Protection as set out in Appendix E (unanimous)
- Delegate a further £1m to ensure schools fund the first £12k of every statement (unanimous)
- Transfer £500k from the Schools Block to the Early Years Block to be distributed for SEN support (11 voted in favour, 2 voted against)
- Use IDACI for the Early years SEN/Deprivation factor (unanimous)

6.2 Appendix F sets out the result of the wider consultation with all schools. This can be summarised as follows:

- Adopt Model 2 for 2013/14 (19 voted in favour, 7 voted for other options)
- Proceed with SEN Protection as set out in Appendix E (15 voted in favour, 1 voted against)
- Delegate a further £1m to ensure schools fund the first £12k of every statement (10 voted in favour, 4 voted against)
- Transfer £500k from the Schools Block to the Early Years Block to be distributed for SEN support (10 voted in favour, 4 voted against)
- Use IDACI for the Early years SEN/Deprivation factor (unanimous)

6.3 Officers also carried out a benchmarking exercise to identify how funding levels for Brent Schools compare with other local authorities. Benchmarking data should always be viewed cautiously, as it can be difficult to always make like-for-like comparisons as different local authorities funding practices can be markedly different. This information is presented in appendix G. This shows that the relative funding differential between Secondary and Primary schools in Brent is in keeping with most London Boroughs and is therefore inconclusive in terms of supporting a shift of funding from one sector to another.

6.4 The overwhelming support from schools for Model 2 is probably due to the fact that the primary and secondary unit funding rates for deprivation, prior attainment etc. are the same within this model and there seems little support for these indicators to be set at a much higher rate in secondary schools than in primary schools. Model 2 was also overwhelmingly supported by Schools and the Schools Forum and is therefore recommended. The Minimum Funding Guarantee also ensures that the affect of any funding shift is tapered over many years. Due to the delay in national consultation processes, local authorities have a much shorter than normal timescale to implement this revised funding formula for schools It is therefore recommended that Model 2 is adopted and the impact is closely monitored with the Schools Forum over the coming year and reviewed again for the 2014/15 financial year.

7 Financial Implications

- 7.1 All the aspects of funding covered in this report relate to the Schools Budget which is funded via a specific ring-fenced grant called the Dedicated Schools Grant. There are therefore no implications relating to the Council's General Fund resources arising from this report. All the detailed financial implications are covered in the body of this report

8 Legal Implications

- 8.1 The Government has published The School and Early Years Finance (England) Regulations 2013, which cover the funding reforms and implications set out in this report. It has announced its intention to enact these regulations from 1 January 2013, which would require all local authorities to comply with them for determining school budget shares for the 2013/14 financial year.
- 8.2 The regulations require the Executive to undertake the necessary consultations with the Schools Forum and schools and then decide upon the formula which they will use to determine the budget shares for schools maintained by them.
- 8.3 All proposals in this report have been considered by the Schools Forum as a statutory consultee and with all schools in accordance with the Regulations.

Background Papers attached alongside this report as PDF documents.

- a) School Funding Reform – Arrangements for 2013-14
- b) Operational Guidance for Local Authorities – 2013-14 revenue funding arrangements

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KRUTIKA PAU
DIRECTOR OF CHILDREN AND FAMILIES

2012/13 Schools Budget - Schools Current Allocations

Funding Type	Basis for Funding	Primary £	Secondary £	Total £
AWPU	AWPU 100% - Average Age Weighted value - Primary £2,680 and Secondary £3,696 per pupil	62,481,182	49,278,183	111,759,365
Total AWPU		62,481,182	49,278,183	111,759,365

THRESHOLD	AWPU 100% - Average Age Weighted value - Primary £2,680 and Secondary £3,696 per pupil	3,156,640	3,194,571	6,351,211
Total Threshold		3,156,640	3,194,571	6,351,211

MAINSTREAMED GRANTS - Same amount applied to each school based on 2010/11 allocation when funding ceased to exist as Mainstreamed Grant				
SSG	AWPU 100%	3,841,259	2,414,708	6,255,967
SSG (P)	AWPU 12%	997,139	1,724,068	2,721,207
	FSM 37%			
	Low Point Attainment 51%			
SDG	SDG 05/06	3,902,588	7,820,703	11,723,291
	AST (some schools incl SS)			
	Excellence in Cities (some schools)			
	Behaviour Imp Prog (some schools)			
	ICT			
	Enterprise Learning (secondary schools only)			
EMAG	Interest each year	2,908,392	1,546,167	4,454,559
	Pupils with EAL but NOT underachievers			
	Pupils from Underachievers			
1-2-1 Tuition	Underachievers with FSM	428,281	210,193	638,474
	KS2 Pupils 50%			
	KS2 Attainment 50%	428,281	210,193	638,474
Total Mainstreamed Grants		12,505,940	13,926,032	26,431,972

SITE SPECIFIC	NNDR - A sum per school	984,090	296,414	1,280,504
	Premises - Floor Area £18.76p per square meter	3,218,218	2,499,099	5,717,317
	Split Site - Lump sum and per pupil amount	93,662	609,553	703,215
Total Site Specific		4,295,970	3,405,066	7,701,036

SCHOOL SPECIFIC FACTORS	Lump sum - Prim £204,600, Sec £260,030	12,071,400	3,380,390	15,451,790
	Free School Meals - £499.09 p/p (£151.70p added in 2012/13 as part of Mainstreamed Grants)	3,278,516	1,643,500	4,922,016

2012/13 Schools Budget - Schools Current Allocations

Funding Type	Basis for Funding	Primary £	Secondary £	Total £
Total School Specific Factors		15,349,916	5,023,890	20,373,806
AEN LEARNING NEEDS				
Under Achievers	LA total £1,170,777 - £29,500 (LAC total) / total number of Black Afro Caribbean & Somali boys x total number of boys in each school	722,185	419,192	1,141,377
LAC	£525 per Looked After Child (LAC figures obtained from January Census data).	10,500	18,900	29,400
Attainment	KS1 - 75% based on number of FSM + 25% based on FSM numbers as a % of pupil numbers. KS2 - 75% based on KS1 Agg Attainment + 25% based on Failed to Achieve numbers. Secondary 50% based on KS2 Agg Attainment + 50% based on CAT score of 90 or less.	3,699,270	2,249,243	5,948,513
Total AEN Learning Needs		4,431,955	2,687,335	7,119,290
AEN - Including Other Learning	£6,335,121 total funding allocation for deprivation / total number of IMD scores x IMD scores for each school.	3,700,553	2,634,568	6,335,121
Total AEN - Including Other Learning		3,700,553	2,634,568	6,335,121
MINIMUM FUNDING GUARANTEE	AWPU 100% - AWPU allocation adjusted to fund MFG	54,383	643,049	697,432
Total Minimum Funding Guarantee		54,383	643,049	697,432
Total Schools 2012/13 Budget		105,976,539	80,792,694	186,769,233

MODEL 1 CONTROL SHEET - KEEPING SAME PRIMARY AND SECONDARY TOTALS AS 2012/13 FUNDING

Overall Budget	Total	Description
Total adjusted ISB less High Needs, EY, 6th Form	£186,769,231	Brought forward from 12-13 Table 4
New Delegation to Schools Block	£2,171,317	Brought forward from New Delegation Control
New Delegation Retained for Growth	£0	Brought forward from 12-13 LA Table
ISB to be retained for Growth		
Academy Recoupment not yet accounted for		Include any adjusted schools budget academy recoupment funds not already explicitly on 12-13 LA Table or 12-13 Table 4
Block Adjustment		As blocks are not ring fenced LA may wish to divert funds between blocks. DO NOT deduct newly delegated items which schools forum has agreed to return to LA as these must be included in the school budgets.
Retained for Growth	£0	
Total Delegated Schools Block	£188,940,548	Total Adjusted ISB + New Delegation - Retained for growth + Academy recoupment + block adjustment
Allocated	£188,902,400	
Not allocated	£38,147	

Use Reception Uplift?	Yes
Scale factor	100%
Gains Ceiling	2.3%
MFG Floor	-1.5%

PRE MFG			
Pre MFG per pupil	Primary	Secondary	Ratio Pri : Sec
Pupils	23,167	13,147	1 : 0.57
Total Funding	£107,638,749	£80,697,944	1 : 0.75
Per Pupil	£4,646	£6,138	1 : 1.32

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Section	Group	Factor	Indicator	Applies to	Unit Value	Units	Total	of which new delegation	% spend	Calculation Type	Value	Error Notes	Total from New ISB
Basic Entitlement	1) Age Weighted Pupil Unit (AWPU)	AWPU (Primary)	NOR_Primary	NOR_Primary	£3,386	23,167	£78,443,462		41.5%	Unit Value	3,386.00		£78,443,462
		AWPU (KS3)	NOR_KS3	NOR_KS3	£4,744	7,726	£36,652,144	£1,401,845	19.4%	Unit Value	4,744.00		£36,652,144
		AWPU (KS4)	NOR_KS4	NOR_KS4	£5,235	5,421	£28,376,579		15.0%	Unit Value	5,235.00		£28,376,579
Additional Educational Needs	2) Deprivation	Free School Meals (P)	FSM6_%_PRI	NOR_Primary	£0	8,385	£0		0.0%	Unit Value			£0
		Free School Meals (S)	FSM6_%_SEC	NOR_Secondary	£0	4,869	£0		0.0%	Unit Value			£0
		IDACI (P1)	IDACI_1_PRI	NOR_Primary	£440	1,977	£869,692		0.5%	Unit Value	440.00		£869,692
		IDACI (P2)	IDACI_2_PRI	NOR_Primary	£470	2,750	£1,292,477		0.7%	Unit Value	470.00		£1,292,477
		IDACI (P3)	IDACI_3_PRI	NOR_Primary	£490	5,617	£2,752,170		1.5%	Unit Value	490.00		£2,752,170
		IDACI (P4)	IDACI_4_PRI	NOR_Primary	£530	3,789	£2,008,293		1.1%	Unit Value	530.00		£2,008,293
		IDACI (P5)	IDACI_5_PRI	NOR_Primary	£560	3,507	£1,963,930		1.0%	Unit Value	560.00		£1,963,930
		IDACI (P6)	IDACI_6_PRI	NOR_Primary	£590	3,090	£1,823,359		1.0%	Unit Value	590.00		£1,823,359
		IDACI (S1)	IDACI_1_SEC	NOR_Secondary	£700	1,333	£933,160	£0	0.5%	Unit Value	700.00		£933,160
		IDACI (S2)	IDACI_2_SEC	NOR_Secondary	£730	1,677	£1,224,553		0.6%	Unit Value	730.00		£1,224,553
		IDACI (S3)	IDACI_3_SEC	NOR_Secondary	£780	3,112	£2,427,215		1.3%	Unit Value	780.00		£2,427,215
		IDACI (S4)	IDACI_4_SEC	NOR_Secondary	£825	1,919	£1,583,282		0.8%	Unit Value	825.00		£1,583,282
	IDACI (S5)	IDACI_5_SEC	NOR_Secondary	£845	1,490	£1,259,322		0.7%	Unit Value	845.00		£1,259,322	
	IDACI (S6)	IDACI_6_SEC	NOR_Secondary	£890	1,578	£1,404,180		0.7%	Unit Value	890.00		£1,404,180	
	3) Looked After Children	LAC	LAC_X_Mar11	NOR	£525	120	£62,804		0.0%	Unit Value	525.00		£62,804
	4) Low cost, high incidence SEN	Low Attainment (P)	LowAtt_%_PRI_78	NOR_Primary	£505	7,863	£3,971,047		2.1%	Unit Value	505.00		£3,971,047
		Low Attainment (S)	LowAtt_%_SEC	NOR_Secondary	£1,425	1,842	£2,625,534		1.4%	Unit Value	1,425.00		£2,625,534
	5) English as an Additional Language	EAL (P)	EAL_1_PRI	NOR_Primary	£401	3,608	£1,446,808		0.8%	Unit Value	401.00		£1,446,808
EAL (S)		EAL_1_SEC	NOR_Secondary	£1,796	464	£832,962		0.4%	Unit Value	1,796.00		£832,962	
6) Mobility	Mobility (P)	Mobility_%_PRI	NOR_Primary	£0	3,280	£0		0.0%	Unit Value	0.00		£0	
	Mobility (S)	Mobility_%_SEC	NOR_Secondary	£0	956	£0		0.0%	Unit Value			£0	
School Factors	7) Lump Sum	Lump Sum	Lump Sum	All Schools	£200,000	72	£14,400,000	£0	7.6%				£14,400,000
	8) Split Sites	Split Sites	Split Sites				£703,215		0.4%				£703,215
	9) Rates	Rates	Rates				£1,280,503		0.7%				£1,280,503
	10) PFI funding	PFI funding	PFI				£0		0.0%				£0
	11) Existing Sixth Form Commitments	Historical Factors Only	Sixth Form Funding From DSG				£0		0.0%				£0
	12) Exceptional circumstances (can only be used with prior agreement of EFA)	Excep Circs	Excep Circs 1				£0		0.0%				£0
Excep Circs		Excep Circs 2				£0		0.0%				£0	
Excep Circs		Excep Circs 3				£0		0.0%				£0	
MFG	MFG	13-14 MFG Adjustment				£565,708		0.3%					
Total Allocation							£188,902,400		100.0%				£188,336,693
6) London Fringe							£0		0%				£0

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MODEL 2 INDIVIDUAL SCHOOLS BUDGET (ISB) - APPLYING SAME UNIT VALUE TO PRIMARY AND SECONDARY SCHOOLS

Overall Budget	Total	Description
Total adjusted ISB less High Needs, EY, 6th Form	£186,769,231	Brought forward from 12-13 Table 4
New Delegation to Schools Block	£2,171,317	Brought forward from New Delegation Control
New Delegation Retained for Growth	£0	Brought forward from 12-13 LA Table
ISB to be retained for Growth		
Academy Recoupment not yet accounted for		Include any adjusted schools budget academy recoupment funds not already explicitly on 12-13 LA Table or 12-13 Table 4
Block Adjustment		As blocks are not ring fenced LA may wish to divert funds between blocks. DO NOT deduct newly delegated items which schools forum has agreed to return to LA as these must be included in the school budgets.
Retained for Growth	£0	
Total Delegated Schools Block	£188,940,548	Total Adjusted ISB + New Delegation - Retained for growth + Academy recoupment + block adjustment
Allocated	£188,907,871	
Not allocated	£32,677	

Use Reception Uplift?	Yes
Scale factor	100%
Gains Ceiling	2.7%
MFG Floor	-1.5%

PRE MFG			
Pre MFG per pupil	Primary	Secondary	Ratio Pri : Sec
Pupils	23,167	13,147	1 : 0.57
Total Funding	£117,150,021	£74,744,929	1 : 0.64
Per Pupil	£5,057	£5,686	1 : 1.12

Section	Group	Factor	Indicator	Applies to	Unit Value	Units	Total	of which new delegation	% spend	Calculation Type	Value	Error Notes	Total from New ISB	
Basic Entitlement	1) Age Weighted Pupil Unit (AWPU)	AWPU (Primary)	NOR_Primary	NOR_Primary	£3,538	23,167	£81,955,579		43.4%	Unit Value	3,537.60		£81,955,579	
		AWPU (KS3)	NOR_KS3	NOR_KS3	£4,638	7,726	£35,836,896	£1,401,845	19.0%	Unit Value	4,638.48		£35,836,896	
		AWPU (KS4)	NOR_KS4	NOR_KS4	£5,119	5,421	£27,747,579		14.7%	Unit Value	5,118.96		£27,747,579	
Additional Educational Needs	2) Deprivation	Free School Meals (P)	FSM6_%_PRI	NOR_Primary	£0	8,385	£0		0.0%	Unit Value			£0	
		Free School Meals (S)	FSM6_%_SEC	NOR_Secondary	£0	4,869	£0		0.0%	Unit Value			£0	
		IDACI (P1)	IDACI_1_PRI	NOR_Primary	£250	1,977	£494,143		0.3%	Unit Value	250.00		£494,143	
		IDACI (P2)	IDACI_2_PRI	NOR_Primary	£255	2,750	£701,237		0.4%	Unit Value	255.00		£701,237	
		IDACI (P3)	IDACI_3_PRI	NOR_Primary	£265	5,617	£1,488,419		0.8%	Unit Value	265.00		£1,488,419	
		IDACI (P4)	IDACI_4_PRI	NOR_Primary	£450	3,789	£1,705,154		0.9%	Unit Value	450.00		£1,705,154	
		IDACI (P5)	IDACI_5_PRI	NOR_Primary	£700	3,507	£2,454,912		1.3%	Unit Value	700.00		£2,454,912	
		IDACI (P6)	IDACI_6_PRI	NOR_Primary	£1,000	3,090	£3,090,439	£0	1.6%	Unit Value	1,000.00		£3,090,439	
		IDACI (S1)	IDACI_1_SEC	NOR_Secondary	£250	1,333	£333,271		0.2%	Unit Value	250.00		£333,271	
		IDACI (S2)	IDACI_2_SEC	NOR_Secondary	£255	1,677	£427,755		0.2%	Unit Value	255.00		£427,755	
		IDACI (S3)	IDACI_3_SEC	NOR_Secondary	£265	3,112	£824,631		0.4%	Unit Value	265.00		£824,631	
		IDACI (S4)	IDACI_4_SEC	NOR_Secondary	£450	1,919	£863,608		0.5%	Unit Value	450.00		£863,608	
		IDACI (S5)	IDACI_5_SEC	NOR_Secondary	£700	1,490	£1,043,225		0.6%	Unit Value	700.00		£1,043,225	
		IDACI (S6)	IDACI_6_SEC	NOR_Secondary	£1,000	1,578	£1,577,731		0.8%	Unit Value	1,000.00		£1,577,731	
		3) Looked After Children	LAC	LAC_X_Mar11	NOR	£525	120	£62,804		0.0%	Unit Value	525.00		£62,804
			Low cost, high incidence SEN	Low Attainment (P)	LowAtt_%_PRI_78	NOR_Primary	£1,000	7,863	£7,863,459		4.2%	Unit Value	1,000.00	
4) Low cost, high incidence SEN	Low Attainment (S)	LowAtt_%_SEC	NOR_Secondary	£1,000	1,842	£1,842,480		1.0%	Unit Value	1,000.00		£1,842,480		
	5) English as an Additional Language	EAL (P)	EAL_1_PRI	NOR_Primary	£1,030	3,608	£3,716,241		2.0%	Unit Value	1,030.00		£3,716,241	
5) English as an Additional Language	EAL (S)	EAL_1_SEC	NOR_Secondary	£1,030	464	£477,701		0.3%	Unit Value	1,030.00		£477,701		
	6) Mobility	Mobility (P)	Mobility_%_PRI	NOR_Primary	£237	3,280	£777,312	£0	0.4%	Unit Value	237.00		£777,312	
Mobility (S)		Mobility_%_SEC	NOR_Secondary	£237	956	£226,655		0.1%	Unit Value	237.00		£226,655		
School Factors	7) Lump Sum	Lump Sum	Lump Sum	All Schools	£200,000	72	£14,400,000	£0	7.6%				£14,400,000	
	8) Split Sites	Split Sites	Split Sites				£703,215		0.4%				£703,215	
	9) Rates	Rates	Rates				£1,280,503		0.7%				£1,280,503	
	10) PFI funding	PFI funding	PFI				£0		0.0%				£0	
	11) Existing Sixth Form Commitments	Historical Factors Only	Sixth Form Funding From DSG				£0		0.0%				£0	
	12) Exceptional circumstances (can only be used with prior agreement of EFA)	Excep Circs	Excep Circs 1				£0		0.0%				£0	
		Excep Circs	Excep Circs 2				£0		0.0%				£0	
Excep Circs		Excep Circs 3				£0		0.0%				£0		
MFG	MFG	13-14 MFG Adjustment				-£2,987,079		-1.6%						
Total Allocation							£188,907,871		100.0%				£191,894,950	
6) London Fringe							£0		0%				£0	

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MODEL 3 CONTROL TOTAL - SHIFTING AROUND £6M REDUCING THE LOSS TO SECONDARY AND THE GAIN TO PRIMARY IN MODEL 2

Overall Budget	Total	Description
Total adjusted ISB less High Needs, EY, 6th Form	£186,769,231	Brought forward from 12-13 Table 4
New Delegation to Schools Block	£2,171,317	Brought forward from New Delegation Control
New Delegation Retained for Growth	£0	Brought forward from 12-13 LA Table
ISB to be retained for Growth		
Academy Recoupment not yet accounted for		include any adjusted schools budget academy recoupment funds not already explicitly on 12-13 LA Table or 12-13 Table 4
Block Adjustment		As blocks are not ring fenced LA may wish to divert funds between blocks. DO NOT deduct newly delegated items which schools forum has agreed to return to LA as these must be included in the school budgets.
Retained for Growth	£0	
Total Delegated Schools Block	£188,940,548	Total Adjusted ISB + New Delegation - Retained for growth + Academy recoupment + block adjustment
Allocated	£188,940,058	
Not allocated	£490	

Use Reception Uplift? Yes

Scale factor	100%
Gains Ceiling	2.3%
MFG Floor	-1.5%

PRE MFG

Pre MFG per pupil	Primary	Secondary	Ratio Pri : Sec
Pupils	23,167	13,147	1 : 0.57
Total Funding	£113,721,740	£78,704,657	1 : 0.69
Per Pupil	£4,909	£5,987	1 : 1.22

Section	Group	Factor	Indicator	Applies to	Unit Value	Units	Total	of which new delegation	% spend	Calculation Type	Value	Error Notes	Total from New ISB
Basic Entitlement	1) Age Weighted Pupil Unit (AWPU)	AWPU (Primary)	NOR_Primary	NOR_Primary	£3,538	23,167	£81,955,579		43.4%	Unit Value	3,537.60		£81,955,579
		AWPU (KS3)	NOR_KS3	NOR_KS3	£4,638	7,726	£35,836,896	£1,401,845	19.0%	Unit Value	4,638.48		£35,836,896
		AWPU (KS4)	NOR_KS4	NOR_KS4	£5,119	5,421	£27,747,579		14.7%	Unit Value	5,118.96		£27,747,579
Additional Educational Needs	2) Deprivation	Free School Meals (P)	FSM6_%_PRI	NOR_Primary	£0	8,385	£0		0.0%	Unit Value			£0
		Free School Meals (S)	FSM6_%_SEC	NOR_Secondary	£0	4,869	£0		0.0%	Unit Value			£0
		IDACI (P1)	IDACI_1_PRI	NOR_Primary	£240	1,977	£474,377		0.3%	Unit Value	240.00		£474,377
		IDACI (P2)	IDACI_2_PRI	NOR_Primary	£250	2,750	£687,488		0.4%	Unit Value	250.00		£687,488
		IDACI (P3)	IDACI_3_PRI	NOR_Primary	£275	5,617	£1,544,585		0.8%	Unit Value	275.00		£1,544,585
		IDACI (P4)	IDACI_4_PRI	NOR_Primary	£375	3,789	£1,420,962		0.8%	Unit Value	375.00		£1,420,962
		IDACI (P5)	IDACI_5_PRI	NOR_Primary	£450	3,507	£1,578,158		0.8%	Unit Value	450.00		£1,578,158
		IDACI (P6)	IDACI_6_PRI	NOR_Primary	£650	3,090	£2,008,785		1.1%	Unit Value	650.00		£2,008,785
		IDACI (S1)	IDACI_1_SEC	NOR_Secondary	£355	1,333	£473,246		0.3%	Unit Value	355.00		£473,246
		IDACI (S2)	IDACI_2_SEC	NOR_Secondary	£405	1,677	£679,376		0.4%	Unit Value	405.00		£679,376
		IDACI (S3)	IDACI_3_SEC	NOR_Secondary	£565	3,112	£1,758,175		0.9%	Unit Value	565.00		£1,758,175
		IDACI (S4)	IDACI_4_SEC	NOR_Secondary	£740	1,919	£1,420,156		0.8%	Unit Value	740.00		£1,420,156
	IDACI (S5)	IDACI_5_SEC	NOR_Secondary	£1,150	1,490	£1,713,870		0.9%	Unit Value	1,150.00		£1,713,870	
	IDACI (S6)	IDACI_6_SEC	NOR_Secondary	£1,220	1,578	£1,924,831		1.0%	Unit Value	1,220.00		£1,924,831	
	3) Looked After Children	LAC	LAC_X_Mar11	NOR	£525	120	£62,804		0.0%	Unit Value	525.00		£62,804
	4) Low cost, high incidence SEN	Low Attainment (P)	LowAtt_%_PRI_78	NOR_Primary	£880	7,863	£6,919,844		3.7%	Unit Value	880.00		£6,919,844
		Low Attainment (S)	LowAtt_%_SEC	NOR_Secondary	£1,456	1,842	£2,682,651		1.4%	Unit Value	1,456.00		£2,682,651
	5) English as an Additional Language	EAL (P)	EAL_1_PRI	NOR_Primary	£940	3,608	£3,391,521		1.8%	Unit Value	940.00		£3,391,521
		EAL (S)	EAL_1_SEC	NOR_Secondary	£1,634	464	£757,829		0.4%	Unit Value	1,634.00		£757,829
	6) Mobility	Mobility (P)	Mobility_%_PRI	NOR_Primary	£237	3,280	£777,312		0.4%	Unit Value	237.00		£777,312
Mobility (S)		Mobility_%_SEC	NOR_Secondary	£237	956	£226,655		0.1%	Unit Value	237.00		£226,655	
School Factors	7) Lump Sum	Lump Sum	Lump Sum	All Schools	£200,000	72	£14,400,000	£0	7.6%				£14,400,000
	8) Split Sites	Split Sites	Split Sites				£703,215		0.4%				£703,215
	9) Rates	Rates	Rates				£1,280,503		0.7%				£1,280,503
	10) PFI funding	PFI funding	PFI				£0		0.0%				£0
	11) Existing Sixth Form Commitments	Historical Factors Only	Sixth Form Funding From DSG				£0		0.0%				£0
	12) Exceptional circumstances (can only be used with prior agreement of EFA)	Excep Circs	Excep Circs 1				£0		0.0%				£0
Excep Circs		Excep Circs 2				£0		0.0%				£0	
Excep Circs		Excep Circs 3				£0		0.0%				£0	
MFG		MFG	13-14 MFG Adjustment										
		Total Allocation					£188,940,058		100.0%				£192,426,397
	6) London Fringe	London Fringe	6) London Fringe				£0		0%				£0

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School	No. of Statements (Annualised) FTE	No. of Statements No.	Contribution to be made by School (first £6k of every statement)	Top-Up to be Funded by Commissioner (Local Authority)	Total funding to Support the Statements	2012-13 BUDGET SHARE	CONTRIBUTION TO BE MADE BY SCHOOL AS PERCENTAGE OF BUDGET SHARE	Protection Applied (Greater than 2%)	Final Contribution to be made by School After Transitional Protection
	No.	No.	£	£	£	£	%		£
Ark Academy	6.0	6	36,000	47,948	83,948	TBC		No	TBC
Capital City Academy	26.4	27	155,372	199,940	355,312	TBC		No	TBC
Claremont High	19.0	19	114,000	167,534	281,534	8,756,794	1.3%	No	114,000
Convent of Jesus & Mary Language College	11.4	12	68,515	93,111	161,626	6,156,667	1.1%	No	68,515
Kingsbury High	41.8	43	249,863	333,239	583,103	12,042,409	2.1%	Yes	83,288
The Crest Boys Academy	9.4	10	56,515	68,450	124,965	4,310,951	1.3%	No	56,515
The Crest Girls Academy	11.4	12	68,515	141,744	210,259	5,959,005	1.1%	No	68,515
Anson	11.4	12	68,515	129,064	197,579	1,977,798	3.5%	Yes	22,838
Avigdor Hirsch Torah Temimah	0.0	0	0	0	0	970,376	0.0%	No	0
Barham	9.3	11	55,545	94,446	149,991	3,054,772	1.8%	No	55,545
Braintcroft	4.8	6	29,030	56,480	85,510	3,323,539	0.9%	No	29,030
Brentfield	3.0	3	18,000	24,688	42,688	2,449,800	0.7%	No	18,000
Byron Court	5.8	7	35,030	59,263	94,293	2,531,031	1.4%	No	35,030
Carlton Vale Infant	1.0	1	6,000	8,441	14,441	1,252,704	0.5%	No	6,000
Chalkhill	2.0	2	12,000	25,134	37,134	2,313,347	0.5%	No	12,000
Christchurch CE	6.0	6	36,000	52,709	88,709	1,211,125	3.0%	Yes	12,000
Convent of J & M Inf	3.7	6	22,060	34,562	56,622	1,418,246	1.6%	No	22,060
Donnington	3.4	4	20,515	42,969	63,484	1,313,274	1.6%	No	20,515
Elsley	3.4	4	20,515	43,302	63,817	2,056,401	1.0%	No	20,515
Fryent	6.8	8	41,030	80,613	121,644	2,192,102	1.9%	No	41,030
Furness	3.0	3	18,000	29,766	47,766	2,507,616	0.7%	No	18,000
Gladstone Park	16.7	19	100,060	150,218	250,279	3,037,258	3.3%	Yes	33,353
Harlesden	2.0	2	12,000	25,134	37,134	1,286,941	0.9%	No	12,000
Islamia	1.0	1	6,000	6,378	12,378	1,869,258	0.3%	No	6,000
John Keble	1.4	2	8,515	15,772	24,287	2,026,567	0.4%	No	8,515
Kensal Rise	7.4	8	44,515	59,206	103,721	3,174,558	1.4%	No	44,515
Kilburn Park Junior	3.8	5	23,030	37,791	60,821	1,172,892	2.0%	No	23,030
Kingsbury Green	11.3	13	67,545	125,303	192,848	3,064,321	2.2%	Yes	22,515
Leopold	6.3	8	37,545	50,424	87,969	2,207,254	1.7%	No	37,545
Lyon Park Infant	1.8	3	11,030	19,310	30,340	1,830,771	0.6%	No	11,030
Lyon Park Junior	11.8	13	71,030	105,450	176,480	2,190,698	3.2%	Yes	23,677
Malorees Infant	9.3	11	55,545	91,013	146,558	1,139,470	4.9%	Yes	18,515
Malorees Junior	9.4	10	56,515	89,561	146,076	1,237,315	4.6%	Yes	18,838
Michael Sobell Sinai	1.0	1	6,000	12,567	18,567	2,581,458	0.2%	No	6,000
Mitchell Brook	4.3	6	25,545	43,856	69,402	2,414,156	1.1%	No	25,545
Mora	6.8	8	41,030	66,892	107,922	2,284,673	1.8%	No	41,030
Mount Stewart Infant	0.0	0	0	0	0	1,276,853	0.0%	No	0
Mount Stewart Junior	8.8	10	53,030	86,316	139,346	1,619,216	3.3%	Yes	17,677
Newfield	2.4	3	14,515	26,943	41,458	1,890,184	0.8%	No	14,515
Northview	3.8	5	23,030	32,165	55,195	1,196,504	1.9%	No	23,030
North West London Jewish Day	0.0	0	0	0	0	1,207,358	0.0%	No	0
Oakington Manor	11.1	14	66,575	101,875	168,451	3,428,884	1.9%	No	66,575
Oliver Goldsmith	6.4	7	38,515	63,635	102,150	1,985,144	1.9%	No	38,515
Our Lady of Grace Infant	1.8	3	11,030	18,977	30,007	1,020,358	1.1%	No	11,030

School	No. of Statements (Annualised) FTE	No. of Statements No.	Contribution to be made by School (first £6k of every statement)	Top-Up to be Funded by Commissioner (Local Authority)	Total funding to Support the Statements	2012-13 BUDGET SHARE	CONTRIBUTION TO BE MADE BY SCHOOL AS PERCENTAGE OF BUDGET SHARE	Protection Applied (Greater than 2%)	Final Contribution to be made by School After Transitional Protection
Our Lady of Grace Junior	4.8	6	29,030	26,733	55,763	1,099,916	2.6%	Yes	9,677
Our Lady of Lourdes	3.4	4	20,515	34,717	55,232	1,296,927	1.6%	No	20,515
Park Lane	4.4	5	26,515	40,564	67,079	1,864,510	1.4%	No	26,515
Preston Park	7.4	8	44,515	77,400	121,915	3,270,118	1.4%	No	44,515
Princess Frederica	4.0	4	24,000	35,510	59,510	1,860,448	1.3%	No	24,000
Roe Green Infant	2.0	2	12,000	14,184	26,184	1,796,250	0.7%	No	12,000
Roe Green Junior	13.4	14	80,515	126,689	207,204	2,150,431	3.7%	Yes	26,838
Salisbury	6.4	7	38,515	75,481	113,996	2,970,926	1.3%	No	38,515
St Andrew & St Francis	4.4	5	26,515	37,866	64,381	2,135,184	1.2%	No	26,515
St Joseph's R C Inf	0.8	2	5,000	8,806	13,836	1,144,318	0.4%	No	5,000
St Joseph's R C Jnr	7.0	7	42,000	69,402	111,402	1,310,362	3.2%	Yes	14,000
St Josephs Pri	11.8	13	71,030	107,755	178,785	2,283,328	3.1%	Yes	23,677
St Margaret Clitherow	7.3	9	43,545	57,668	101,214	1,243,858	3.5%	Yes	14,515
St Mary Magdalen Junior	9.7	12	58,060	72,324	130,385	1,570,889	3.7%	Yes	19,353
St Mary's C E	6.0	6	36,000	65,087	101,087	1,664,115	2.2%	Yes	12,000
St Mary's RC	5.4	6	32,515	49,536	82,051	1,945,069	1.7%	No	32,515
St Robert Southwell	14.3	16	85,545	161,608	247,153	1,743,917	4.9%	Yes	28,515
Stonebridge	2.0	2	12,000	16,882	28,882	2,028,002	0.6%	No	12,000
Sudbury	12.4	13	74,515	84,883	159,398	3,657,746	2.0%	Yes	24,838
Uxendon Manor	5.4	6	32,515	73,761	106,276	2,068,924	1.6%	No	32,515
Wembley	9.3	11	55,545	91,453	146,998	3,658,051	1.5%	No	55,545
Wykeham	5.8	7	35,030	51,678	86,708	2,540,352	1.4%	No	35,030
Alperton	15.0	15	88,833	132,024	220,857	9,068,637	1.0%	No	88,833
Copland	16.0	16	96,000	162,005	258,005	9,610,365	1.0%	No	96,000
J F S	1.0	1	6,000	5,022	11,022	10,614,856	0.1%	No	6,000
Newman Catholic College	13.0	13	78,000	96,230	174,230	4,180,245	1.9%	No	78,000
Preston Manor High	44.8	46	269,030	467,839	736,869	10,443,355	2.6%	Yes	89,677
Queens Park	35.4	36	212,515	315,173	527,688	7,925,148	2.7%	Yes	70,838
St Gregory's R C	16.0	16	96,000	129,690	225,690	6,493,567	1.5%	No	96,000
Wembley High Technology College	15.0	15	90,000	115,723	205,723	8,317,754	1.1%	No	90,000
Total	621.6	677.0	3,725,424	5,765,881	9,491,335	222,897,616	1.7%	No	2,360,792
								No	
Primary Total	339.8	390.0	2,040,266	3,290,207	5,330,503	119,017,863	1.7%	No	1,354,611
Secondary Total	156.3	158.0	936,378	1,423,707	2,360,085	66,653,927	1.4%	No	615,348
Academy Total	125.5	129.0	748,780	1,051,967	1,800,747	37,225,826	2.0%	Yes	390,833
Total	621.6	677.0	3,725,424	5,765,881	9,491,335	222,897,616	1.7%	No	2,360,792

Protection will be applied for all schools whose contribution amounts to more than 2% of their overall budget share. Schools qualifying for protection will have their contribution capped at 1/3 in 2013/14, 2/3 in 2014/15 and no cap in 2015/16.

SCHOOLS FUNDING REFORMS 2013/14 - CONSULTATION (Deadline 26 October 2012)

- 1 Agree on which model to proceed with - Model 1, Model 2, Model 3, or an alternative model
- 2 Agree on which level of EAL should be used – 1 year, 2 years or 3 years.
- 3 Agree on which level of Primary Attainment to use – EYFS below 73 or below 78 points.
- 4 Agree on the level of protection to be used for SEN as per Appendix E (Recommended 2%)
- 5 Agree to transfer £1m from High Needs Block to the Schools Block to be distributed via IDACI for Primary Sector and IDACI and Attainment for Secondary Sector, to be used as a proxy for SEN incidents between £6k and £12k.
- 6 Agree to transfer £500k from Schools Block to Early Years Block for SEN in Early Years.
- 7 Agree to switch the deprivation in Early Years from Index of Multiple Deprivation (IMD) to (Income Deprivation Affecting Children Index) IDACI.
- 8 Any other comments
- 9 Head Teacher or Chair of Governors

		Recommendation								
School	Model	Comments	EAL	EYSF	SEN Protection	£1m from High Needs	£500k to EY	EY IMD to IDACI	Comments	Signature
1	Alperton	Alternative	Comments attached							Mrs M Rafee, Headteacher
2	Anson Primary	Model 2								Jeff Smith, Headteacher
3	Ark Academy	Model 2	As approved by Schools Forum	EAL 2 Years	EYSF below 78	Agree	Disagree	Disagree	Agree	Delia Smith, Principal
4	Avigdor Hirsch Torah Temimah Pri	Model 2		EAL 1 Year	EYSF below 78	Agree	Agree	Agree	Agree	Rabbi Y Freeman, HT
5	Carlton Vale Infants	Model 2							I have taken advice and making my option choice as MODEL 4	Helen Mooney, Headteacher
6	Furness Primary	Model 2								Sylvie Libson, Executive Headteacher Oakington Manor & Furness Primary School.
7	JFS	Model 1	We would select MODEL 1 - COMMENT: The costs of educating children at secondary level are significantly greater due to the specialist nature of equipment and resources that are required. (For example Science, Technology PE etc.). Models 2 and 3 do not adequately reflect this. Specialist teachers for smaller classes are also an additional cost for secondary schools.	EAL 3 Years	EYSF below 78 - COMMENT: There seems to be an inconsistency in the Schools Forum's approach to Questions 2 and 3. We concur that with EYFS score of below 78 to spread funding over a larger number of pupils.	Agree - COMMENT: This seems a reasonable proposal, provided that it does not discriminate against SEN students from out of borough. Appendix E shows JFS with 1 statement whereas we have 64.	Disagree - instead the funding should be adjusted to fund all costs on the statement above £6000.	Disagree	Agree	Jonathan Miller (Headteacher)
8	John Keble CE Primary	Model 2							Model 4 is my preferred option!	Mrs A Loffler, Headteacher
9	Kingsbury Green	Model 2	model 4					Agree		L Wynne (Head)
10	Kingsbury High	Model 1	Comments attached	EAL 3 Years	EYSF below 78	Agree	The funding should enable all costs of the statement above £6000 to be met.	Agree	Agree	Jeremy Waxman, Headteacher
11	Leopold Primary	Model 2		EAL 1 Year	EYSF below 78	Agree	Agree	Agree	Agree	Mrs A Kendall- Headteacher
12	Malorees Infant	Model 2							As you know we are very concerned at Malorees Infants (and Juniors) about our budget figures for 2013/14. We hope it will change significantly once the additional funding is added!!!	Sian Davies, Headteacher
13	Mitchell Brook Primary	Model 2				Agree				Theresa Landreth- Headteacher
14	Newfield Primary	Model 2							We agree with the recommendations accepted by the Schools Forum (as stipulated in the attached document). Report	Sarah Bolt, Headteacher
15	Newman Catholic College	Model 1		EAL 3 Years	EYFS below 73	Agree	Agree	Disagree	Agree	Richard Kolka (Principal)
16	Northview Primary	Model 2								Judy Keen
17	Oakington Manor Primary	Model 2								Sylvie Libson, Executive Headteacher Oakington Manor & Furness Primary School.
18	Our Lady of Grace RC Infant	Model 2	Comments Attached	EAL 1 Year	EYSF below 78	Agree	Agree	Agree	Agree	Maria Shea
19	Our Lady of Grace RC Junior	Model 2				Agree			Due to the deadline date been today, I wonder if you would accept our response by email which is an agreement to the Schools Forum model 4.	Anne Doherty, School Business Manager
20	Our Lady of Lourdes RC Primary	Model 2		EAL 1 Year	EYSF below 78	Agree	Agree	Agree	Agree	Mary Bickerstaff Head teacher
21	Preston Manor	Model 3	Comments attached	EAL 1 Year	EYFS below 73	Agree	Agree	Agree	Agree	Matthew Lantos (Headteacher)
22	Queens Park Community	Alternative	Comments attached	EAL 1 Year	EYSF below 78	Agree	Disagree	Agree	Agree	Mike Hulme, Headteacher
23	Roe Green Infant	Model 2		EAL 1 Year	EYSF below 78	Agree	Agree	Agree	Agree	Nicole Lobo
24	Roe Green Junior	Model 2		EAL 1 Year	EYSF below 78	Agree	Agree	Agree	Agree	M Loosemore Headteacher
25	St Mary's CE Primary	Model 2		EAL 1 Year	EYSF below 78	Agree	Agree	Agree	Agree	Susan Lawrence Headteacher
26	St. Gregory's Catholic Sciience Col.	Model 3		EAL 3 Years	EYFS below 73	Disagree	Agree	Disagree	Agree	A Prindiville Headteacher

Model 1 = 3 Model 2 = 19 Model 3 = 2 Alternative = 2

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Per Pupil Budget Share Comparison for Statistical Neighbours			
PRIMARY			
Statistical Neighbours	January 2012 Pupil Count (FTE registered pupils)	Budget share per pupil (£ per pupil)	Ranking By Budget Share per pupil (1 = highest)
Lewisham	21,975	5,291	1
Newham	32,205	4,998	2
Haringey	21,655	4,815	3
Brent	25,366	4,692	4
Waltham Forest	21,059	4,587	5
Ealing	27,904	4,583	6
Enfield	28,759	4,560	7
Harrow	18,637	4,502	8
Merton	16,514	4,184	9
Croydon	27,083	4,092	10
Redbridge	26,790	4,014	11
STATISTICAL NEIGHBOURS AVERAGE	24,359	4,574	


Per Pupil Budget Share Comparison for Statistical Neighbours			
SECONDARY			
Statistical Neighbours	January 2012 Pupil Count (FTE registered pupils)	Budget share per pupil (£ per pupil)	Ranking By Budget Share per pupil (1 = highest)
Haringey	10,055	6,901	1
Lewisham	9,926	6,880	2
Newham	16,421	6,788	3
Waltham Forest	12,628	6,401	4
Brent	11,763	6,190	5
Ealing	12,295	6,173	6
Harrow	2,793	5,876	7
Merton	6,880	5,415	8
Redbridge	18,166	5,330	9
Croydon	12,810	5,265	10
Enfield	18,598	4,712	11
STATISTICAL NEIGHBOURS AVERAGE	12,030	5,994	

Per Pupil Budget Share Comparison for Statistical Neighbours			
SPECIAL			
Statistical Neighbours	January 2012 Pupil Count (FTE registered pupils)	Budget share per pupil (£ per pupil)	Ranking By Budget Share per pupil (1 = highest)
Newham	158	35,864	1
Redbridge	486	28,284	2
Haringey	379	27,219	3
Brent	491	25,994	4
Ealing	624	24,716	5
Lewisham	618	24,101	6
Waltham Forest	681	23,162	7
Enfield	547	22,976	8
Harrow	402	21,656	9
Merton	295	21,154	10
Croydon	1,458	10,182	11
STATISTICAL NEIGHBOURS AVERAGE	558	24,119	

Per Pupil Budget Share Comparison for Statistical Neighbours			
NURSERY			
Statistical Neighbours	January 2012 Pupil Count (FTE registered pupils)	Budget share per pupil (£ per pupil)	Ranking By Budget Share per pupil (1 = highest)
Lewisham	0	16,129	1
Haringey	166	12,482	2
Harrow	7	10,855	3
Newham	587	8,952	4
Brent	296	8,689	5
Ealing	276	8,316	6
Croydon	303	7,214	7
Waltham Forest	185	6,889	8
Redbridge	0	0	9
Enfield	0	0	9
Merton	0	0	9
STATISTICAL NEIGHBOURS AVERAGE	165	7,230	
STATISTICAL NEIGHBOURS AVERAGE Excluding nil funding authorities	211	11,421	

Per Pupil Budget Share Comparison for Statistical Neighbours			
PVI			
Statistical Neighbours	January 2012 Pupil Count (FTE registered pupils)	Budget share per pupil (£ per pupil)	Ranking By Budget Share per pupil (1 = highest)
Haringey	790	4,394	1
Lewisham	975	4,357	2
Waltham Forest	1,081	3,976	3
Brent	1,327	3,838	4
Enfield	1,735	3,778	5
Newham	1,007	3,694	6
Merton	751	3,684	7
Redbridge	1,631	3,621	8
Harrow	1,334	3,617	9
Croydon	2,564	3,597	10
Ealing	1,349	3,145	11
STATISTICAL NEIGHBOURS AVERAGE	1,322	3,791	

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	<p style="text-align: center;">Executive 10 December 2012</p> <p style="text-align: center;">Report from the Director of Children and Families</p>
<p style="text-align: center;">Strategy for Implementing the Two Year Old Early Education and Childcare Free Entitlement</p>	

1.0 Summary

- 1.1 The government is extending the provision of 15 hours of free early learning and childcare for disadvantaged two year olds (2 YOs) on a statutory basis in two phases. From September 2013 (Phase 1) the government estimates that 20% of this age group will benefit nationally. This follows on from the previous government's scheme started in 2009. The scheme will be extended in Phase 2 from 2014 when 40% of 2YOs will benefit. The targeting of provision to tackle disadvantage through early support and intervention is in line with the Council's Children and Young People's Plan as well as the One Council Working with Families project and the government's Troubled Families initiative. Funding for 2YO places currently comes through the Early Intervention Grant but from April 2013 will come to the borough via the Dedicated Schools Grant (DSG).
- 1.2 This report seeks agreement to the strategy to implement the September 2013 two year old childcare and early education offer. It highlights a number of challenges to ensuring the supply of quality places meets the anticipated demand.
- 1.3 To meet the anticipated demand for places by September 2013 the strategy will require:
- Increasing the number of available places to provide for eligible children, estimated as 880 in Phase 1 and 2000 in Phase 2, assuming 80% take up
 - Improving the quality of Private, Voluntary and Independent (PVI) settings to generate additional places
 - Increasing the number of childminders able to offer new places
 - Ensuring those families who are eligible for a place are aware of their entitlement, including promotion through partner agencies

- Through the Children's and Families Information Service (CFIS) providing information on how to apply for a place and where places exist
- Ensuring adequate funding is received from the Department for Education (DfE) through the Dedicated Schools Grant (DSG).

1.4 The strategy for delivering Phase 2 will be developed during 2013 informed by the experience of implementing Phase 1

2 Recommendations

2.1 Executive is asked to

- (i) Approve the strategy to implement the offer of free childcare to two year olds based on eligibility for a free school meal from September 2013
- (ii) Agree to a further report in the early summer of 2013 updating Executive on progress with the September 2013 offer and the strategy to implement the September 2014 offer
- (iii) Agree that officers review the current policy for funding full time places in schools, including a full consultation with stakeholders, with a report back to Executive in the autumn of 2013

3 Introduction and Background

3.1 The council has been offering free childcare for 2YOs since the summer of 2009 under the auspices of the previous government's scheme. Brent participated in a pilot scheme that targeted the 15% most disadvantaged 2 YOs. Providers currently receive £6 an hour for up to 15 hours of free provision a week. The eligibility criteria combine national Free Schools Meals (FSM) criteria and local criteria based on child and family characteristics. The government's new scheme will use similar eligibility criteria.

3.2 Since 2010 the government has consulted on and subsequently amended statutory guidance on delivering early education and childcare including funding for the free entitlement. The context for the 2YO offer includes:

- Outcomes from the recent consultation on the eligibility criteria for extending the 2YO offer from September 2014
- Revisions to the Early Years Foundation Stage (EYFS) effective from September 2012
- Revisions to the current Statutory Guidance for three and four year olds (formally the Code of Practice) that will incorporate the 2YO offer that government intend to issue in the autumn of 2012
- Changes to the DSG schools and PVI's funding regime from 2013/14
- Additional funding for delivering the 2 YO offer in the council's 2012/13 Early Intervention Grant allocation.

3.3 The proposed implementation strategy is set out in the following sections:

Section 4: Summarises the government's policy intentions and objectives for the 2 YO offer including the proposed eligibility criteria

Section 5: Assesses the likely demand for places

Section 6: Assesses the current supply of places and the potential to increase the supply

Section 7: Presents a strategy to improve the quality of provision that in turn increases the supply of places

Section 8: Describes the approach to market the offer to parents and families increasing the demand for places

Section 9: Sets out the 2 YO project management arrangements

Section 10: Looks at funding and spending covering the DfE's proposed funding methodology and the costs of delivering the scheme

Sections 11 to 14: Present the legal, financial, staffing implications and equality impact assessment

4 Government Policy Intentions and Objectives

4.1 The plan to introduce a new targeted free entitlement for 2YOs is part of the government's 'Fairness Premium' to drive up social mobility and improve life chances. The rationale for high quality early years education and childcare supporting children from disadvantaged backgrounds is strongly evidenced by:

- A gap appearing between disadvantaged children and their peers by age five
- High quality early education makes a difference as from age two upwards; it has positive benefits on children's development
- Fewer children from the poorest families taking up their free entitlement for three year old early education evidenced by:
 - 43% in the poorest 20% (families earning under £16,200 pa)
 - 72% in the wealthiest 20%.

4.2 The new entitlement will be implemented across two phases as follows:

- Phase 1: From September 2013 149,900 (20%) 2 YOs in England will be able to access free early education and childcare places. 2 YOs will be eligible if:
 - Their families meet the criteria also used to establish school-aged children's eligibility for free school meals (FSMs); or
 - They are looked after by the local authority.
 - For the first phase the government is encouraging local authorities to prioritise children with special education needs

and disabilities (SEND) for any discretionary free places they can offer.

- Phase 2: From September 2014 the entitlement will be extended to 296,300 (40%) 2 YOs nationally based on:
 - The Phase 1 eligibility criteria ; and
 - Three proposals set out below for additional criteria. DfE has consulted on these proposals and at the time of drafting this report no firm decisions have been made.

4.3 **Proposal 1** involves using additional economic criteria under the current and proposed benefits systems:

- Current Benefits System:
 - They meet the eligibility criteria used for free school meals (annual gross household earnings of no more than £16,190 and receipt of various benefits); **or**
 - Their families receive Working Tax credits and have annual gross income of no more than £16,190
- New Benefits System:
 - Their families receive Universal Credit and have annual gross earnings of no more than £16,190.

4.4 **Proposal 2** includes children with SEND regardless of their family’s income. Research evidence indicates that early education is particularly beneficial for children with SEND. Early education also has wider benefits for these children, such as supporting social inclusion and improving well-being. The Government proposes that 2 YOs would be eligible if:

- They have a current statement of special educational needs / an education, health and care plan; **or**
- They attract Disability Living Allowance (DLA).

4.5 **Proposal 3** involves children who have left care but are not able to return home. From September 2014, the government proposes that two year olds who leave care through adoption orders, residence orders, or special guardianship should also be eligible for free entitlement.

5 The Demand for Places

5.1 DfE has provided the council with estimates of the eligible children across both phases including the likely take up based on applying a factor of 80% that reflects their current experience. Table 1 sets out these numbers.

Table 1: DfE’s Projection of Take Up of Two Year Olds

	Phase 1: September 2013	Phase 2: September 2014
Eligible Two Year Olds	1,100	2,500
Take up at 80%	880	2,000

5.2 The estimates are based on sample data provided by HMRC. The DfE advises that these numbers are subject to statistical error and note that not all parents with eligible children will seek places. When compared with the latest

GP list of registered 2 YOs in Brent of 4,887 the DfE figure of 1,100 represents 23%. DfE has not shared any of the HMRC data with the Council, however, a review of the FSM eligible reception age children using the January 2012 census data showed that 25% of the cohort were FSM eligible. This suggests the DfE figure is reasonably robust.

5.3 Whilst the council tracks the supply and availability of places using its Tribal database (see para. 6.2 below) assessing likely demand can only be undertaken in global terms across Brent. The proposed strategy will involve refining and improving our ability to track where eligible families reside in Brent and the proximity of available places. This would allow outreach staff based in children’s centres and partner agencies, such as health visitors, to encourage eligible parents to take up their free entitlement.

6 The Supply of Places

6.1 The DfE anticipates that delivery of the entitlement for Phases 1 and 2 will be across a wide variety of childcare settings with the PVI sector (including child minders) providing nearly 50% of places.

6.2 As at October 2012 the number of registered places for 2 YOs in the PVI sector including childminders recorded by the Tribal system was 1,377 full time places, of which 223 were listed as being vacant. The five independent schools are excluded from this total as they run on a similar basis to the maintained schools and would not be seen as suppliers of 2 YO places.

6.3 Other than the 130 free entitlement places currently offered to 2 YOs for 15 hours a week (provided by 36 settings) the vast majority of the current 1,377 full-time 2 YO places will all be fee paying. The presumption can therefore be made that providers will be reluctant to lose full day care fee paying children to be replaced with a part time free entitlement place unless there is a financial incentive to do so.

The strategy will need to embrace this issue to ensure:

- Providers are consulted on how many 2YO places their business model can accommodate without expecting them to significantly reduce their fee paying places
- The Nursery Education Grant 2 funding reflects the higher costs of managing 2 YOs and incentivises the creation of 2YO places. The staff to children ratio for 2YOs is 1:4 whereas for three year olds it is 1:8
- As many as possible of the 223 vacancies are retained for free entitlement 2YOs.

6.4 There are currently 4,953 early learning and childcare places on offer in Brent from 290 PVI providers across the categories set out in Table 2 below.

Table 2: Numbers of PVI Providers

Category	Number of Providers
Private nurseries	85
Independent schools	Not Applicable
Voluntary sector nurseries	5

Childminders (private)	200
Total	290

- 6.5 The council is moving towards providers updating the Tribal database themselves via the web based provider portal. This information in turn will appear on the CFIS pages on the Brent website offering parents with access to the Internet accurate information on 2YO and other age group place availability. The robustness of the data will be dependent on providers regularly updating their own places and vacancies data via the provider portal.
- 6.6 In order to gauge interest in offering new or additional 2 YO places, in October 2012 PVI providers were asked to indicate their preferences. The results of this survey are summarised below for providers currently eligible to offer places and those that are not.

Table 3: Survey of Current Provider Intentions (130 2 YO in Places)

Numbers of providers approached	Would consider increasing spaces & take up	Dependencies	
		Would need more space needing building work	Would need more staff
27	25	9	11

Table 4: Survey of Currently Ineligible Provider (not currently judged by Ofsted to be good or better) Intentions

Numbers of providers approached	Would consider offering 2 YO places	Number of places the 35 might offer	Dependencies	
			Would need more space needing building work	Would need more staff
39	35	268	5	10

The survey provided some positive feedback in that the majority of respondents were interested in offering additional and new 2 YO places providing they could recruit more staff and either refurbish or extend their premises. Section 10 comments on the government's capital funding initiative to increase the supply of places.

Current policy to fund full time three year old nursery places in schools

- 6.7 In February 2010 Executive approved a new policy for funding full time nursery provision in schools where places would only be offered to children whose parents meet the FSM criteria. Prior to the implementation of the new policy from the autumn term 2012 around half of Brent's primary schools (25) and all four nursery schools offered full time nursery places. By way of comparison Hounslow and Harrow councils do not offer full time places

whereas Lambeth and Camden do. Full time provision is mixed across London councils whereas in the counties it is virtually non-existent.

- 6.8 Following the commencement of the policy five schools changed provision to part time morning and afternoon creating 225 extra places. If funding for full time places ceased, noting that the council only receives funding from the DfE for part time places, then there is the potential to release between 500 to 700 additional part time places. This would be subject to some schools switching to part time morning only provision of which four did this from the autumn 2012 term.
- 6.9 The expectation is that there would be a migration of three year olds from the PVI to the schools sector releasing more 2 YO places. The need to provide sufficient places for 2YOs will require the council to review the current policy with a report back to Executive as part of approving the Phase 2 strategy later in 2013.

Schools sector

- 6.10 In October the schools' sector were approached to see if there was any interest in offering 2YO places. At the time of completing this report no school had indicated an interest in discussing this proposition but as part of the strategy the council will continue to elicit interest from schools. Currently only one nursery school offers 2YO places. 2YOs have different care needs to the 3 and 4 YOs schools have in their nursery classes therefore, it would require a change in staffing to meet these needs and this is possibly what deters schools' interest.

7 Improving the Quality of Provision

- 7.1 This section sets out the strategy to improve the quality of provision in PVI settings through the activities of the Quality Improvement Team (QIT). In order to assist those settings, including childminders to reach the quality required to be able to offer 2 YO places.

Childminder sector

- 7.2 The strategy will involve:
- An autumn survey identifying child minders interested in offering a 2YO place
 - By September 2013 completing an internal quality improvement review for 80% of all childminders with 100% being completed by December. The focus will be on those providers interested in offering a 2YO place
 - Ensuring childminders involved with the 2YO scheme participate in the training provided by Hemsalls (a management consultancy specialising in achieving best practice in services for children and families) funded by DfE EIG grant. The training will support staff in developing the skills necessary to progress to a Level 3 in childcare which will provide the necessary level of understanding to facilitate a high quality provision for 2 YOs

The expectation is that with the support identified above, the 200 childminders in Brent could offer up to 300 good quality places for 2 YOs by September 2013.

PVI sector

7.3 To be able to offer 2YO places settings must be rated good by Ofsted and/or they must be identified as good by the local authority. Therefore to expand 2YO places, as many PVI settings as possible in Brent need to be good and/or outstanding. The quality improvement team is working to achieve this by:

- Annual monitoring visits which:
 - Identify settings which have sufficient quality to provide 2YO places . There can be a four year gap between Ofsted visits and settings may improve in this time
 - Identify settings which with some extra support would be able achieve sufficient quality to provide 2YO in the short term. The team can then target support appropriately
 - Identify settings which were previously rated as good or outstanding and need further support to maintain their quality and therefore capacity to offer 2YO places
- Targeted support for settings which could provide 2YO places through addressing weaknesses and/ or offering support to maintain their quality. Support comes from:
 - Childcare and business development support officers who help settings meet safeguarding, welfare and registration requirements and provide business support on how to be sustainable.
 - The early years advisory teachers work to ensure settings provide high quality learning and development as required by the EYFS
- Providing settings with specific training and resources which help them develop or maintain the required quality to deliver the 2YO offer. Examples include:
 - Training and materials on observation, planning and assessment for children under two
 - Leadership and management training targeted at settings with a clearly identified need
- Targeted training on supporting vulnerable families to settings delivering the offer
- Raising awareness of how settings can become eligible for the 2YO offer at termly PVI meetings, in the PVI newsletter and when team members visit settings.

8 Marketing the Offer and the Applications Process

Marketing the offer

8.1 Marketing the 2 YO offer will be an important part of the implementation strategy. The approach will involve:

- Brent's Children's and Families Information Service (CFIS) providing information via:
 - The Brent website
 - Termly newsletter to all households with pre-school children
 - Posters in GP surgeries, council public buildings, children's centres, schools and nurseries.
- Out reach workers informing eligible families
- Adverts in The Brent Magazine
- Advertising/posters in PVI settings
- Working with health visitors as they have universal contact with families with young children
- Promoting the 2YOs offer through community groups and the voluntary sector.

Applications process

8.2 Appendix A provides a flow chart illustrating the new applications process for seeking a 2 YO place. It involves the use of a revised (and shortened) Common Assessment Process (CAF). The application process provides links with the Working with Families initiative One Council project and the government's Troubled Families initiative ensuring support for the most vulnerable children and families.

The applications process is summarised below:

1. Parent or practitioner respectively initiate or complete CAF
2. Eligibility for a FSM checked on DfE's electronic checking service (ECS)
 - a. Parent /carer has to be in receipt of income support or one other welfare benefit or an asylum seeker
3. CAF coordinator approves allocation of Nursery Education Grant 2 place
4. PVI nursery confirms acceptance of the Nursery Education Grant2 place
 - a. Under DfE proposals PVI would have already been funded based on number of places on offer
5. Child enrolls.

8.3 Combining the application with the CAF process ensures the needs of the child are assessed and appropriate child and family support measures are identified and commissioned.

8.4 There is a strong likelihood that the government's take up target of 880 could be achieved by September 2013. This would be dependent on:

- Ensuring the quality improvement work is maintained and adequately resourced to increase the eligible number of providers thereby creating 2YO places
- Providing appropriate training to providers supporting the management of 2YO provision
- Managing the council's statutory sufficiency duty. Initial indications suggest most PVI providers approached in a recent survey are interested in offering 2YO places subject to having sufficient staff resources and space
- Offering a sustainable level of funding to providers that reflects the 1:4 staffing ratio for 2YOs.

9 Project Management and Governance

9.1 A project management team was formed in the summer to plan and deliver the offer by the target dates. The project plan identifies a number of key milestones that are summarised below in Table 5.

Table 5: Key Milestones for Implementing the 2 YO Offer

Milestone	Date	Comments
Monthly project team meetings	From October 2012	Will oversee the delivery of the strategy
Early years Schools Forum funding sub-group consulted on funding proposals	16/11/12	Ensures transparency of development of funding mechanism
Executive agree strategy	10 /12/12	
NEG2 funding formula and hourly rate agreed	January 2013	In consultation with Schools Forum
Marketing campaign fully deployed	January 2013	Will include posters, adverts and new web page
2YO funding formula commences	April 2013	Providers will be funded on number of places offered
Continuous review of demand for and supply of places	Commencing December 2012	
Report back to Executive	June/July 2013	Reviews Phase 1 progress and seeks agreement for Phase 2 strategy for 9/13

Regular updates on progress will be provided to the Children and Families departmental management team.

9.2 The government is offering support and assistance to all local authorities to implement the 2 YOs strategies through a specially created Achieving Two

Year Olds team. An online Knowledge Hub supports the exchange of information between councils and offers a portal to access support.

- 9.3 Twenty five pilots are underway to assess the practical implications and the challenges facing local authorities in the delivery of the 2 YO free entitlement. The Brent project team will track the progress and experience from the pilots to inform the implementation of Phases 1 and 2.

10 Funding and Spending

Funding

- 10.1 The government proposes to fund the 2YO offer through DSG from 2013/14 by reducing EIG nationally by £530m. Funding via DSG for 2YOs will increase to £760m nationally in 2014/15 with a corresponding reduction in EIG. Whilst the funding will be effectively ring fenced for education the DfE state that within the DSG funding will not be ring fenced but the 2YO allocation will be clearly identifiable. They estimate that the above funding will support 149,000 2YOs in 2013/14 and 296,300 in 2014/15 nationally. Government have set out clear guidelines as to how the 2013/14 funding can be used encompassing:

- Supporting all eligible 2YOs from September 2013
- For delivery
 - Before September 2013 to some children meeting the 20% criteria
 - To some children meeting the second phase (40%) criteria
 - Funding work to build capacity and quality

- 10.2 Critically if the council is to increase capacity and reach the eligible children in both phases as part of its statutory sufficiency duty then in setting the 2013/14 budget the DSG funding has to support:

- Additional training and quality improvement activities in the PVI sector
- Ensuring there are adequate staff resources to manage the application and allocation process
- Anticipated growth in NEG2 payments
- Incentivising and assisting providers to create additional capacity for 2YOs

- 10.3 The government proposes to use a proxy derived from HMRC data for the number of eligible 2 YOs as data on the number of these children clearly cannot be available before the entitlement starts. A formula will be created targeting need and eligibility recognising that costs will differ between geographical areas; this approach will be used for 2013/14 and 2014/15. The DfE will review the suitability of whether using a headcount basis is possible and desirable after 2014/15 as soon as robust take up data is established. Officers are of the view that a steady state for this provision might not be established until the end of 2015/16 after which headcount based funding might be more reliable.

Spending

- 10.4 The government requires all councils to create a 2YO version of the Early Years Single Funding Formula (EYSFF) to be introduced from April 2013. The April start date (rather than starting in September alongside the introduction of a statutory entitlement) reflects the financial year and avoids potentially two different approaches during one financial year, which might be confusing for providers.
- 10.5 In their proposals for funding the 2YO offer DfE has identified a number of advantages of an EYSFF for two year olds including:
- It is a similar mechanism as for the three and four year old entitlement maintaining consistency and familiarity
 - It requires councils to work with providers to identify the cost of delivery and calculate fair and affordable funding rates
 - The EYSFF approach enables comparability between areas on funding rates paid to providers, enabling LAs and providers to compare across areas, supporting transparency and value for money.
- 10.6 The DfE also propose a number of technical changes as to how the 2YO EYSFF operates. These involve:
- Removing the need to have a mandatory deprivation supplement as making it mandatory in an already targeted entitlement does not seem necessary
 - Removing the need for providers to claim NEG 2 based on actual participation. Instead funding will be based on the number of places being offered to allow from April 2013 providers funding to increase capacity in advance of the 20% and 40% entitlement target dates. DfE will review after 2014/15 how this place-based funding is operating.
- The implications of these changes need to be factored into the development of the statutory 2YO EYSFF in readiness for an April 2013 implementation. In particular providers would need to commit to keeping these places always available for 2YOs as applications are processed from parents.
- 10.7 DfE expect councils and providers to work together to improve the quality of provision and Brent's approach is set out in section 7. The DfE believes that the quality of provision is critical to the success of the two year old offer and consulted in October as to whether a mandatory quality supplement should be in the 2 YO EYSFF. At the time of preparing this report no outcomes from the consultation had been published. However, officers are of the view that following the removal of the quality supplement in 2012/13 in order to simplify the formula (as suggested by the DfE) its reintroduction would not be sustainable and could lead to more confusion amongst providers.
- 10.8 Using the current funding rate per child of £6 an hour for 570 hours a year, the overall estimated annual cost of the 2YO provision based on achieving the

take up levels DfE have estimated, as set out in paragraph 5.1, is shown in Table 6 below.

Table 6: Estimated Cost of Provision

	Phase 1: September 2013	Estimated Cost £000	Phase 2: September 2014	Estimated Cost £000
Eligible Two Year Olds	1,100	£3,762m	2,500	£8,550m
Take up at 80%	880	£3,009m	2,000	£6,840m

Capital funding

- 10.9 The Deputy Prime Minister announced in September that £100m of ‘new’ funding was being made available to local authorities to help increase the capacity of providers to offer 2 YO places. At the time of completing this report no details had been forthcoming from the DfE regarding how this funding would be allocated and delivered.

11 Legal Implications

- 11.1 Section 7 of the Childcare Act 2006 places a duty on Local Authorities to secure early years provision of a prescribed description free of charge (in accordance with the Regulations) for such periods as may be prescribed for each young child in their area who has attained such age as may be prescribed but is under compulsory school age. Draft Regulations known as The Local Authority (Duty to Secure Early Years Provision Free of Charge) Regulations 2012 were laid before Parliament on 4 October 2012 and are due to come in force on 1 September 2013.
- 11.2 Section 8 gives Authorities the power to assist and make arrangements with any person who provides/proposes to provide childcare, such assistance to include financial assistance.
- 11.3 Section 12 places a statutory duty on Authorities to provide information advice and assistance to parents or prospective parents on childcare and must establish and maintain a service to do so. Local authorities must also have regard to statutory guidance issued under section 12.

12 Financial Implications

- 12.1 Section 10 sets out in detail how the DfE propose to resource the 2 YO offer by moving funding from EIG to DSG. For Phases 1 and 2 DfE will use proxies to allocate funding through the DSG mechanism. A simple calculation of dividing their global estimates of eligible children into the national funding totals offers an initial guide as to the per capita funding, as set out below in Table 7.

Table 7: Per Capita DSG Funding

Phase	National DSG Funding	Eligible 2 Year Olds	Per Capita	DfE Projected Brent Take Up @ 80%	Brent's Possible DSG Funding	Cost of Scheme @ £6 Per Hour
Phase 1	£530m	149,900	£3,536	880	£3.1m	£3.0m
Phase 2	£760m	296,300	£2,565	2000	£5.1m	£6.8m

12.2 The above calculation needs to be treated with a degree of caution as DfE will reflect regional cost differences in their distribution with the expectation that London will receive a larger share of the total through an area cost adjustment mechanism. In addition the DfEs estimates of eligible children have changed during 2012 and further changes could occur as they refine their approach and methodology.

12.3 Work on reviewing the hourly funding rate will continue as part of the 2013/14 budget process having regard to overall affordability and the final DSG allocations.

13 Staffing Implications

13.1 Approval has been given to appoint an additional full time member of staff to support the application process and the development of the councils offer. The post will be filled by the end of January 2013. The costs for 2012/13 will be accommodated from the existing 2012/13 Children and Families approved budget and the 2013/14 costs will be covered from the new Dedicated Schools Grant allocation, which is in accordance with the conditions of this grant funding.

14 Equality Impact Assessment

14.1 The Equality Impact Assessment is contained at Appendix B. The responses to the questions reflect the fact the council is implementing government policy that targets disadvantaged 2 YOs as measured by FSM eligibility.

14.2 The marketing strategy will go as far as possible to ensure that all eligible 2YOs have equal access. Targeting specific groups that are “hard to reach” e.g. because of lack of English or low levels of interaction with services, will help ensure they are aware of their entitlement.

Background Papers

- Department for Education
 - Statutory Guidance for Local Authorities on the Delivery of Free Early Education for Three and Four Year Olds and Securing Sufficient Childcare – September 2012
 - Free Early Education for Two Year Olds: Proposed Funding Arrangements – August 2012

- Extending Free Early Education to More Two Year Olds – July 2012
- Brent Council
 - Executive 15 February 2010: Report Title: Introduction of Early Years Single Funding Formula and Changes to the Allocation and Funding of Early Years Full Time Places in Maintained and Private, Voluntary and Independent (PVI) Sectors

Appendices:

- A: NEG2 application process
- B: Equality Impact Assessment

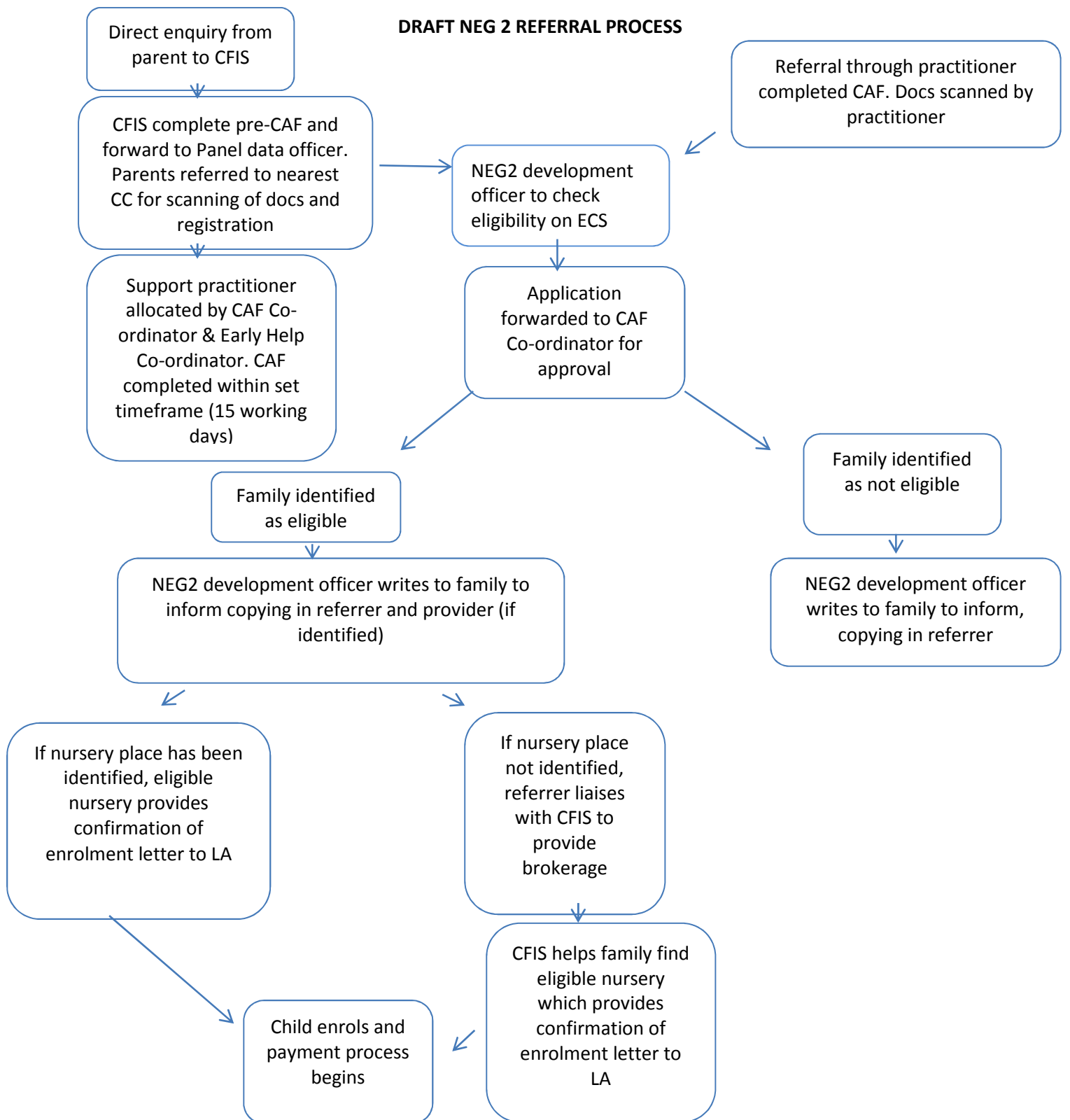
Contact Officers

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KRUTIKA PAU
DIRECTOR OF CHILDREN AND FAMILIES

Appendix A: NEG2 Application Process



Points to note in the process:

Time frame

- All CAF's to completed within set timeframe (15 working days)
- Time frame for processing NEG2 applications (5 working days)

Eligibility

- Checking of FSM eligibility to be through Electronic Checking Service, but referrers will need to see child's birth certificate and copy of income support letter. Docs to be scanned in with pre-CAF (at CC) / with CAF by referrer as appropriate

Correspondence / recording

- CAF team to be responsible for letters to parents and recording all approvals on master spreadsheet which will be kept on shared drive with password only access
- QI manager and Early Years & Family Support ops manager to approve providers to offer NEG2 places and to inform NEG2 Development Officer of any new providers approved. NEG2 Development Officer to maintain update list and ensure CFIS is provided updated info on a regular basis.
- NEG & Finance officer to be responsible for recording payments on master spreadsheet and making payments to nurseries

Referrers

- Referrers can be EY / social care staff, health staff, nursery practitioners etc.
- CAF completers can be FSA, FSW, Early years early intervention worker etc.
- If nursery has not been identified, CFIS and other referrers to encourage parents to start looking at nurseries while approval process take place
- FSA's etc. who have completed CAF's as part of this process to follow up with family after approval to support them to get child into nursery. CFIS will also support.

Monitoring

- CAF co-ordinator, Ops manager and NEG2 Development officer to meet monthly to review efficiency of process.
- Monthly audit of CAF's to be carried out by CAF team by random sample, this will include NEG2 CAF's as well.

Appendix B

Brent Council Equality Analysis Form

Please contact the Corporate Diversity team before completing this form. The form is to be used for both predictive Equality Analysis and any reviews of existing policies and practices that may be carried out.

Once you have completed this form, please forward to the Corporate Diversity Team for auditing. Make sure you allow sufficient time for this.

1. Roles and Responsibilities: please refer to stage 1 of the guidance	
Directorate: Children and Families Service Area: Early Years and Family Support	Person Responsible: Name: Sara Williams Title: Assistant Director Early Help & Education Contact No: 0208 937 3510 Signed:
Name of policy: Policy for targeting early education and childcare for disadvantaged two year olds.	Date analysis started: Completion date Review date:
Is the policy: <input checked="" type="checkbox"/> New <input type="checkbox"/> Old	Auditing Details: Name: Corporate Diversity Title: Date Contact No: Signed:
Signing Off Manager: responsible for review and monitoring Name: Sue Gates Title: Head of Service Early Years & Family Support Date Contact No: 0208 937 2710 Signed:	Decision Maker: Name individual /group/meeting/ committee: Krutika Pau Date:

2. Brief description of the policy. Describe the aim and purpose of the policy, what needs or duties is it designed to meet? How does it differ from any existing policy or practice in this area? Please refer to stage 2 of the guidance.

The government is extending the provision of 15 hours of free early learning and childcare for two year olds (2 YOs) on a statutory basis in two phases. From September 2013 (Phase 1) the government estimate that 149,900 (20% of this age group) will benefit. This follows on from the previous government's scheme started in 2009. The scheme will be extended in Phase 2 from 2014 when 296,300 2YOs will benefit (40% of this age group).

3. Describe how the policy will impact on all of the protected groups:

Positive impact on 2 years olds.

Please give details of the evidence you have used:

Government policy restricts this to children who are 2 years of age and eligible for free school meals.

4. Describe how the policy will impact on the Council's duty to have due regard to the need to:

(a) Eliminate discrimination (including indirect discrimination), harassment and victimisation;

We are implementing government policy that discriminates positively for 2 year olds eligible for free schools meals.

(b) Advance equality of opportunity;

See answer to A. By implementing this policy, we are providing access to free childcare for children who would not otherwise be able to benefit as their parents cannot afford the fees.

(c) Foster good relations

This is a targeted provision to economically disadvantaged 2 year olds undoubtedly relations with parents and carers should be improved.

5. What engagement activity did you carry out as part of your assessment?

Please refer to stage 3 of the guidance.

This report relates to the implementation of government policy that we are statutorily obliged to carry out

i. Who did you engage with?

As consequence, as part of developing on implementation plan, we are engaging with providers and parents to ensure they can provide the supply of places and access their entitlement respectively.

ii. What methods did you use?

Surveys are currently under way to ascertain

1. Number of places available.
2. Likely take up of places, in addition, marketing the offer will be through the Brent website and posters and leaflets distributed to providers and Children Centres. The marketing strategy for the project will go as far as possible to ensure that all have equal access. Targeting specific groups that we know are "hard to reach" e.g. because of lack of English or low levels of interaction with services, will help ensure they are aware of the service. We will seek to make sure that the offer is marketed as widely as possible, using a range of formats and local knowledge to raise maximum awareness

iii. What did you find out?

Initial indicators are providers are key to offer new and additional places.

iv. How have you used the information gathered?

Information gathered will support.

1. Identifying sufficiency of provision
2. Financial impact of provision
3. Improving quality

4. Marketing to parents to ensure maximum awareness. We intend to review marketing strategy to ensure due consideration is given to protected characteristics

v. How has it affected your policy?
 As stated earlier, this is government policy but we complete a periodic SEF to update government of how this policy is being implemented.

6. Have you have identified a negative impact on any protected group, or identified any unmet needs/requirements that affect specific protected groups? If so, explain what actions you have undertaken, including consideration of any alternative proposals, to lessen or mitigate against this impact. Please refer to stage 2, 3 & 4 of the guidance.

No

Please give details of the evidence you have used:

N/A

7. Analysis summary

Please tick boxes to summarise the findings of your analysis.

Protected Group	Positive impact	Adverse impact	Neutral
Age	✓		
Disability			✓
Gender re-assignment			✓
Marriage and civil partnership			✓
Pregnancy and maternity			✓
Race			✓
Religion or belief			✓
Sex			✓

Sexual orientation			✓
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<p>8. The Findings of your Analysis Please complete whichever of the following sections is appropriate (one only). Please refer to stage 4 of the guidance.</p>
<p>No major change <i>Your analysis demonstrates that:</i></p> <ul style="list-style-type: none"> • <i>The policy is lawful</i> • <i>The evidence shows no potential for direct or indirect discrimination</i> • <i>You have taken all appropriate opportunities to advance equality and foster good relations between groups.</i> <p><i>Please document below the reasons for your conclusion and the information that you used to make this decision.</i></p> <p>As stated this is government policy which all Local Authority's are required to implement and we believe this policy meets the above criteria.</p>
<p>Adjust the policy <i>This may involve making changes to the policy to remove barriers or to better advance equality. It can mean introducing measures to mitigate the potential adverse effect on a particular protected group(s).</i></p> <p><i>Remember that it is lawful under the Equality Act to treat people differently in some circumstances, where there is a need for it. It is both lawful and a requirement of the public sector equality duty to consider if there is a need to treat disabled people differently, including more favourable treatment where necessary.</i></p> <p><i>If you have identified mitigating measures that would remove a negative impact, please detail those measures below.</i> <i>Please document below the reasons for your conclusion, the information that you used to make this decision and how you plan to adjust the policy.</i></p> <p>N/A</p>

Continue the policy

This means adopting your proposals, despite any adverse effect or missed opportunities to advance equality, provided you have satisfied yourself that it does not amount to unlawfully discrimination, either direct or indirect discrimination.

In cases where you believe discrimination is not unlawful because it is objectively justified, it is particularly important that you record what the objective justification is for continuing the policy, and how you reached this decision.

Explain the countervailing factors that outweigh any adverse effects on equality as set out above:

N/A

Please document below the reasons for your conclusion and the information that you used to make this decision:

Stop and remove the policy

If there are adverse effects that are not justified and cannot be mitigated, and if the policy is not justified by countervailing factors, you should consider stopping the policy altogether. If a policy shows unlawful discrimination it must be removed or changed.

Please document below the reasons for your conclusion and the information that you used to make this decision.

N/A

9. Monitoring and review

Please provide details of how you intend to monitor the policy in the future. Please refer to stage 7 of the guidance.


Locally monthly project meetings and process reviews. Nationally a regular SEF return to the DFE.

10. Action plan and outcomes

At Brent, we want to make sure that our equality monitoring and analysis results in positive outcomes for our colleagues and customers.
Use the table below to record any actions we plan to take to address inequality, barriers or opportunities identified in this analysis.

Action	By when	Lead officer	Desired outcome	Date completed	Actual outcome

Please forward to the Corporate Diversity Team for auditing.

 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and a banner, surrounded by the words 'BRENT COUNCIL' in a circular arrangement.</p>	<p>Executive 10 December 2012</p> <p>Report from the Director of Children and Families</p>
<p>Wards Affected: ALL</p>	
<p>Authority to award a framework agreement for the provision of school meal services to Brent schools</p>	

Appendices 1 and 2 of this report are “Not for Publication”.

1.0 Summary

1.1 This report requests authority to award a framework agreement for the provision of school meal services (the “Framework Agreement”) as required by Contract Standing Order No 88. This report summarises the process undertaken in tendering this Framework Agreement and, recommends a method of appointment of contractors to the Framework Agreement.

2.0 Recommendations

2.1 That the Executive note that there has been amendment to the evaluation criteria approved by the Executive on 23 April 2013 for appointment to the Framework Agreement for the reasons detailed in paragraph 3.8.

2.2 That the Executive note the procurement process for the Framework Agreement as set out in section 3 of the report.

2.3 That the Executive authorise the Director of Children and Families in consultation with the Director of Legal and Procurement to approve the award of Framework Agreement and the appointment of 2 contractors onto the Framework Agreement for a period of 3 years from 4 January 2013 (with the option to extend for up to one year).

3.0 Detail

Background

- 3.1 Responsibility for the provision of school meals is delegated to schools and their governing bodies. Therefore, schools are able to make their own arrangements regarding the provision of school meal services. However through discussions between Council Officers and schools it was agreed that there were significant advantages from tendering the service as a framework agreement in joint collaboration with schools instead of individual schools tendering the services on their own. The associated benefits of jointly procuring the service through a framework agreement includes;
- Reducing the duplication of effort and the need for multiple tender processes by individual schools for the same service.
 - As part of joint working to procure the service, schools will be able share and utilise best practice from each other which will be incorporated into the tender documentation and would improve service delivery.
 - Standardising tender documentation (i.e. specifications, terms and conditions) and cost for meals across schools.
- 3.2 22 schools expressed an interest in being part of the joint procurement exercise and calling off their school meal services from the framework agreement when in place.
- 3.3 On 23rd April 2012, officers sought and obtained approval from the Executive for pre-tender considerations and the criteria to be used to evaluate tenders. Approval was also given to officers to invite expressions of interest, agree shortlists and invite tenders in accordance with the procurement timetable and evaluate them in accordance with the approved evaluation criteria.

The tender process

- 3.4 It was indicated in the report to the Executive of 23 April 2012 that consideration was being given to the inclusion of the Council's meals on wheels service as part of the procurement and also to the number of providers to be appointed to the Framework Agreement. In the event, Officers concluded it was not appropriate to include the meals on wheels service and the decision was taken to proceed with the procurement on the basis that the Framework Agreement was purely for the provision of school meal services for all schools in Brent. Further, Officers concluded, following discussions with schools that two providers would adequately provide the required service across schools and should be appointed to the Framework Agreement.
- 3.5 Advertisements were placed in the Official Journal of the European Union (OJEU), a catering trade journal and the local paper. Shortlisting

questionnaires, and an information pack containing the summary of service and tender approach were sent out and thirteen (13) contractors returned the questionnaires.

- 3.6 Shortlisting was carried out on the basis of the contractors' financial viability, technical ability and experience. Six (6) contractors passed the council's pre-qualification checks and on 16th August 2012 all six (6) contractors were invited to tender.
- 3.7 The Executive of 23 April 2012 approved certain pre-tender considerations, including the proposed evaluation criteria and weightings attributable to the evaluation criteria. The criteria and weightings were as follows:

Criteria		Weighting
Quality Criteria		50%
	The extent to which proposed menus meet current government food standards, special dietary requirements and encourage healthy eating	
	customer care - covering how feedbacks and complaints are incorporated to improve service provision	
	Ability to meet the requirements of the service specification.	
	Marketing strategy to encourage / increase meal uptake	
	mobilisation period and start up (ability of the contractor to ensure a smooth and seamless implementation of the new service)	
Price		50%

- 3.8 Following further discussions with schools wishing to use the Framework Agreement, it was concluded that a case study looking at how contractors proposed to provide various requirements at different schools may be a better way to assess the suitability of contractors.

Schools also proposed certain other criteria they considered would be helpful in evaluating tenders and suggested increasing the weighting to be given to quality criteria to 60% rather than 50%. Given that the Framework Agreement is to be used exclusively by schools, Officers considered it appropriate to take on board these further suggestions. As the timetable for procurement was short, with schools wanting to start using the framework as soon as it is let, Officers did not consider that there was sufficient time to revert to the Executive for approval of revised pre-tender considerations and proceeded to invite tenders using the evaluation criteria and weightings detailed below:

Criteria		Weighting
Quality Criteria		
Case Study		
	Case Study Question	20%
	Case Study Pricing Schedule	10%
General Quality Questions		
	Service Delivery	10%
	Approach to TUPE	5%
	Cashless system	5%
	Service Marketing	5%
	Client Relationship	5%
Price Criterion		
	Generic Pricing Schedule	40%

Evaluation process

- 3.9 A tender evaluation panel was formed, consisting of School Bursars and Head Teachers from Lyon Park Junior and Infant School, Wembley Primary School, Byron Court Primary School, Kingsbury Green Primary School, Granville Children Centre, Harlesden Primary School, Our Lady of Grace Infant School and Michael Sobell Sinai School and the Senior Category Manager from the Legal and Procurement Department.

- 3.10 All tenders had to be submitted no later than 12 noon on 27th September 2012. Tenders were opened on 27th September 2012 and five (5) valid tenders were received. Details of tenderers are set out at Appendix 1. Sufficient hard and electronic copies of each tender were available to member of the evaluation panel.
- 3.11 During the evaluation process, it has become necessary to clarify with tenderers the method of evaluation of tenders. To this end, officers are writing to tenderers clarifying the method of evaluation and allowing tenderers further time to adjust their tenders. As certain schools wish to start using the Framework Agreement as from January 2013 and to avoid the delay in bringing this matter back to the Executive following clarification, members are recommended to authorise the Director of Children and Families in consultation with the Director of Legal and Procurement to approve the award of Framework Agreement and the appointment of 2 contractors onto the Framework Agreement for a period of 3 years from 4 January 2013 (with the option to extend for up to one year).
- 3.12 It is proposed the Framework Agreement will commence on 4th January 2013 subject to the Council's observation of the requirements of the mandatory standstill period noted in paragraph 5.3 below. It is intended for schools to start using the framework from mid January 2013. The schools would be able to call off the framework by-
- 3.12.1 a direct award to the highest ranking service provider on the framework without carrying out a mini competition where the terms laid down in the Framework Agreement are sufficiently precise to cover their particular call-off requirement. This method of call-off will be exceptional.
- 3.12.2 carrying out a mini competition exercise between the two contractors on the framework where there are additional and/or specific requirements to meet the school's needs i.e. different dietary requirements resulting from religious / cultural beliefs, TUPE implications, catering equipment maintenance, refurbishment / investment in school's kitchen (as required from the service providers by the school) etc.

It is envisaged that the majority of the call offs will be based on mini competitions as each school will have additional and/or specific requirements which will differ among schools. This will enable the service providers to price against these additional / specific requirements, agree it with schools which will ensure that the school's requirement can be adequately met.

4.0 Financial Implications

- 4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval of the award of

the contract.

- 4.2 The estimated value of call-off contracts from the Framework Agreement is approximately £4.4 million over the maximum 4 year period.
- 4.3 It is anticipated that the cost of all call off contracts from the framework will be funded by schools and therefore, there is no financial impact on the Council.

5.0 Legal Implications

- 5.1 The estimated value of this Framework Agreement over its lifetime is higher than the EU threshold for Services. The provision of school meal services are classified as a Part B Service under the Public Contracts Regulations 2006 (the “EU Regulations”) and as such are not subject to the full application of the EU Regulations (save that there must be a technical specification contained in the contract documents and on award of the Framework Agreement the Council must issue a Contract Award Notice in the OJEU). Part B services are however subject to the overriding EU principles of equality of treatment, fairness and transparency in the award process. In addition, the award is subject to the Council’s own Standing Orders in respect of High Value Contracts and Financial Regulations as the estimated value of contracts called-off is in excess of £500k. As a result Executive approval is required for the award of the Framework Agreement.
- 5.2 Individual call-off contracts may be awarded subject to Executive approval to award the Framework Agreement and appoint the recommended tenderers to the Framework. Individual call – offs can be awarded without the need to separately advertise and procure through a full tender process. The Framework Agreement includes a prescriptive call-off protocol (“the Protocol”) that Schools must adhere too when calling off services under the Framework Agreement; the use of the Protocol is to ensure fairness and transparency.
- 5.3 Although school meal services are classified as Part B Services, Officers have decided that the award of this Framework should be subject to a voluntary minimum 10 calendar day standstill period before the Framework is awarded. The standstill period will begin the day after all Tenderers are sent notification of the award decision and additional debrief information will be provided to unsuccessful tenderers. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council’s award decision if such challenge is justifiable. However, if no such challenge or successful challenge is brought during the period, then as soon as possible after the standstill period ends, the successful tenderers will be issued with a letter of acceptance notifying them of appointment to the Framework Agreement which will commence on 4th January 2013.

5.4 Further Legal Implications are contained in Appendix 1

6.0 Diversity Implications

6.1 The service specification reflects the dietary requirements resulting from religious / cultural beliefs and health needs. All tenderers have demonstrated in their pre qualification questionnaire and tender responses that they will be able to meet these requirements i.e. the provision of halal and non halal meals, vegetarian meals, kosher meals etc.

7.0 Staffing/Accommodation Implications (if appropriate)

There are no staffing implications for the Council in letting the Framework Agreement. There may be staffing implications for schools calling-off contracts from the Framework Agreement and any current contractor's staff and in house staff (as appropriate) will be entitled to transfer pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 to the appointed Contractor(s) on the Framework Agreement at the call off stage. There is provision within the call-off Protocol in the contract to ensure that providers on the framework can price for the service against TUPE information supplied by the incumbent.

8.0 Background Papers

There are no background papers in relation to this report.

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	<p style="text-align: center;">Executive 10 December 2012</p> <p style="text-align: center;">Report from the Director of Environment and Neighbourhood Services</p>
<p>Wards Affected: ALL</p>	
<p>Brent's Cemeteries Strategy</p>	

1.0 Summary

- 1.1 This report provides the Executive with an overview of Brent's Cemeteries Strategy. The strategy concerns the four cemeteries owned and managed by Brent Council and will enable the council to provide an inclusive and cost effective service to meet current and future demand for burial.
- 1.2 The strategy was produced following a comprehensive consultation process and sets out a clear vision, set of objectives and action plan for cemetery provision in Brent.

2.0 Recommendations

- 2.1 That the Executive note the findings of the strategy and agree its vision to "meet the needs of bereaved people and the wider community within the borough" by
- Conducting the burial and commemoration of the dead of the diverse community in a secure, sustainable and well-maintained environment.
 - Offering burial options at a choice of four cemeteries.
 - Enabling local communities to access cemeteries as valuable historic green spaces which promote wellbeing, biodiversity, learning and recreation.

- 2.2 Agree the three inter linked objectives which have been formed to deliver the vision of the strategy, as set out in paragraphs 3.19, 3.20 and 3.21.
- 2.3 Agree the action plan to deliver the strategy (attached as Appendix 2)
- 2.4 Approve the principle of using Invest to Save funding to increase the availability of burial space.

3.0 Detail

Background

- 3.1 Brent Council is a burial authority under the Local Government Act 1972 and is legally obliged to maintain its cemeteries 'in good order and repair'. It is not obliged to provide new burial space but the sale of space generates income that funds the maintenance of cemeteries and provides a service to residents. If the council does not continue to provide new burial space to meet demand, maintenance costs will still have to be met, creating a budget shortfall.
- 3.2 The council owns and manages three cemeteries within the borough; Alperton, Paddington Old and Willesden New. It also jointly owns Carpenders Park Cemetery, located outside the borough within the area of Three Rivers District Council near Watford. Harrow Council owns approximately 25% of the burial land at Carpenders Park with Brent managing the whole cemetery as part of a joint delivery arrangement. In addition, there are two cemeteries where no burials take place, but where the Council manages the site:- Wembley Old Cemetery and Willesden Old Burial (appendix 1 to the strategy explains the legal position). The council is currently exploring options for the grounds maintenance and management of its cemeteries as part of its Managing the Public Realm project.
- 3.3 The three cemeteries in Brent are traditionally laid out with memorial stones while Carpenders Park is a lawn cemetery with graves grassed over apart from horizontal memorials. New land for graves is available at Carpenders Park but not at any of the cemeteries in the borough. These cemeteries can provide new graves by using space within or above existing graves. This applies to both purchased and common graves and can be achieved without the disturbance of old burials. A number of planning designations apply to Paddington Cemetery as it includes a listed building, is on the register of historic parks and gardens and is a Site of Importance for Nature Conservation. Any developments will need to be agreed with the council's Planning service to prevent any potential damage to the historic environment.
- 3.4 There is no crematorium within Brent, but there is a wide choice of crematoria available within reasonable travelling distance including at Golders Green, Hendon, Islington, Kensal Green, Mortlake, Ruislip and St Marylebone. Kensal Green Cemetery is a privately owned facility located just south of the borough and offers a choice of burial or cremation.

- 3.5 Approximately 1,500 Brent residents die each year and 75% of resident funerals take place outside the borough. The majority of these funerals are cremations although the exact figure is not available. Demand for local burial space is relatively high with 25% of Brent residents who died in 2011 being buried in a Brent cemetery. Within Greater London burials represent an average of only 14% of all funerals.
- 3.6 Burial space in Brent cemeteries is predicted to last until 2041 at current levels of demand if no action is taken. It is possible that space could be exhausted by as early as 2030 if demand transfers fully to Carpenders Park when space is no longer available at the other three cemeteries. The key challenge facing the council is how to manage its cemetery service in a sustainable manner to continue to provide local burial space to meet demand.
- 3.7 A number of options are available to the council to create new burial space, including at cemeteries that no longer have any new ground. Practices which could be adopted are outlined in the strategy, including the reclamation of grave space, mounding soil over old graves to create new space and installing burial vaults. Recommended actions for improving service management and administration are also outlined in the strategy.
- 3.8 The four cemeteries comprise 43 hectares of green space and fulfil an important recreational role while contributing to increasing biodiversity.
- 3.9 A comprehensive glossary of terminology is included in Section 1 of the strategy. A brief explanation of key terms used in this report is listed below
- Purchased grave (private) – the exclusive rights of burial have been purchased for a specific period of time within which the purchaser may decide who is buried in the grave.
 - Unpurchased grave (common) – no rights of burial have been purchased and the council may decide is buried in the grave
 - Exclusive rights of burial – the council currently sells burial rights for fifty years with the option of renewal for a further fifty years
 - Reclaimed grave - the council may reclaim and resell the space within or above purchased graves upon expiry of the exclusive burial rights.

Development of the Strategy

- 3.10 The strategy was developed following a review undertaken by a specialist consultant, widely experienced in cemetery work and options development. The review served as a basis for the draft strategy. It included a detailed analysis of how Brent's cemetery service currently operates, including levels of demand and availability of burial space, plus a benchmarking exercise which provided a range of comparative data with other London boroughs. A comprehensive two stage consultation process was then undertaken to inform the production of the final strategy.
- 3.11 To inform the draft strategy the first consultation stage was undertaken through a survey of people who had been bereaved within the last two to five years and

a series of meetings with council officers, funeral directors and other key stakeholders.

- 3.12 Over 120 questionnaire responses were received from people who had been recently bereaved. The survey results supplied usage data, e.g. frequency and pattern of visits to cemeteries, and customer satisfaction scores. A large majority of respondents agreed that cemeteries are well maintained and safe places to visit. Areas sited for improvement included grave maintenance, grass cutting and signage. Almost a third of respondents expressed an interest in being part of a "Friends of the Cemetery" and provided their contact details.
- 3.13 Consultation meetings were held with key stakeholders
- Brent Council service areas – Sports and Parks (including operational managers and officers, grounds maintenance staff, registration and booking officers), Safer Streets and Planning.
 - Funeral directors, Officiants and Memorial Masons
 - Administrator of Hendon Mosque and users of Carpenters Park Cemetery.
- 3.14 The findings from the first consultation stage directly informed the draft strategy and draft action plan which went out to public and stakeholder consultation from 2nd July to 29th September 2012. This consultation was undertaken through:
- An online questionnaire with paper copies available on request
 - Officer attendance at all five Area Consultative Forums and three Service User Consultative Forums
 - Officer attendance at a committee meeting of the Brent Multi Faith Forum.
 - Officer attendance at a Funeral Liaison Meeting
 - Consultation documentation available at libraries, sports centres and Brent Contact Points
 - Notification letters distributed to a random sample of 500 people who had buried relatives in a Brent cemetery more than a year previously.
 - Coverage in the Brent Magazine and the local press.
- 3.15 Approximately 320 people attended a meeting or forum where the draft strategy was discussed and 45 people completed a questionnaire. The latter number was slightly lower than anticipated but it is reasonable to conclude that this was a consequence of having undertaken a first stage consultation process. An average of 82% of respondents agreed or strongly agreed with the draft vision, individual objectives and action plan. 71 additional comments were submitted by 20 of the respondents. Where relevant and appropriate the strategy and action plan have been revised to reflect the feedback received.

Key Findings

3.16 From the background research and two stage consultation process it has been possible to identify a number of headline findings which have influenced the vision, three objectives and action plan priorities. These include:

- Individual management plans should be produced for each cemetery to include future burial space provision, grounds maintenance and asset management
- A five to ten year rolling programme can be implemented for the reclamation of space in old purchased graves where the exclusive rights of burial have been extinguished
- Options should be explored for the creation of burial space at Willesden and Paddington cemeteries through mounding and/or the provision of burial vaults
- Communication of burial options to funeral directors requires improvement
- Greater flexibility of funeral times will increase income generation
- Further consultation should be undertaken with the Muslim community on possible alternatives to single depth burials
- Friends of Groups should be set up for each cemetery and liaison meetings with funeral directors should be held every six months
- Greater use of technology should be made to enable online payments and facilitate improved record administration and grave identification
- Emergency planning arrangements should be reviewed
- The wider benefits of cemeteries as recreational green spaces of historical and cultural value should be promoted through a programme of activities
- Cemeteries play an important part in increasing biodiversity which can be increased by reducing pesticide use and creating wildlife zones.

Vision and Objectives

- 3.17 The overarching vision of the strategy is “to meet the needs of bereaved people and the wider community in the borough by
- Conducting the burial and commemoration of the dead of the diverse community in a secure, sustainable and well maintained environment.
 - Offering burial options at a choice of four cemetery sites
 - Enabling local communities to access cemeteries as valuable historic green spaces which promote wellbeing, biodiversity, learning and recreation.
- 3.18 Three key objectives have been identified in order to achieve the vision:
1. Meet current and future needs in respect of local burial options, while providing accessible green space and encouraging biodiversity and sustainable environmental practices.
 2. Deliver a value for money cemeteries service that is at least self-financing.

3. Provide a supportive and inclusive service that fully reflects the religious, ethnic and cultural diversity of the borough and supports the wellbeing of bereaved people.

Objective 1: Meet current and future needs in respect of local burial options, while providing accessible green space and encouraging biodiversity and sustainable environmental practices.

3.19 Key actions include:

- Reviewing options for mounding and/or providing burial vaults above old purchased and unpurchased graves at Willesden and Paddington cemeteries
- Revising the cyclical reclamation of old purchased graves, initially at Alperton and Willesden cemeteries, to provide burial space for a rolling period of at least five years ahead on a continuous basis
- Reviewing emergency planning arrangements for dealing with an unknown number of excess deaths, including undertaking consultation with neighbouring boroughs.
- Producing individual management plans for each cemetery.
- Researching options for the reuse of memorials from graves where the exclusive rights of burial have been reclaimed.

Objective 2: Deliver a value for money cemeteries service that is at least self financing

3.20 Key actions include:

- Introducing online payment facilities.
- Implementing a fully electronic system for bookings and record administration.
- Reviewing assets to identify income generation opportunities.
- Developing and maintaining good communication links with funeral directors, memorial masons and funeral ceremony officials.

Objective 3: Provide a supportive and inclusive service that fully reflects the religious, ethnic and cultural diversity of the borough and supports the wellbeing of bereaved people.

3.21 Key actions include:

- Ensuring the continued provision of a range of burial options at each cemetery to meet the needs of the diverse community e.g. the setting aside of specific areas for different faiths
- Reviewing day of funeral procedures and providing greater flexibility in the time slots available for funerals
- Undertaking further consultation with members of the Muslim community on options for future burial space provision.

- Establishing a Friends Group for each cemetery facilitated by a combination of online communications and meetings.

4.0 Financial Implications

- 4.1 The strategy aims to deliver a value for money cemeteries service that is at least self financing. The council is obliged to maintain its cemeteries 'in good order and repair'. The service has to ensure that there is sufficient burial space available in order to generate income to contribute towards the cost of the grounds maintenance and to achieve the budgeted income targets. The strategy has identified that alternate burial methods, through grave reclamation, mounding and burial vaults, will need to be implemented when the land becomes available in order to keep generating income. If we cannot create and sell burial space we cannot generate any income. It is not possible for the service to fund the creation of these burial spaces from within existing revenue budgets.
- 4.2 A section of Paddington Cemetery was previously identified as suitable for the provision of new burial space through mounding. All exclusive rights of burial have been extinguished and approximately three quarters of the mounding work has been completed. No burials can take place on the basis of the work undertaken to date and an estimated £75k is required to complete the mounding work and provide the necessary access paths and drainage arrangements. Approximately 520 new grave spaces, each offering the opportunity for double burials, will be provided by September 2013 if this work is completed. It is proposed to produce a business case to use Invest to Save funding to complete the works and make new burial space available. Borrowing £75k over three years will require three repayments of £26,180 per annum. This will be repaid from existing revenue budgets, partly due to the increased number of burials at Paddington Cemetery.
- 4.3 In future years as land becomes available further requests for Invest to Save funding will be necessary to fund the provision of new grave space. It is not possible at present to state how much and in what years the funding will be required as this will depend on the demand for burial space and the availability of large areas with extinguished rights of burial.

5.0 Legal Implications

- 5.1 The council is a 'burial authority' under the Local Government Act 1972. Under the Act the council has a power, but no duty, to provide cemeteries in or outside its area. Under the Local Authority Cemeteries Order 1977 the council is required to keep such cemeteries as it does have in good order and repair. The power to reclaim old, unused graves or those which have not been fully utilised is set out in Appendix 1 to this report together with further details regarding the use and maintenance of cemeteries. This report focuses on the council's use of its cemeteries but so far as it comments upon residents' use of cremation, members are advised that the council also has a power, but no duty, to provide crematoria under the Local Government Act 1972

6.0 Diversity Implications

- 6.1 The Equality Act 2010 section 149 requires the council to have due regard to the equalities duties when considering how to exercise its functions, which includes the exercise of its powers to provide and manage cemeteries. In the context of this strategy the equalities issues raised primarily concern the ability of the various religious and ethnic groups in Brent to have access to burial arrangements which are consistent with their beliefs. These matters are set out in more detail in the attached Equality Impact Assessment. The assessment did not identify any negative impacts of the strategy but did identify some unmet needs for specific groups. These have been addressed in the strategy and the action plan which accompanies the strategy as Appendix 2 and relate mainly to providing greater flexibility in opening times and reviewing day of funeral arrangements, along with a review of services available for cremated remains and commemoration.
- 6.2 There is no crematorium in Brent and this is unlikely to change in the foreseeable future due to the lack of a suitable location and obtaining planning permission. A number of faith groups which are heavily represented in the borough opt for cremation but there are several crematoria within easy travelling distance of Brent. The council will review the position should a suitable location become available in future although the cost of building and operating a crematorium would have to be taken into account

7.0 Staffing/Accommodation Implications

- 7.1 None

Background Papers

Cemeteries Strategy
Appendix 1: Legal Background and Statutory Powers
Appendix 2: Action Plan
Appendix3: Consultation Report
Equalities Impact Assessment and Annex 1

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Director of Environment and Neighbourhood Services

Cemeteries Strategy for the London Borough of Brent

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Executive Summary

Brent Council is a burial authority by virtue of the Local Government Act 1972 and is legally obliged to maintain its cemeteries 'in good order and repair'¹. It is not legally obliged to provide new burial space but the sale of space generates income that funds the maintenance of cemeteries and provides a service to residents. If the council does not continue to provide new burial space to meet demand, maintenance costs will still have to be met, creating a budget shortfall.

The council owns and manages three cemeteries within the borough; Alperton, Paddington Old and Willesden New. It also jointly owns Carpenders Park Cemetery, located outside the borough within the area of Three Rivers District Council near Watford. Harrow Council owns approximately 25% of the burial land at Carpenders Park with Brent managing the whole cemetery as part of a joint delivery arrangement. The council is currently exploring options for the grounds maintenance and management of its cemeteries as part of its Managing the Public Realm project.

The three cemeteries in Brent are traditionally laid out with memorial stones while Carpenders Park is a lawn cemetery with graves grassed over apart from horizontal memorial plaques. New land for graves is available at Carpenders Park but not at any of the cemeteries located in the borough. These cemeteries can provide 'new' graves by using space within or above existing graves. This applies to both purchased and common graves and can be achieved without the disturbance of old burials. A number of planning designations apply to Paddington Cemetery as it includes a listed building, is on the register of historic parks and gardens and is a site of importance for Nature Conservation.

There is no crematorium within Brent, but there is a wide choice of crematoria available within reasonable travelling distance including at Golders Green, Hendon, Islington, Kensal Green, Mortlake, Ruislip and St Marylebone. Kensal Green Cemetery is a privately owned facility located just south of the borough and offers a choice of burial or cremation.

Approximately 1,500 Brent residents die each year and the majority of funerals are cremations which take place outside the borough. However a significant number of funerals are burials in Brent cemeteries. Demand for local burial space is relatively high with 25% of Brent residents who died in 2011 being buried in a Brent cemetery. Within Greater London burials represent an average of only 14% of all funerals.

Without a change in practice and at current levels of demand Brent will run out of burial space at some point between 2030 and 2041. The key challenge facing the council is how to manage its cemetery service in a sustainable manner to continue to provide local burial space to meet demand. A number of options are available to create new burial space, including at cemeteries that no longer have any virgin ground. Practices which could be adopted are outlined in the strategy along with options for improving service management and administration.

The four cemeteries represent 43 hectares of green space and play an important recreational role while contributing to increasing biodiversity.

¹ The Local Authorities' Cemeteries Order 1977 art.4(1)

Brent compares well with other London authorities in terms of expenditure, falling halfway in the hierarchy of expenditure and above average in the hierarchy of income. This is partly a reflection of a higher than average demand for burial and the availability of grave space through reclamation. Cemetery fees for residents and non residents are average for London. Future income from the sale of exclusive rights of burial in reclaimed grave space could play an important part in the provision of a cost effective service.

This strategy provides clear direction to enable the council to efficiently focus its resources to meet the needs of bereaved people and the wider community in an inclusive and cost-effective manner. The scope of the strategy primarily concerns the four cemeteries owned and managed by Brent Council. A two stage consultation process was undertaken to develop the strategy and a consultation report forms Appendix 3 of the strategy.

The vision of the strategy is **to meet the needs of bereaved people and the wider community within the borough by:**

- **Conducting the burial and commemoration of the dead of the diverse community in a secure, sustainable and well-maintained environment.**
- **Offering burial options at a choice of four cemeteries.**
- **Enabling local communities to access cemeteries as valuable historic green spaces which promote wellbeing, biodiversity, learning and recreation.**

This vision will be achieved through the delivery of three key objectives.

1. Meet current and future needs in respect of local burial options, while providing accessible green space and encouraging biodiversity and sustainable environmental practices.

- Providing burial vaults and/or mounding above old graves in Willesden and Paddington cemeteries.
- Reclaiming old graves to ensure a constant and reliable source of available graves at Alperton and Willesden cemeteries for a rolling period of five and ten years ahead.
- Reusing memorials from graves where the exclusive rights of burial have been reclaimed.
- Reviewing Emergency Planning arrangements for an unknown number of excess deaths, e.g. in a flu pandemic, including consultation with crematoria in neighbouring boroughs.
- Producing individual Management Plans for each cemetery to bring together relevant work plans within a comprehensive framework for the development of burial space, grounds maintenance, asset management, memorial management, heritage and tree management and increasing biodiversity.

2. Deliver a value for money cemeteries service that is at least self-financing.

- Introducing an online payment mechanism.
- Fully computerising cemetery records and administration to improve record management and make records publically available via the web site 'Deceased Online', providing better access to statutory records and data.
- Developing and maintaining good communication links with Funeral Directors, Officiants and Memorial Masons through holding regular funeral liaison meetings, producing update bulletins and clarifying contact arrangements for funerals.

3. Provide a supportive and inclusive service that fully reflects the religious, ethnic and cultural diversity of the borough and supports the wellbeing of bereaved people.

- Providing a range of burial options in each of the cemeteries that meet the needs of the diverse community
- Providing flexibility in the numbers and timings of funerals available, so ensuring that all religions and secular lifestyles can receive appropriate services at relevant times where practicable.
- Working with the Muslim community on future burial provision at Carpenders Park
- Establishing a Friends Group for each cemetery

A full action plan including target dates and lead officers is provided in Appendix 2

Section 1: Introduction

Cemetery development in the UK took place principally from the 1820s onwards and cemeteries have operated in Brent for over a hundred and fifty years. As with all London boroughs, Brent was created after amalgamations of old parishes and boroughs and inherited a mixed portfolio of cemeteries that have developed in a patchwork fashion, reflecting growth and patterns of settlement.

Demand for burials declined nationally during the second half of the 20th Century as cremation grew in popularity. However, burial is still the funeral choice for a large number of residents and this will continue to be the case for the foreseeable future. The challenges facing the council in providing burial space and maintaining large areas of cemetery land are great, particularly in the current financial climate.

Brent Council is a burial authority under the Local Government Act 1972 and is legally obliged to maintain its cemeteries 'in good order and repair'², but is not legally obliged to provide new burial space. However, the sale of new graves generates valuable income that funds the maintenance of the cemeteries. In order to meet the costs of maintaining the cemeteries new burial space needs to be provided that will meet local demand and generate income. Approximately 1,500 Brent residents die each year and 25% of funerals of Brent residents are burials that take place in Brent cemeteries.

Brent Council owns and manages three cemeteries located in the borough; Alperton, Paddington Old and Willesden New. It also jointly owns Carpenders Park Cemetery, located outside of the borough near Watford. Harrow Council owns approximately 25% of the burial land at Carpenders Park with Brent managing the whole cemetery as part of a joint delivery arrangement. The council also maintains Wembley Old Burial Ground at St. John's Church and Willesden Old Burial Ground at St. Mary's Church, along with the adjoining churchyards. There are currently no plans to build new cemeteries. Kensal Green Cemetery, one of London's most famous cemeteries, is privately owned and provides burials and cremations just south of the Brent boundary.

There is no crematorium in the borough and, given the practicalities of providing a borough owned facility in Brent; e.g. locating an appropriate site, identifying funding and obtaining planning permission; it appears unlikely that this position will change in the foreseeable future. For this reason crematorium provision is not considered as part of the strategy but the council will periodically review the position and explore options where relevant. Several crematoria are located close to the borough including at Kensal Green, Golders Green, Hendon, Islington, Mortlake, Ruislip and St. Marylebone. Cremated remains may be buried in all Brent cemeteries.

Without a change in practice Brent's cemeteries will run out of burial space at some point between 2030 and 2041, depending on how much demand transfers to Carpenders Park when space at Alperton and Willesden is exhausted. The key challenge facing the council is how to manage its cemetery service in a sustainable manner to provide local burial space to meet current and future demand. This

² The Local Authorities' Cemeteries Order 1977 art.4(1)

strategy aims to provide clear direction to enable the council to efficiently focus its resources to meet the needs of bereaved people and the wider community in an inclusive and cost-effective manner. The scope of the strategy concerns the four council owned and managed cemeteries.

Glossary of key terms used throughout the strategy

Purchased grave (private)

A purchased grave, also known as a **private** grave, is one in which someone has purchased the exclusive right of burial for a fixed period, currently fifty years with possible renewal for a further fifty years in Brent's case, and may decide who is buried in the grave for the duration of that period and erect memorials. This does not constitute ownership of the land itself.

Unpurchased grave (common)

An unpurchased grave, also known as a **public** or **common** grave, is where the right of burial has not been bought. The council has control of the grave and can decide who is buried in it. Unpurchased graves first used prior to 1985 may have the rights purchased subsequently. No memorial rights exist so no memorial can be erected.

New Grave

A new grave is one that is either dug in virgin land or created on land that has previously been used by

- **Mounding** up soil above old graves to create sufficient depth for new burials to take place without disturbing old burials
- Installing concrete **burial chambers** above old graves to create sufficient depth for new burials to take place without disturbing old burials

Virgin Land is land that has not previously been used for burial at all.

Reclaimed Grave

In the past some graves were purchased to accommodate two or more burials but were subsequently not used to capacity. In these circumstances it is possible to reclaim **the exclusive rights of burial** and sell the remaining space. This process does not disturb any human remains already buried within the grave but does require that 75 years have elapsed since the rights were originally sold in perpetuity and that no renewal of rights has taken place.

Exclusive Rights of Burial

Purchasing the exclusive rights of burial enables the buyer to decide who may be buried in the grave for a fixed number of years, renewable upon expiry. Graves with exclusive rights of burial may be **reopened** to accommodate further burials. No further burials or addition of memorials can be made without their written consent. It

does not grant them ownership of the land itself which is retained by the local authority. The Local Authorities' Cemeteries Order 1974 limited the periods for which rights may be granted to a maximum of 100 years with effect from that date onwards. Local authorities may extinguish exclusive rights after 100 years have elapsed since purchase.

Reopened Grave

If the exclusive right of burial is owned in a purchased grave and there is sufficient space remaining, the grave may be reopened for the burial of other family members.

Reuse of Graves

Unlike the reclaiming of graves the practice of reusing graves is not common. Two London boroughs have exhumed remains from old burials in unpurchased (common) graves and reburied them communally prior to reusing the grave space for new burials. The London Local Authorities Act also gives councils the powers to lift and deepen purchased graves to reuse burial space.

Lift and Deepen

The "lift and deepen" system of grave reuse involves temporarily disturbing existing burials to provide depth for new burials. It can only be used where there has been no burial for 75 years and after exclusive rights of burial have been extinguished.

Lawn cemetery

A lawn cemetery is one where horizontal memorial plaques are permitted with the remainder of the grave being grassed over. The plaques are currently restricted to solid bronze or bronze resin. Temporary grave markers and crosses are allowed for a 12-15 month period and removed when the grave is set to lawn

Woodland Burials

Woodland burial offers a natural form of burial and provides environmental benefits. Graves are marked by the planting of a memorial tree and only bio-degradable coffins can be used.

Cremated Remains (ashes)

Cremated remains are the portion of a body remaining after cremation and must be placed in a container prior to burial.

Site of Importance for Nature Conservation (SINC)

All three cemeteries located in Brent are designated as Sites of Importance for Nature Conservation (SINCs.) This is a non-statutory designation, which seeks to protect areas of high wildlife value at a local level.

Section 2: Current Provision

Cemeteries in Brent

Name and Location	Key Details
<p>Alperton Cemetery</p> <p>Clifford Road Alperton Wembley HA0 1AF</p>	<p>Alperton Cemetery opened in 1917 and is a 4 hectare site where over 16,000 burials have taken place to date. It features a brick chapel with a slate roof and stained glass windows which can be used for funeral services.</p> <p>The cemetery includes a war grave section maintained by the Commonwealth War Graves Commission. There is also a designated baby section.</p> <p>There is no virgin land remaining for new graves at Alperton but burial space is available in graves where exclusive rights of burial have been reclaimed.</p>
<p>Carpenders Park Cemetery</p> <p>Oxhey Lane Watford WD19 5RL</p>	<p>Carpenders Park opened in 1954. It is an 18 hectare site where over 10,000 burials have taken place to date. It is a lawn cemetery with no upright memorials; only plaques set into the ground. The Hartsbourne stream is a key wildlife feature of the cemetery.</p> <p>It has a designated Muslim burial area with separate Sunni and Shi'a sections. There are also designated Church of England, Roman Catholic and baby sections and an area for woodland burials. A section of the cemetery is owned by Harrow Council but is managed by Brent Council.</p> <p>Virgin land is available for new graves.</p>
<p>Paddington Old Cemetery</p> <p>Willesden Lane Kilburn London NW6 7SD</p>	<p>Paddington Old opened in 1855 and was designed by Thomas Little. It is a 10 hectare site where over 172,000 burials have taken place to date.</p> <p>A number of planning designations apply to the cemetery which is listed in the National Register of Parks and Gardens and English Heritage Register of Parks and Gardens of Special Historic Interest.</p> <p>The design of the two chapels and bell tower is in a 13th century Gothic style with the chapels linked by arches. The chapels are not currently in use.</p> <p>There is currently no space available for new burials at Paddington.</p>

<p>Willesden New Franklyn Road Willesden London NW10 9TE</p>	<p>Willesden New Cemetery was opened in 1891 and is an 11 hectare site where over 88,000 burials have taken place to date.</p> <p>The cemetery includes the Willesden Civilian war memorial, a tribute to local civilians who died in the second world war.</p> <p>There is no virgin land remaining for new graves at Willesden but burial space is available in graves where exclusive rights of burial have been reclaimed.</p>
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Alperton, Paddington Old and Willesden New are located in the borough while Carpenders Park Lawn Cemetery is outside the borough near Watford. The four cemeteries represent a total of 43 hectares of green open space with a further 3 to 4 hectares available for future use at Carpenders Park.

Virgin land for graves is available at the lawn cemetery at Carpenders Park but not at the cemeteries located in Brent, apart from very small pockets of space which can be made available through reconfiguring footpaths. These three cemeteries can only provide new graves by using space within or above existing graves. This applies whether the existing graves are purchased (private) or unpurchased (common) and can be achieved without the disturbance of old burials.

The two old burial grounds at St. Mary's Church, Willesden and St. John's Church, Wembley have not been used for burials since 1995 and 2002 respectively. The council maintains both disused burial grounds and the adjoining churchyards.

Provision of Graves

There are essentially two types of grave:

- Purchased (private) grave, in which someone has purchased the exclusive right of burial for a fixed period and may decide who is buried in the grave. This does not constitute ownership of the land itself. Purchased graves account for an estimated 85% of graves in Brent cemeteries and are often reopened to allow for the burial of another family member.
- Unpurchased (common) grave, in which no one has purchased any exclusive rights and where the council may decide who is buried in the grave.

In the past, exclusive rights of burial were sold 'in perpetuity', i.e. forever, but legislation no longer permits this. Brent Council currently sells exclusive rights for a 50 year period, which may be renewed for up to a further 50 years. The exclusive rights of burial can be reclaimed by the council upon the eventual expiry of the rights.

The council also reclaims the rights of burial in grave spaces where 75 years have elapsed since the rights were originally sold "in perpetuity" and have not been renewed by family members. However, in all instances reclaimed space cannot be used for new burials until 75 years has elapsed since the last burial in the grave. There may also be reserved graves where exclusive rights have been bought and

have expired without the grave having been used. The council may extinguish these rights and use the space for new burials.

In some cases graves are dug for only one burial, e.g. at Carpenders Park to meet the needs of the Muslim community. Otherwise, graves are dug sufficiently deep to allow the burial of more than one person, usually family members. Some cemetery areas are consecrated by the Church of England while unconsecrated areas are allocated for Roman Catholic (consecration forms part of the funeral service) and Muslim burials. All others areas are available for use by all parts of the community.

Burial Space

The 2001 Report on Cemeteries by the Environment, Transport and Regional Affairs Committee of the House of Commons states:

“Although the desire to bury the dead is now, and has been for some time, a minority choice, we are firmly of the opinion that this preference should be respected. Local authorities will, we suggest, wish to ensure the widest possible access to the option of burial. This means that ways have to be found to ensure that local, accessible burial space is provided. Local authorities should address this need in their Development Plans”

This need is addressed in Brent’s Local Development Framework as follows

“Inappropriate development, which is considered to be any development harmful to the use or purpose as open space, will be opposed unless very special circumstances apply and where benefits far outweigh its loss. Development which is ancillary to the main use of the site as open space, or is an essential facility for outdoor sport and recreation, cemeteries, or other uses, which preserve open space is generally considered appropriate.”

There is no virgin land for burials except at Carpenders Park. At the other cemeteries, the council uses its statutory powers to extinguish in perpetuity exclusive rights and reclaim the space remaining in old graves to provide burial options for a new generation of people. Where the exclusive right of burial is owned in a grave and there is sufficient space remaining, the grave may be reopened for the burial of other family members.

The London Local Authorities Act 2007 provided further statutory powers which enable authorities to ‘lift and deepen’ remains contained within reclaimed graves to make space for new burials. This involves the temporary disturbance of remains. These powers are yet to be exercised by any London boroughs but this is likely to change, particularly where space is an issue. Guidance is due to be issued by the Institute of Cemetery and Crematorium Management.

Facilities at Cemeteries

Funeral services may be held at the graveside at all four cemeteries and at the chapel in Alperton Cemetery. Services could be held in the chapel at Paddington Old

Cemetery if significant remedial work was undertaken. Car parking facilities, signage and noticeboards, seating areas, toilets and water taps and waste bins are provided in all cemeteries.

Green Space

In the same way as the availability of a local burial option is an important consideration, cemeteries provide valuable green space that supplements the parks and open spaces within Brent. The House of Commons Select Committee Report (2001) recognized the wider implications of cemeteries beyond their principle use:

“... The evidence we received for this inquiry shows clearly that the significance of cemeteries for local communities is far wider than this, embracing cultural, historical and environmental issues as well as educational and recreational uses.”

Cemeteries encourage passive recreation such as walking or jogging, dog walking at Paddington Old Cemetery, enjoying open space, discovering more about the historic landscape and past generations and learning about the natural environment.

Memorials

Where exclusive rights have been extinguished in a grave, the council may also dispose of a memorial or recycle the original stonework in an appropriate manner.

Memorials provide valuable documentary evidence for local historians and serve as a link to the borough's heritage. Opportunities exist for working with the council's Heritage service to promote memorials as a cultural and historical resource.

Biodiversity

All three cemeteries in Brent and both burial grounds are recognised by the Greater London Authority (GLA) as Sites of Importance for Nature Conservation (SINCs) while monuments and stonework are highly valuable habitats for lichen flora. Cemeteries need to be well maintained and a great deal of grounds maintenance work is undertaken. Whilst in the past herbicides were used to control the growth of grass and to kill grass around memorials, the council is committed to employing greener grounds maintenance practices in its cemeteries, including:

- Minimising the use of herbicides or pesticides
- Composting green waste
- Recycling topsoil excavated from graves
- Recycling old memorials
- Actively managing trees to encourage healthy growth
- Planting new trees to fit with landscape design while also encouraging wildlife
- Specifying areas as wildlife zones to foster the growth of native plants.

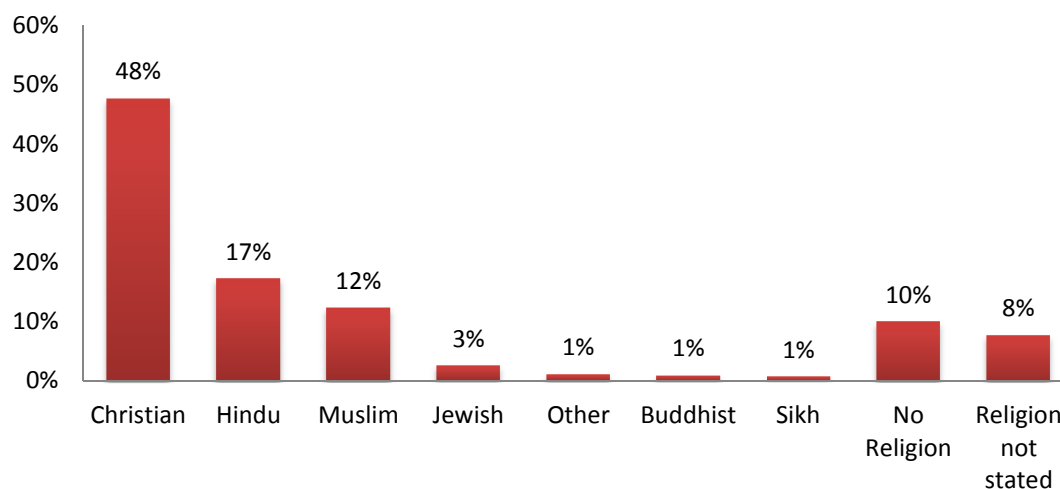
Diversity Considerations

The council aims to meet the needs of Brent's diverse community by providing a service that respects religious and cultural requirements

- Specific areas are set aside at Carpenders Park Cemetery for Anglicans, Roman Catholics and Sunni and Shi'a Muslims.
- Requests for burial in land consecrated by the Church of England can be accommodated in specific areas in all cemeteries subject to space availability.
- Requests for burial in unconsecrated land not set apart for exclusive denominational use can also be accommodated.
- Provision of concrete burial vaults in Willesden and Paddington cemeteries, an option particularly preferred by the Black Caribbean community.

The decision to bury or cremate is a very personal one, often influenced by an individual's faith or ethnic origin. For example, Bangladeshi people tend to choose burial due to their generally Muslim faith; a large proportion of Indian residents are Hindus or Sikhs so cremation is the appropriate option. Most Roman Catholics prefer burial, though a 1963 Papal edict opened up the choice of cremation.

Census 2001 - religion breakdown for Brent



Burials between April 2011 and March 2012 were represented as follows:

Christian: 74% (Church of England: 54%; Roman Catholic 27%; Miscellaneous 19%),

Muslim: 24%

Other religions: 2%

The general preference of the Muslim community is for graves of single depth, though there are differences of approach between Sunni and Shi'a Muslims, and some people are now burying more than one family member in a grave.

Section 3: Demand for Burial Space

There are thousands of funeral directors and burial sites in the UK and 263 operational crematoria. There is huge freedom of choice as to where people may be buried or cremated, including on private land, at sea, or abroad.

The starting point for quantifying demand is the annual number of deaths as provided by the Office for National Statistics (ONS). An average of 73%³ of funerals in the UK are cremations while in Greater London, 86% are cremations, with burials representing 14%. There isn't a crematorium in Brent, but there are several crematoria near by including at Golders Green, Hendon, Islington, Kensal Green, Mortlake, Ruislip and St Marylebone. There are numerous cemeteries in London in which Brent residents might be buried, rather than in the borough. However, cemeteries and crematoria don't record the geographical origin of deceased people in a way that makes demographic and equalities data readily available.

The Registrar of Births and Deaths receives a notification of disposal following each funeral. However, even if this information were readily available, not all deaths registered are of residents and many non residents bury their dead in Brent cemeteries. It is therefore not possible to definitively quantify 'demand' for burial except by actual use of the service. For the purposes of this strategy, demand refers to actual use and projected future use. The table below shows demand by category of burial in Brent from 2009 to 2011, including non residents and pre purchased graves

Category	2009	2010	2011	Average
New adult purchased graves	288	270	245	268
Reopened adult purchased graves	101	136	133	123
Children's purchased graves	5	9	16	10
Adult burials in unpurchased graves	4	5	2	4
Children's burials in unpurchased graves	37	48	36	41
Cremated remains burials	57	43	47	49
Total of all categories	492	511	479	494

Demand for burial as the choice of funeral in Brent is significantly higher than the London average. In 2011, there were 1,471 resident deaths in Brent⁴ and 363 coffin burials of Brent residents took place in Brent cemeteries. Therefore, the burial rate in Brent cemeteries for Brent residents was 25%, i.e. 25% of Brent residents who died in 2011 were buried in Brent cemeteries. This compares with a London average of burials representing 14% of all funerals.

³ Data published by the Cremation Society of Great Britain

⁴ ONS provisional figure

Death rates and the number of deaths nationally have fallen for many years, largely due to increased life expectancy, and are now at their lowest recorded levels. Projections from the ONS⁵ indicate that numbers of deaths will begin to increase in England from 2016, with an increase of 15% by 2035, rising to 28% above current levels by 2060. However, data from the GLA shows a different situation in Brent, with deaths predicted to rise more gradually due to the projected net migration out of the borough. If this migration doesn't materialise, a greater increase may be expected.

Demand for burial in Brent's cemeteries is not confined to residents. On average, 23% of burials are non-residents, the majority of which take place in Carpenters Park Cemetery. Brent's fees for non residents are average for London with non residents paying a 50% surcharge compared with residents. In addition to cultural preferences, demand from non-residents for burial in Brent is partly related to where the deceased lived and its proximity to Brent cemeteries relative to other cemeteries. Price will also be a relevant factor in some cases. If grave space availability in neighbouring boroughs declines, demand from non-residents for burial in Brent can be expected to increase.

The numbers of Brent residents being buried outside the borough is not specifically recorded at other cemeteries. Anecdotal evidence from funeral directors indicates that some people do not want to use a reclaimed grave and so go elsewhere, such as Kensal Green Cemetery. Further anecdotal evidence indicates that, where a family cannot have the funeral on their preferred day in a Brent cemetery they will arrange the burial in a cemetery outside the borough which can meet their requirements, even though this entails paying non-resident surcharges.

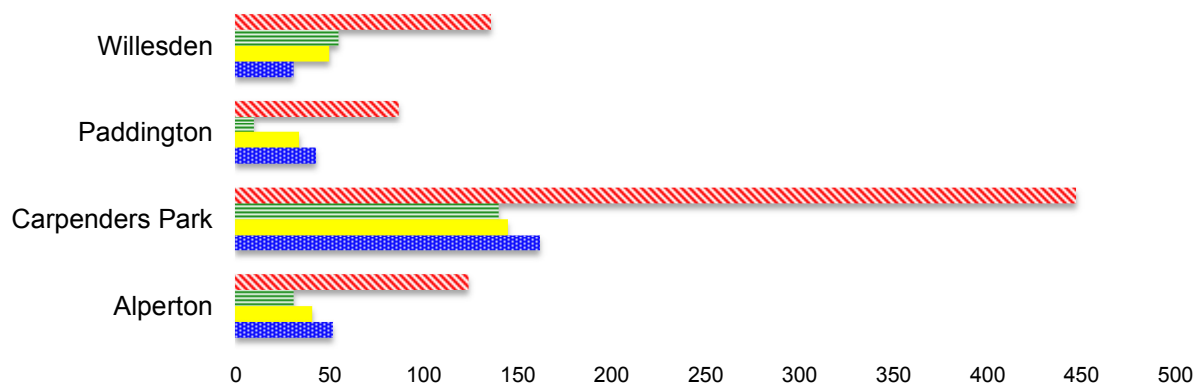
National and local context summarised

- There has been a sustained decline in deaths since the mid 1970s.
- The number of deaths per annum has declined by 18% in Brent since 2001 and by 20% across London as a whole
- Deaths per annum in the UK are predicted to rise by 15% by 2035 but only by approximately 5% in Brent over the same period
- There was a rapid rise in the number of cremations following World War II but there has been a slowing in the rate of increase since the mid 1970s.
- There is continued demand for burial in the 21st Century with total burials representing 27% of all funerals in the UK
- Burials represent 14% of all funerals in London ,compared with 25% of Brent residents who died in 2011being buried in Brent cemeteries
- Cremations have declined by 15% in the last 10 years across London.
- Burials have declined by 28% in the last 10 years across London

⁵ 2009

Demand for burial in Brent – purchased graves by calendar year

Demand for New and Reclaimed Purchased Graves 2009-2011



	Alperton	Carpenders Park	Paddington	Willesden	Annual Total
2011	31	140	10	55	236
2010	41	145	34	50	270
2009	52	162	43	31	288
Cemetery Totals	124	447	87	136	794

Source: Data from Brent Cemeteries`

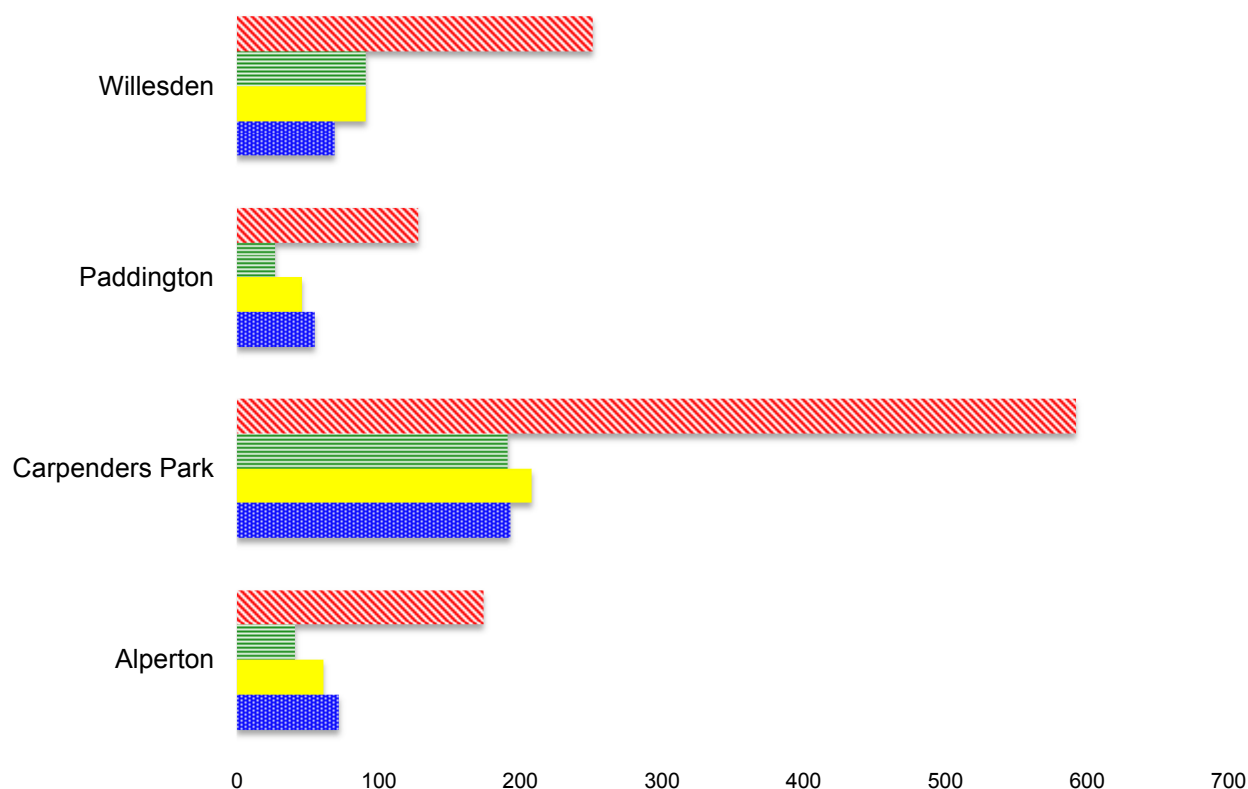
This graph illustrates:

- A variation in demand between the four cemeteries largely due to space availability
- The greatest demand is for new graves in new ground at Carpenders Park Cemetery.
- An overall decline in new and reclaimed grave sales of 18% in 2011 compared with 2009
- An increase in new and reclaimed grave sales at Willesden of 44%, largely due to space having been made available through grave reclamation.

Demand for reopened purchased graves in Brent Cemeteries

A total of 351 reopened grave burials were purchased between 2009 and 2011 with a variation in demand across the four cemeteries. Carpenders Park and Willesden cemeteries accounted for 74% of the purchases.

Demand for burial in Brent – purchased graves (new, reclaimed and reopened)



	Alperton	Carpenders Park	Paddington	Willesden	Annual Total
2011	41	191	27	91	350
2010	61	208	46	91	406
2009	72	193	55	69	389
Totals	174	592	128	251	1145

Source: Data from Brent Cemeteries

This graph illustrates a variation in demand between the 4 different cemeteries for each of the three years, largely due to space availability. There are a number of factors that can influence demand for coffin burial and this decrease in overall demand reflects a decline in the number of deaths during this period. It may also reflect the perceptions of funeral directors regarding limited space availability and options for reclamation in Brent cemeteries.

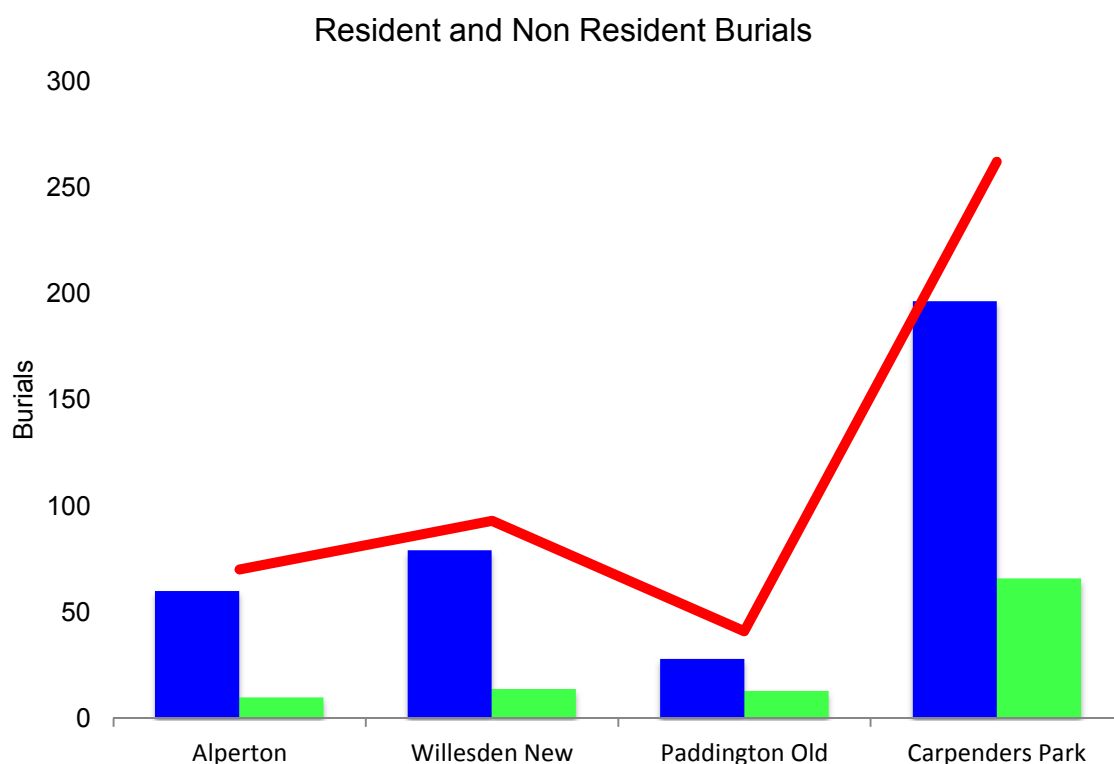
Demand for the burial of cremated remains in Brent Cemeteries

Cremated remains may be buried in existing family graves or in specially designated plots: the latter are available only at Carpenders Park Cemetery. A total of 164 cremated remains were buried between 2009 and 2011. Carpenders Park accounted for 49% of the total with non residents representing 60% of burials.

There are above ground niches for cremated remains at Alperton Cemetery, but to date they remain unused. There is also a columbarium for cremated remains within the chapel at Alperton, but this is very little used.

Demand for Burial in Brent – Coffins and Cremated Remains

The graph below illustrates demand for the burial of residents and non-residents in Brent Cemeteries during 2011:



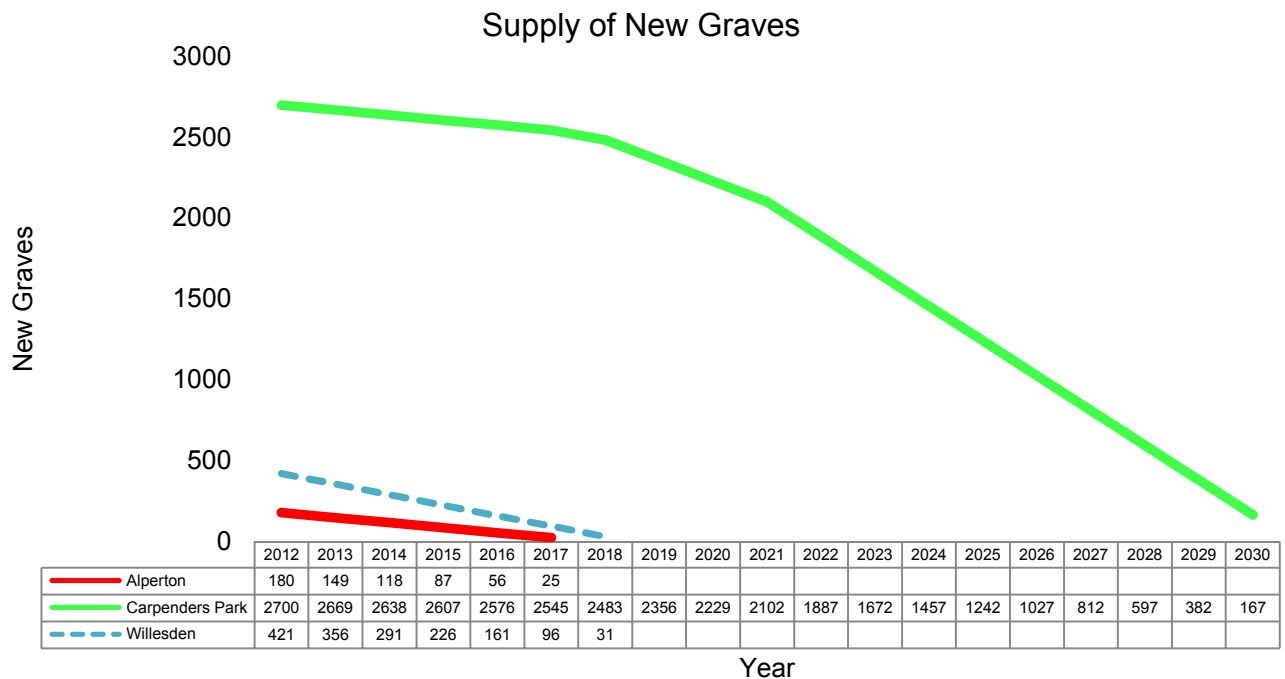
	Alperton	Willesden New	Paddington Old	Carpenders Park	Resident/ Non/Resident Totals
— Resident	54	92	27	215	388
— Non resident	12	12	9	58	91
— Cemetery Totals	66	104	36	273	479

The data includes the burial of cremated remains and coffins. This graph illustrates:

- A significant demand for burial in all Brent cemeteries from people living outside of the borough. Non resident burials represented 23% of all burials during 2011
- The highest demand for non-resident burial in actual numbers in 2011 was at Carpenders Park Cemetery, reflecting the geographical location and space availability.
- The highest demand for non resident burial in percentage terms during 2011 was at Paddington Old Cemetery, representing 33% of all burials.

Demand for burial in Brent – available space versus demand

The graph below illustrates how long existing burial space at the three cemeteries with space will meet demand at current levels if no action is taken:



Source: data from Brent Cemeteries

This graph illustrates that, at the current rates of demand, if no action is taken then:

- Availability of existing reclaimed graves in Alperton Cemetery will be exhausted by 2018.
- Availability of existing reclaimed graves in Willesden New Cemetery will be exhausted by 2019.
- Availability of new graves in Carpenders Park Cemetery will potentially be exhausted by 2030.

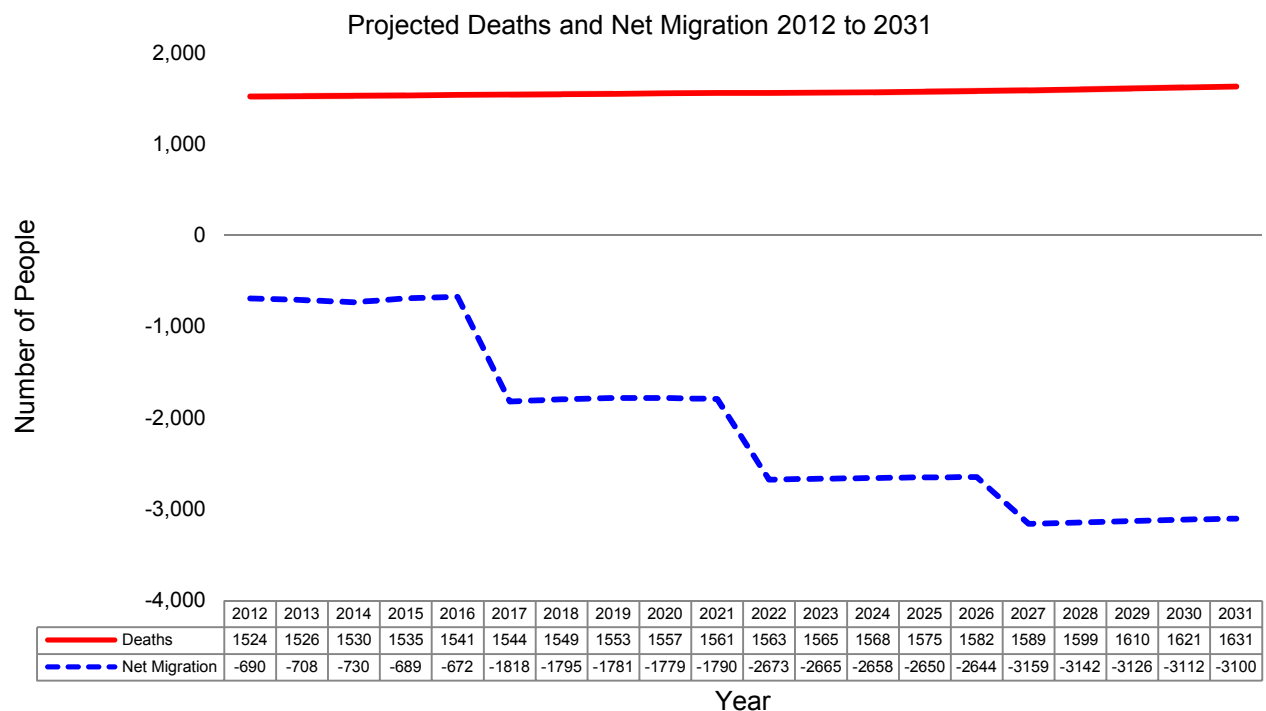
The projection for Carpenders Park Cemetery includes an area of approximately 1,800 graves that requires some preparation, including the installation of drainage, prior to use.

Variations in the death rate

Figures produced by the ONS in October 2009 illustrate a decline in deaths across England from 1971 onwards and a continuing decline at the present time. However there is significant projected increase in deaths nationally from 2016 onwards.

Projected deaths in Brent

The graph below illustrates GLA 2010 demographic projections for annual deaths in Brent and net migration:



Source: Data from GLA 2010 Round of Demographic projections SHLAA

This graph illustrates for the period 2012 to 2031:

- The GLA projects only a gradual increase in deaths of Brent residents
- The GLA projects significant net migration from the borough

Mortality rates are, understandably, highest amongst older people. For example, in 2009 in England and Wales the female death rate in the age band 40 to 45 years was only 1.7 per thousand. In contrast, the female death rate in the age band 70 to 74 years was 17.1 per thousand.

The lower rate of increase in deaths projected for Brent, compared with national projections, suggests that the net migration out of the borough will consist primarily of older people, who would otherwise die within the borough.

However, if the projected net migration is not realised, a higher number of deaths can be anticipated in Brent resulting in an increase in demand for burial space.

Projected deaths in Brent by ward

- There is significant variation across individual wards.
- A downward trend in deaths is predicted in the majority of wards.
- Increased numbers of deaths are forecast in the Kenton, Queensbury, Stonebridge and Tokyngton wards.
- No projections are available for death by ethnic or religious group.

Projected Demand for Space

- Brent experiences higher than the London average demand for new and reclaimed graves.
- The available data on which this finding is based does not make allowance for the impact of non resident burials.
- The available data can be used to inform the reclamation process to meet demand.

Demand for new graves at Carpenders Park Cemetery, excluding the Muslim section, is currently 31 per year. If this level of demand remains unchanged the remaining 2,700 graves can be expected to last for approximately 87 years. This statistic creates a misleading impression that there is no medium-term shortage of space at Carpenders Park and that there would be more than sufficient space to cater for excess deaths should this be necessary.

If no attempt is made to provide more burial space at Alperton, Paddington Old and Willesden cemeteries through a rolling programme of grave reclamation, mounding work or the installation of burial vaults, they will be unable to provide burial space within the next few years. If this is the case, it is likely that Carpenders Park will see a significant increase in demand. It is difficult to predict the likely level of increase as, for example, residents in the south of the borough may prefer to use Kensal Green Cemetery rather than a Brent cemetery located near to Watford.

However, should the combined demand for graves at Alperton and Willesden cemeteries have to be fully met at Carpenders Park Cemetery then the remaining 2,700 graves could be used up by as early as 2033. This excludes consideration of demand for Muslim burial.

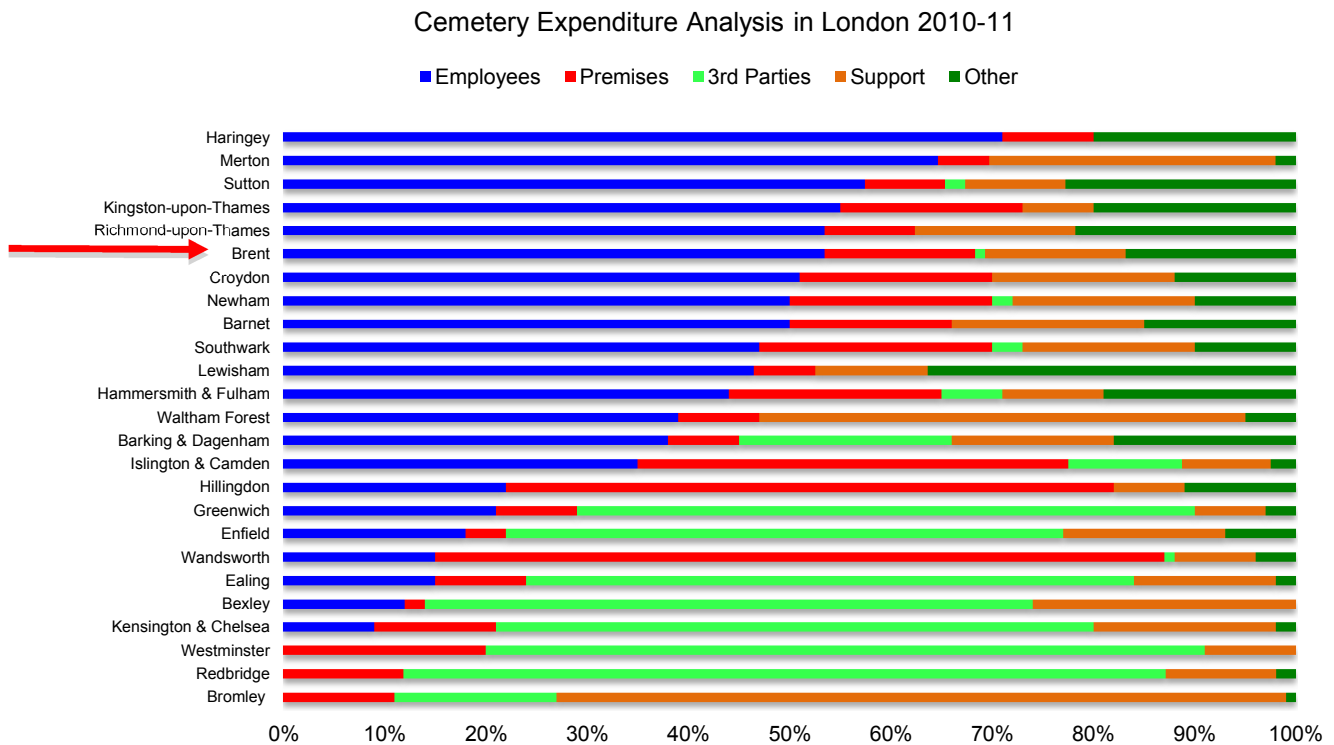
Capacity for burial within the existing Sunni Muslim section will, at current rates of demand, run out by 2021. If this annual demand of 88 graves per year is combined with the transferred demand from Alperton and Willesden it is conceivable that all grave space in Carpenders Park Cemetery could be used up by as early as 2030. This excludes the area set aside for Shi'a Muslim burial, which at a relatively low demand of 17 graves per year, is predicted to last until 2055.

However, if additional space is provided at Alperton and Willesden New Cemeteries via a range of methods, space at Carpenders Park is likely to be available until 2041.

Section 4: Income and Expenditure

Overview of Expenditure

The graph below illustrates the proportion of expenditure allocated to key elements of cemetery provision and is based on statistics which include all payment types:



Source: Data Cipfa Cemeteries Actuals 2010-2011

Brent's Cemeteries Service is delivered in-house and, as such, employee costs represent a significant proportion of total expenditure.

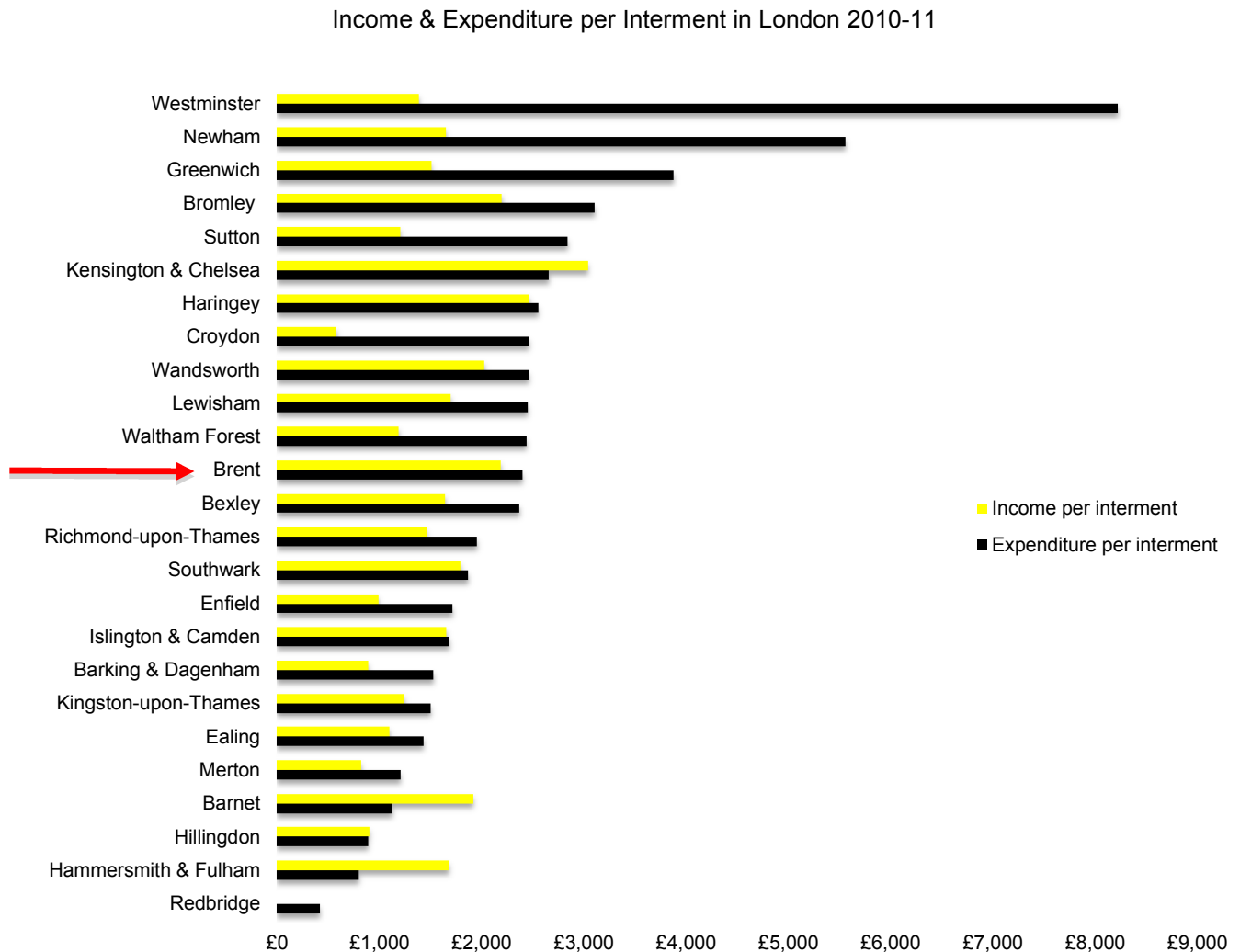
Other local authorities have outsourced their grounds maintenance and/or cemeteries management and therefore as a council their proportion of employee costs will be lower but their proportion of third party and support costs will be higher.

For example:

- Cardinal undertake the grounds maintenance and grave digging function at Ealing
- Continental Landscapes manages and maintains all of Westminster's cemeteries
- Westerleigh Group manages and operates the Cemeteries service at Redbridge as part of a long term lease arrangement with the council, including the employment of ex-council staff.

Cemetery Income and Expenditure per Interment

The graph below illustrates income and expenditure per interment, arranged in order of expenditure:

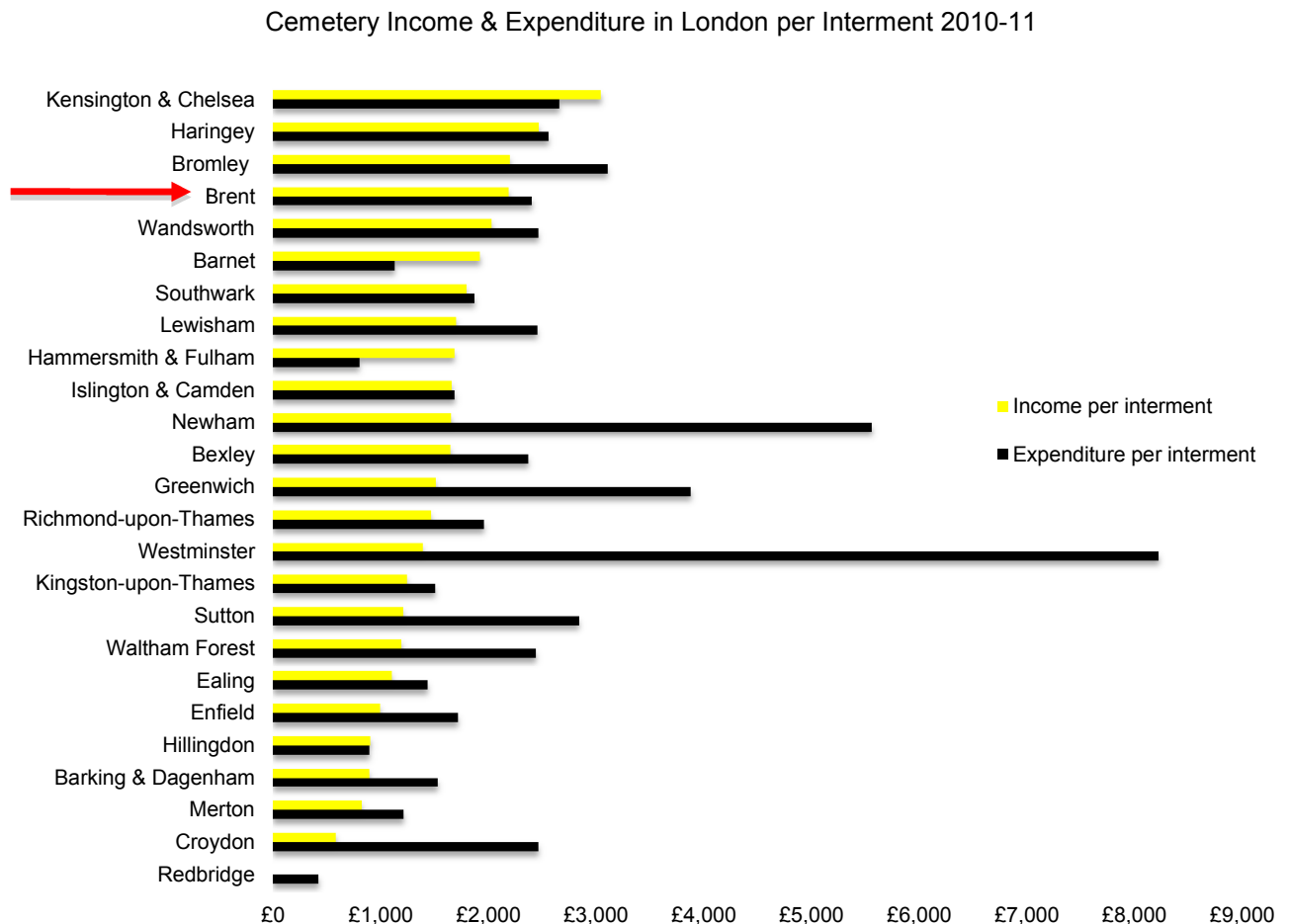


Source: Data Cipfa Cemeteries Actuals 2010-2011

Although income does not currently match expenditure, Brent compares well with many London local authorities, falling halfway in the hierarchy of expenditure. It is reasonable to conclude that this is partly due to good management of burial costs.

Cemetery Income and Expenditure per Interment

The graph below illustrates income and expenditure per interment, sorted in order of income:

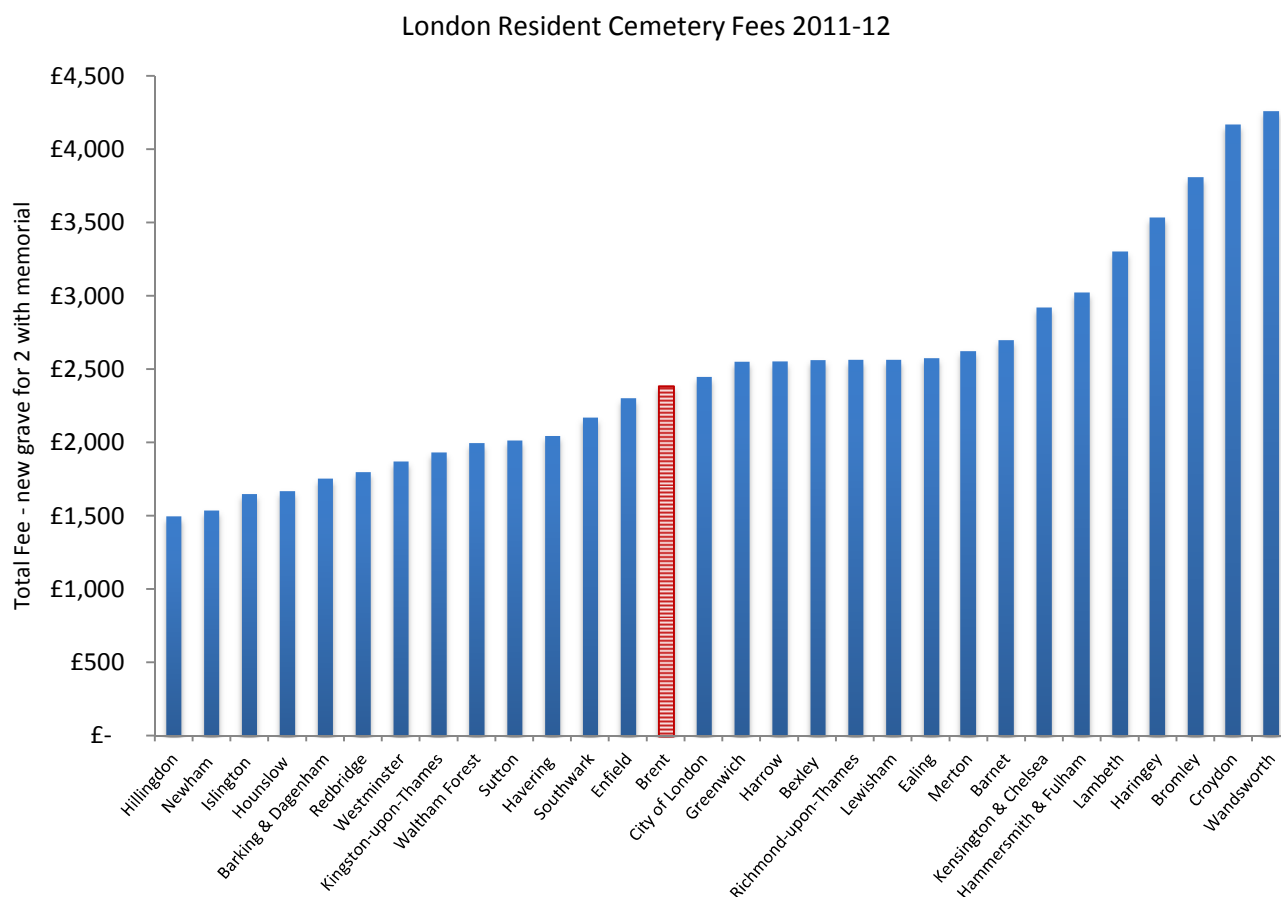


Source: Data Cipfa Cemeteries Actuals 2010-2011

- Brent compares well with other London local authorities in terms of income.
- This is partly a reflection on the higher than average demand for burial in Brent and the availability of grave space through reclamation.
- Future income from the sale of exclusive rights in reclaimed burial space will play an important part in the provision of a cost effective service.

Cemetery Fees - Residents

The graph below illustrates the cemetery fees for residents in each borough based on core elements of burial costs:



Source: Local authority tables of fees 2010-2011

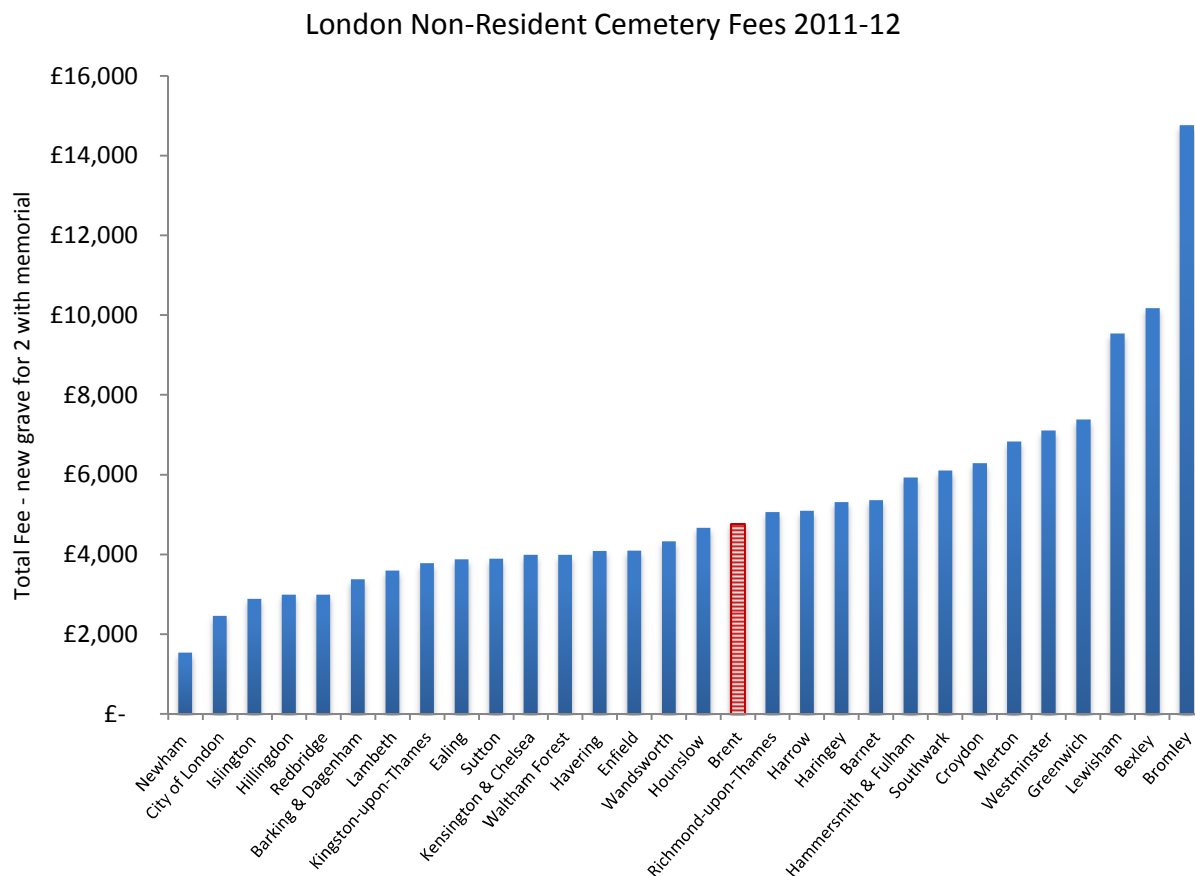
There is significant variation in fees across London which is partly a reflection of the variety of grave space sizes, locations and periods of exclusive rights. In order to make comparison meaningful, the above graph compares the lowest cost option in each borough incorporating the following elements:

- Exclusive rights of burial in a grave for two coffin burials
- Interment fee for first burial in the grave
- Memorial rights fee

Brent's fees for residents are average for London. There is a difficult balance to be struck between having charges that enable the service to match income with expenditure and yet do not prevent access to burial by people suffering deprivation.

Cemetery Fees – Non-Residents

The graph below shows the cemetery fees for non-residents in each borough:



Source: Local authority tables of fees 2010-2011

To make comparison meaningful, the above graph compares the lowest cost option in each borough incorporating the following elements:

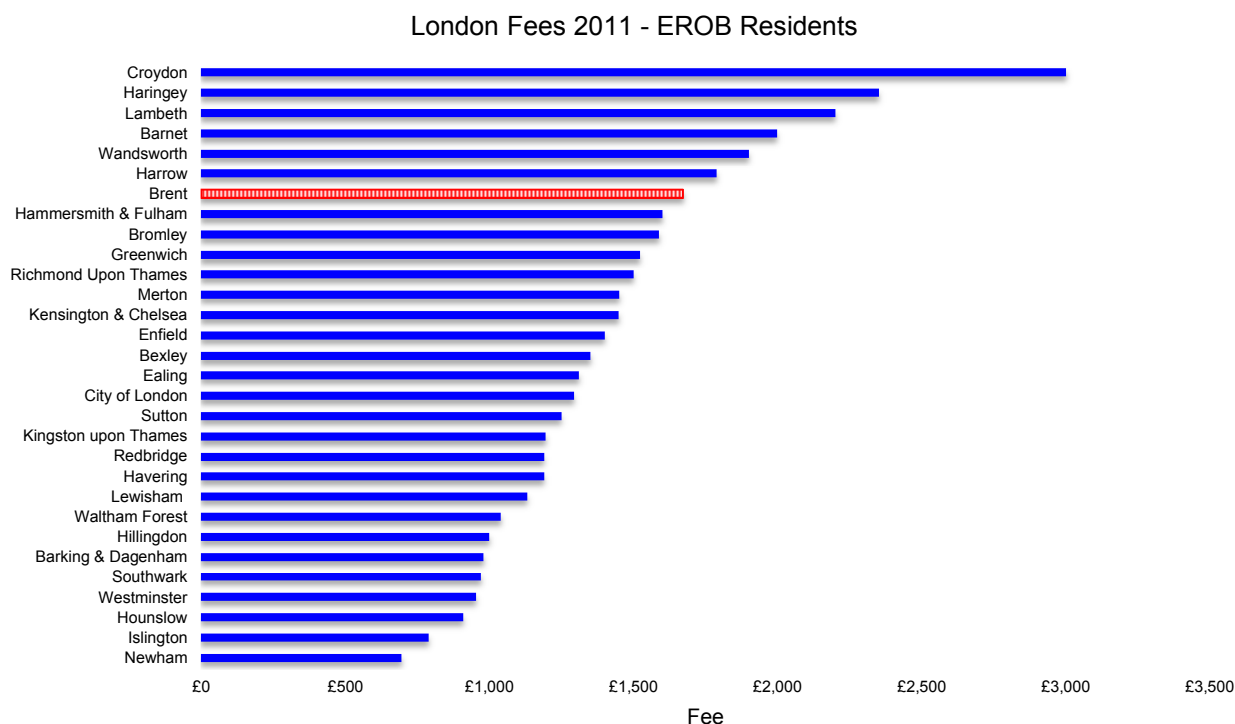
- Exclusive rights of burial in a grave for two coffin burials
- Interment fee for first burial in the grave
- Memorial rights fee

Brent's fees for non residents are average for London. Compared to our neighbouring boroughs Brent's non resident fees are higher than Ealing and Kensington and Chelsea but lower than Harrow, Barnet, Hammersmith and Fulham and Westminster.

Differential Fees and Charges

Although some authorities discontinued differential fees for non-residents following a 2003 European Court decision on museum charges, the UK government has not introduced legislation prohibiting differential fees. Brent Council is therefore entitled to make a surcharge for non-resident burials. The rationale for higher charges relates to the provider's need to ensure that burial space is available primarily for local people who have contributed to its provision through taxation. Thus non-residents, who have not contributed through taxation, can be expected to contribute higher fees upon burial. Whilst it is the total cost of burial that matters to the customer, it is useful to compare the main elements for the purposes of strategic planning.

The fee charged for the exclusive right of burial (EROB) is effectively a capital payment to fund the maintenance of the grave and the wider cemetery for the full period of the grant of exclusive right of burial; this is currently fifty years in Brent's case. The graph below shows resident EROB fees in London for 2011/12:



Source: Local authority tables of fees 2010-2011

In 2011-12, Brent charged the 7th highest resident fee in London for the exclusive right of burial in an adult grave space. The equivalent fee for 2012/13 is £1,945, equivalent to an annual charge of £38.90.

Brent charged the 12th highest EROB fee for non-residents in 2011/12 but, due to interment fees being relatively low, the combined charge was average for London. Non-residents account for 23% of burials in Brent's cemeteries and generate a proportionately higher percentage of income.

Section 5: Key Issues and Areas for Development

Methods of Developing Burial Space

To make continued provision of local burial space to meet current and future demand, a number of practices can be considered for adoption at cemeteries that do not have any new ground available. In undertaking any or all of these options, councils must ensure the strictest compliance with legal requirements and best practice. Methods 1 to 5 do **not** involve the disturbance of old burials while methods 6 and 7 involve the temporary and permanent disturbance of burials respectively.

1. Raising and mounding the ground level above areas of old common (unpurchased) graves to provide sufficient depth for new graves without disturbing existing burials. It is common practice, though not a legal requirement, for this to be undertaken after 75 years have elapsed since the last burial.
2. Installing burial vaults or chambers above areas of old common graves to provide new graves without disturbing existing burials. It is common practice, though not a legal requirement, for this to be undertaken after 75 years have elapsed since the last burial.
3. Undertaking new burials in the space remaining within graves above old burials without disturbing existing burials. This reclamation of space can only be implemented where there has not been a burial for at least 75 years and after the exclusive rights of burial have been extinguished.
4. Raising and mounding the ground level above areas of old purchased graves to provide sufficient depth for new graves without disturbing existing burials, where there has been no burial for at least 75 years and after exclusive rights of burial have been extinguished.
5. Installing burial vaults above areas of old purchased graves to provide new graves without disturbing existing burials, where there has been no burial for at least 75 years and after exclusive rights of burial have been extinguished.
6. Using the 'lift and deepen' method in old purchased graves to provide increased depth for new burials by temporarily disturbing existing burials, where there has been no burial for at least 75 years and after exclusive rights of burial have been extinguished.
7. Obtaining faculty permission from the Church of England to exhume old burials from old common (unpurchased) graves to enable the reuse of graves by permanently disturbing existing burials. Two London boroughs have exhumed burials from old common graves and reburied the remains communally nearby prior to reusing the graves for new burials. This practice is not common and is only permitted in London, rather than in the UK generally.

Administrative work to extinguish burial rights in old purchased graves has been undertaken to provide a supply of new grave space in Alperton and Willesden cemeteries sufficient to meet current levels of demand until 2018 and 2019 respectively. However, available grave space at Paddington Old Cemetery is currently non-existent.

The original grave sizes in Paddington Old are much smaller than present day requirements, so the only realistic option to create space is to raise the ground level through either mounding or the installation of burial vaults. This in turn requires sufficient numbers of graves to have been reclaimed in a specific area: it is neither practicable nor desirable to raise the ground level above a small number of graves. A rolling programme of further administrative work is required to identify suitable areas.

The land available to extend Carpenters Park Cemetery is currently occupied by a plant nursery and measures approximately 3-4 hectares. Making an allowance of 25% for roads and other features, this land could accommodate approximately 8,000 adult sized graves. However, the current lease does not expire until late 2051 so, at current rates of demand and even if new grave space is created at the other cemeteries, it is conceivable that there will be a 10-year period when Carpenters Park Cemetery will not be able to offer new graves.

It is reasonable to assume that at least some of the demand would then switch to the other cemeteries within the borough, where it could only be met through a combination of methods already described. This would impact upon the capacity of Brent's cemeteries during a pandemic.

The costs of installing burial vaults far exceed the excavation of graves in virgin ground. However, vaults to meet current demand could be installed in planned phases to avoid the situation that exists at present, where no vaults are available

Options for Creating Burial Space

Additional space can be created above unpurchased graves, or purchased graves where the exclusive rights have expired or been extinguished, by:

- Mounding soil on top of the graves
- Installing burial vaults on top of the graves
- Installing mausoleums (above-ground burial chambers) on top of the graves.

Brent has already implemented the first two options in Willesden New Cemetery and has mounded soil above old graves in Paddington Old Cemetery.

Mounding and burial vaults

Raising the level of the ground by mounding offers the following potential benefits:

- may be achieved at a lower cost than the installation of burial vaults
- reproduces traditional earth burial graves

Burial vaults offer the following potential benefits:

- Relative ease of installation providing instant grave availability without potential future safety issues
- Fixed cost for supply, installation and landscaping
- Landscaped areas of vaults provide easy and clean all-weather access for Funeral Directors and mourners at funerals and for visitors at all other times.
- Much reduced grounds maintenance costs and no subsequent subsidence.

The option of burial vaults offers significant benefits to both bereaved people and the council but has a higher cost than mounding. This would be reflected in the purchase price and would have affordability implications.

In whichever way new burials are accommodated above old burials:

- The council may grant exclusive rights in the new space
- There will be no need to disturb previous burials

Mausoleums

Mausoleums are above-ground chambers that may be preferred to below-ground burial, particularly but not exclusively by Italian people. The installation of mausoleums would involve significant expenditure and this is only likely to take place if a definite demand is expressed. No demand was expressed during the consultation period on the draft strategy.

Reuse of Graves

It is likely to be only a matter of time before London local authorities use the powers contained within the London Local Authorities Act 2007 to not only reclaim old purchased graves, but also to 'lift and deepen' the remains they contain in order to provide more burial space. This will involve the temporary disturbance of remains while the work is undertaken. Regional developments can be monitored to inform judgment about initiating this practice in Brent.

Any remaining depth in unpurchased graves may be used for further burials at any time. Two London boroughs have also exhumed remains and reburied them communally nearby, prior to re-using the graves for new burials. It is usual for part of the land in a cemetery to be consecrated so permission has to be granted under the faculty jurisdiction of the Church of England prior to the exhumation of burials. Brent has not implemented such measures to date but will monitor the results of work undertaken in other boroughs and investigate reuse options as a cheaper alternative to mounding where appropriate.

Excess Deaths

There are times, e.g. an influenza pandemic, when deaths exceed anticipated numbers. There have been false alarms but scientists consider a pandemic resulting in excess deaths to be inevitable in the foreseeable future. The UK Influenza Pandemic Preparedness Strategy 2011 states at paragraph 7.20:

“The number of additional deaths expected as a result of a pandemic is impossible to predict. However, local authorities in conjunction with local service providers should ensure that they have plans in place to surge their capacity to cope with an increase in burials and cremations during a pandemic. When planning for excess deaths, local planners should prepare to extend capacity on a precautionary but reasonably practicable basis, and aim to cope with up to 210,000 - 315,000 additional deaths across the UK over a 15 week period (or a higher level where possible).

Brent has a relatively high demand for burial and already faces significant challenges in providing space to meet this demand. Capacity to cope with high numbers of funerals during a pandemic would be a challenge as excavation of new graves requires personnel, plant and fuel.

A key issue would be the storage of bodies and temporary mortuary facilities would enable bodies to be stored and released at manageable rates to cemeteries and crematoria. There is no crematorium in Brent but a high number of residents require cremation and do not accept burial for various reasons. Liaison with neighbouring boroughs is therefore required to establish what provision could be made.

Without additional mortuary capacity to effectively regulate the release of bodies for burial, excess deaths during a pandemic would likely overwhelm Brent's current operational capacity. Alternative arrangements need to be in place as part of a contingency plan. The Influenza Pandemic Contingency Plan (2011) provides a strategic overview of the council's business continuity measures and emergency response to Swine Flu. It references emergency plans for individual services, outlines management structures and key post holders. The Cemetery and Mortuary Service Excess Deaths Contingency Plan 2009 outlines the process for dealing with mass burials. Both plans require updating in line with the London Resilience Pandemic Influenza Response Plan 2012 which aims to provide a strategic framework to support integrated preparedness and response to pandemic influenza.

As at any time, demand will be for burial in either an existing family grave or in a new grave. However, unless the level of demand can be regulated by additional mortuary capacity, burials may have to take place on a temporary basis either in open areas of cemeteries or in other land. It may then be necessary to undertake exhumations after the pandemic subsides to rebury bodies in preferred locations.

Alperton, Paddington and Willesden cemeteries have no virgin ground and, in general, are heavily memorialised. In contrast, areas of unused virgin ground and the open nature of Carpenders Park Cemetery make this Brent's primary site for burial space where required during a period of excess deaths. The installation of burial vaults would provide a resource that would be readily available for immediate use and would offer easy exhumation if required.

Maximising Technology

Work has been undertaken on the scanning and data capture of cemetery records but the council does not have a computerised administration process in operation. Burial records available to the public through Deceased Online are currently incomplete.

Significant benefits can be realised by the full implementation of a software system for the booking and recording of all new funerals. This would provide

- A secure method of storing statutory data
- The potential to produce work instructions, Deeds of Grant etc.
- Statistics readily available on demand.
- Mapping of graves, recording of burial dates and grave depths

The benefits of a software system would be greatly enhanced by the addition of historic data. This would require further data capture but, in addition to making the data available to council officers, it could be publically available on Deceased Online.

Management Plans

“Burial space should not only be local and accessible, but also appropriately maintained and managed. The landscape and management of cemeteries should be appropriate to the purpose first and foremost of serving the bereaved. An environment which feels safe and well cared for is essential.” - House of Commons Select Committee.

Individual site-specific Management Plans are used by a number of local authorities to bring together relevant work plans within a comprehensive framework for:

- Development of burial space
- Grounds maintenance
- Memorial management
- Tree management
- Heritage management
- Asset management

For example, the creation of new burial space is dependent upon the specific layout of grave sections, periods of use, the level of existing memorialisation and the presence of landscape features such as trees. Management plans can be used to identify the appropriateness of mounding or burial vaults for particular cemeteries with due regard to any specific historical features and, where appropriate, a phased approach to implementation.

Community engagement

Greater community and educational use of cemeteries can be encouraged by

- Identifying memorials commemorating individuals or families of particular historic interest, particularly if there is a local link such as a house or building.
- Including the origins and history of cemeteries in promotional material available online. The preparation of Tomb Trails in the older cemeteries could benefit from input from the council's Heritage Service and local historians.
- Creating Tree Trails as a means of encouraging the wider community to benefit from cemeteries as landscaped green spaces.
- Setting aside specified areas as wildlife zones to stimulate community interest in plants and the encouragement of wildlife, thereby increasing biodiversity.
- Developing links with schools and colleges to ensure that the educational and cultural value of cemeteries is recognised and used.

Private Sector Leasing

Some local authorities have leased their cemeteries and crematorium service to the private sector. Lease arrangements are not in the public domain, but they have resulted in significant income to each authority with no expenditure on the service. However, all of these transfers include crematoria: there is no obvious incentive for private operators to enter into agreements with Brent Council. If a long term opportunity for a crematorium in Brent arises it would be worth revisiting this option.

Contracting out options

Two thirds of London authorities employ contractors for various levels of cemetery management while some authorities, for example Westminster and Hounslow, have contracts for the management and operation of all their cemeteries. Discussions on joint working arrangements are currently taking place between some boroughs. There is clearly an option for Brent to explore the costs and benefits of entering into an agreement with a contractor to undertake some or all of the functions relating to the maintenance and operation of its cemeteries.

Buildings for hire

Disused cemetery buildings could be hired out for use by, for example, florist businesses and cafes while the chapels at Alperton and Paddington are hired out for filming purposes.

Section 6: Vision and Objectives

Vision

Brent Council will aim to meet the needs of bereaved people and the wider community in the borough by:

- Conducting the burial and commemoration of the dead of the diverse community in a secure, sustainable and well-maintained environment.
- Offering burial options at a choice of four cemetery sites.
- Enabling local communities to access cemeteries as valuable historic green spaces which promote wellbeing, biodiversity, learning and recreation.

Objectives

1. Meet current and future needs in respect of local burial options, while providing accessible green space and encouraging biodiversity and sustainable environmental practices.
2. Deliver a value for money cemeteries service that is at least self-financing.
3. Provide a supportive and inclusive service that fully reflects the religious, ethnic and cultural diversity of the borough and supports the wellbeing of bereaved people.

Objective 1: Meet current and future needs in respect of local burial space, while providing accessible green space and encouraging biodiversity and sustainable environmental practices.

There is clear evidence of a sustained demand for burial in Brent's cemeteries. The provision and availability of burial space that meets the requirements of bereaved people and generate income for the council will be achieved by:

- Providing burial vaults and/or mounding above old graves in Willesden and Paddington cemeteries.
- Reclaiming old graves to ensure a constant and reliable source of available graves at Alperton and Willesden cemeteries for a rolling period of five and ten years ahead.
- Reusing memorials from graves where the exclusive rights of burial have been reclaimed.
- Reviewing arrangements for an unknown number of excess deaths, e.g. in a flu pandemic, including consultation with crematoria in neighbouring boroughs.

- Producing individual Management Plans for each cemetery to bring together relevant work plans within a comprehensive framework for the development of burial space, grounds maintenance, asset management, memorial management, heritage and tree management and increasing biodiversity.

Objective 2: Deliver a value for money cemeteries service that is at least self-financing.

Cemeteries provide valuable green space for everyone but they primarily provide funeral facilities for a minority of residents. It is logical that people who choose to use cemeteries for funerals should meet service costs through fees and charges with higher charges applying for non residents. Unlike many council services, cemeteries generate income and a strategic approach to their management can lead to a reduction or elimination of costs. Brent can achieve a self-financing service without a reduction in standards provided that adequate space is made available and the range of burial options is proactively marketed to funeral directors.

On the basis of anecdotal evidence, it is possible that Brent has lost funeral bookings to Kensal Green and other cemeteries due to a lack of flexibility with funeral timings, insufficient provision of burial options and a lack of clarity regarding space availability and pricing details being available to funeral directors.

The council will work towards achieving a self-financing and value for money cemetery service with income matching expenditure by

- Introducing an online payment mechanism.
- Fully computerising cemetery records and administration to improve record management and make records publically available via the web site 'Deceased Online', providing better access to statutory records and data.
- Developing and maintaining good communication links with Funeral Directors, Officiants and Memorial Masons through holding regular funeral liaison meetings, producing update bulletins and clarifying contact arrangements for funerals.

Objective 3: Provide a supportive and inclusive service that fully reflects the religious, ethnic and cultural diversity of the borough and supports the wellbeing of bereaved people.

In addition to providing burial space to meet demand while providing value for money, the council will aim to provide an accessible and quality service which supports bereaved people and reflects the needs of a diverse borough by:

- Providing a range of burial options in each of the cemeteries that meet the needs of the diverse community

- Providing flexibility in the numbers and timings of funerals available, so ensuring that all religions and secular lifestyles can receive appropriate services at relevant times where practicable.
- Working with the Muslim community on future burial provision at Carpenders Park
- Establishing a Friends Group for each cemetery

Monitoring and Review

- Annual monitoring and review of the action plan will be undertaken to measure the effectiveness of the implementation of the strategy. Lead officers will be responsible for delivering and tracking progress on their respective actions and taking corrective action as required.
- A number of key and local performance indicators are monitored on a quarterly basis and reported on the council's performance scorecard.
- The council submits CIPFA returns for the cemeteries service on an annual basis.
- The Charter Assessment process enables organisations to assess themselves against key service features and to obtain a Gold, Silver or Bronze award. Authorities complete a questionnaire with 382 questions on burial, cremation and social and environmental aspects and return it to the Institute of Cemetery and Crematorium Management for scoring. The process is not designed to be used as a means of competing with other service providers but to give clear evidence to service users and elected members that the particular service is continually moving forward. Brent was awarded a silver medal in 2012.

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Appendix 1 Legal Background and Statutory Powers

Introduction

There are a number of different types of burial places operating in England today:

- The Church of England has provided burial in its churchyards for centuries.
- Other Christian denominations have sometimes provided burial facilities in the past, but this is much less common today.
- There are also cemeteries provided for the exclusive use of other religious groups, such as Jews and Muslims.
- There are some privately owned and operated cemeteries that were originally opened in the 19th Century.
- There is a growing number of privately owned Natural Burial sites
- Most cemeteries are owned and operated by local authorities.

All places of burial, whether they are referred to as cemeteries, burial grounds, churchyards or by another name, are regulated by legislation to a greater or lesser degree. This includes generally applicable legislation relating to employment, health and safety, equal opportunities etc., in addition to any specific legislation applicable to the management and operation of the site as a place of burial.

Church of England churchyards are regulated by statutory Measures and Rules as well as common law.

Cemeteries operated by private companies may be subject to their own private Act of Parliament.

Where no other legislation is applicable to a place of burial, the Registration of Burials Act 1864 requires burials to be registered.

Local authority cemeteries are regulated by the Local Government Act 1972 and the Local Authorities' Cemeteries Order 1977 (LACO 1977).

Legal Background to Local Authority Cemeteries

There is no statutory duty on a local authority to provide burial facilities, but if they do so, the management is governed by the Local Authorities' Cemeteries Order 1977

Local authorities are defined as burial authorities and given the power to provide cemeteries by virtue of the **Local Government Act 1972**:

214-(1) *The following authorities, that is to say, the councils of Welsh counties, county boroughs, districts¹, London boroughs, parishes and communities, the Common Council and the parish meetings of parishes having no parish council,*

¹ "district", without more, means, in relation to England, a metropolitan district or a non-metropolitan district. LGA 1972 s.270(1)

whether separate or common, shall be burial authorities for the purposes of, and have the functions given to them by, the following provisions of this section and Schedule 26 to this Act;

...
(2) *Burial authorities may provide and maintain cemeteries whether in or outside their area.*

LACO 1977 gives burial authorities wide ranging powers of management:

3.-(1) *Subject to the provisions of this order, a burial authority may do all such things as they consider necessary or desirable for the proper management, regulation and control of a cemetery.*

4.-(1) *A burial authority may enclose, lay out and embellish a cemetery in such manner as they think fit, and from time to time improve it, and shall keep the cemetery in good order and repair, together with all buildings, walls and fences thereon and other buildings provided for use therewith.*

With the word 'shall', article 4(1) makes clear the statutory obligation to maintain cemeteries.

Under article 5, the burial authority may allocate different areas of the cemetery for the use of different Christian denominations or other religious groups and may also apply to the Church of England for the Bishop to formally consecrate parts of the cemetery.

Under article 6, the burial authority may provide chapels.

Under article 7, the burial authority may provide a mortuary in connection with burials in a cemetery.

Under article 10, the burial authority may grant exclusive rights of burial and memorial rights, subject to such terms and conditions as they think proper.

Under article 14, the burial authority may remove unauthorised memorials

Under article 15, the burial authority may charge such fees as they think proper

Under article 16, the burial authority has certain powers in relation memorials. This includes the removal of memorials, provided the extensive requirements of Schedule 3 are followed.

It is important to note that none of these permissive powers authorises the burial authority to disturb human remains.

LACO 1977 places a number of obligations upon burial authorities.

In addition to the duty in article 4 to 'keep the cemetery in good order and repair', burial authorities are required to:

- Maintain a record of burials
- Maintain a plan showing the number and location of each grave
- Maintain a record of the granting and transfer of exclusive rights
- Issue Deeds of exclusive rights
- Maintain a record of exhumations
- Store all records securely to preserve them from loss or damage

Schedule 2 Part 1 specifies the minimum depths at which coffins should be buried and includes the statement at paragraph 1:

No burial shall take place, no cremated human remains shall be scattered and no tombstone or other memorial shall be placed in a cemetery, and no additional inscription shall be made on a tombstone or other memorial, without the permission of the officer appointed for that purpose by the burial authority.

Article 18 creates certain offences in local authority cemeteries, including creating a disturbance, committing any nuisance, interfering with any burial, interfering with a grave, playing any game or sport, or entering or remaining in a cemetery when it is closed to the public. It may be open for an authority who wishes to extend the range of offences to apply for an appropriate by-law.

Local authorities may grant the Commonwealth War Graves Commission (CWGC) the right to provide any structure, tree, plant or other feature. Before exercising their powers under LACO, particularly in relation to removal or repair of memorials, burial authorities must give prior notice to the CWGC as such powers cannot be exercised in respect of any grave (however marked) containing a Commonwealth War burial, without the consent of the Commission. Certain other dispensations and rights in relation to the Commission are also provided within LACO.

There are more war graves in cemeteries than is generally appreciated. In addition to those marked by its own familiar war pattern headstones, the CWGC is also responsible for many other war graves and memorials, some outside the normally accepted dates of the First and Second World Wars and some marked by private memorials provided by families.

Exclusive Rights of Burial

There are basically 2 types of grave in a cemetery:

- Purchased (private or family grave)
- Unpurchased (public or shared grave)

When a person purchases the exclusive rights in a grave, it enables them to decide who may be buried in the grave: non-one may be buried in the grave and no memorial may be erected upon the grave without their written consent. It does not, however, grant them ownership of the land itself and the local authority retains ownership of all the land in its cemeteries.

From 1974, the **Local Authorities' Cemeteries Order 1974** limited the periods for which rights may now be granted to a maximum of 100 years. This does not apply retrospectively and any rights granted prior to 1974 in perpetuity are still legally valid

Statutory powers to reclaim space remaining in old, unused purchased graves

Sometimes people may buy exclusive rights in a grave as a means of reserving it for future use. There may be such reserved graves where exclusive rights have been purchased more than 75 years ago and the grave has never been used. The Local Authority may extinguish these old rights so that the space in such graves may be released for use today. The relevant legislation is set out below:

The Local Authorities' Cemeteries Order 1977, Schedule 2 part 3

1.-(1) This paragraph applies to the following rights and agreements granted or entered into by a burial authority or any predecessor of theirs at a time before 1st April 1974 and to the rights and agreements made or entered into between 31st March 1974 and 28th June 1974 which were validated by article 7 of the Local Authorities etc. (Miscellaneous Provision)(no.3) Order 1974-

(a) all rights in respect of any grave space granted under a provision falling within paragraph 2(b) of Part 11 in perpetuity, or for a period exceeding 75 years from the date of the grant;

(b) any other right to place and maintain a tombstone or other memorial so granted; and

(2) Where any rights described in paragraph 1(1)(a) or (b) have not been exercised, the burial authority may, at any time after the expiration of 75 years beginning with the first day on which any such rights were granted, serve notice on the owner of the rights of their liability to determination under this paragraph, and the rights shall determine by virtue of the notice unless, within 6 months of the date of the service, the owner notifies the authority in writing of his intention to retain them.

Statutory powers to reclaim space remaining in old, used purchased graves

Since 1976, further legislation applicable only to London Boroughs enables the London authorities to extinguish exclusive rights granted in perpetuity, but where there has been no burial for the past 75 years or more. This enables the local authority to utilise unused space remaining in old purchased graves for more burials. The relevant legislation is set out below:

The Greater London Council (General Powers) Act 1976

9.(1) Where in respect of any grave which contains sufficient space for not less than one further interment and which is situated in any cemetery a right of interment has not been exercised for seventy-five years or more from the date of the latest interment in the grave or, if there has been no interment in the grave, from the date

of the grant of the right of interment in the grave, a burial authority may, in accordance with the provisions of this section, extinguish the right of interment in that grave and use the grave for other interments:

Provided that no right of interment granted after the passing of this Act for any period longer than 75 years shall be extinguished under this section.

(2) The power of a burial authority under subsection (1) of this section to extinguish a right of interment in any grave in which there has been an interment shall include the power to remove any tombstone in or on the grave.

(7) Any tombstone removed by the burial authority under this section shall remain the property of the registered owner thereof but, if such owner does not claim and remove it within a period of 3 months after the date specified under paragraph (b) of subsection (5) of this section, the burial authority may put the tombstone to such use as they deem appropriate or they may destroy it.

Where exclusive rights have been extinguished in any grave, local authorities may legally dispose of the memorial or put it to such use as they deem appropriate. It is therefore permissible for a local authority to reuse memorials as well as graves. The memorial can be professionally cleaned and re-erected upon the grave turned around so that the original inscriptions are on the reverse. Reclaiming old purchased graves and reusing the memorials has the potential to give today's bereaved the opportunity, not only to bury their dead locally, but also to commemorate them on a memorial of a style that is either no longer available or would be too expensive. This has the additional benefit of preserving the historical appearance of older parts of the cemeteries by avoiding the introduction of new, polished black granite memorials, which stand out against the surrounding older weathered marble and sandstone memorials.

Statutory powers to 'lift and deepen' old purchased graves to create space for new burials

Subsequent legislation has taken the issue of reclaiming old perpetuity graves a step further. Local authorities now have powers not only to extinguish exclusive rights, but also to 'lift and deepen' such graves to make space more burials. The relevant legislation is set out below:

London Local Authorities Act 2007

74 (1) Where a burial authority has extinguished—

(a) a right of burial in a grave space under section 6 (power to extinguish rights of burial in cemetery lands) of the Act of 1969; or

(b) a right of interment in respect of a grave under section 9 of the Act of 1976,

the burial authority may disturb or authorise the disturbance of human remains interred in the grave for the purpose of increasing the space for interments in the grave.

(2) No human remains may be disturbed under this section if they have been interred for a period of less than 75 years.

As there are no exclusive rights in unpurchased graves, local authorities may use any remaining depth in them for further burials at any time.

The re-use of old unpurchased graves in consecrated areas

It is usual for part of the land in a cemetery to be consecrated by the Church of England. This has legal as well as religious significance, as the consecrated parts of the cemetery become subject to the faculty jurisdiction of the Church of England.

Burial Grounds and Churchyards not owned by Local Authorities

Section 1 of the Burial Act 1853 provides for the Secretary of State to make representations to the Privy Council for an Order in Council to discontinue burials in any burial ground, with or without exceptions. These provisions are regularly invoked for the purposes of closing Church of England churchyards (in order to avoid a conflict, when full, with the Church's obligation to bury anyone with a right to burial there), but they would otherwise be reserved for use when there might be a need to prevent the continued use of a burial ground which appeared to be unsuitable, or no longer suitable, for this purpose (for example, on the grounds of public health). There is no provision for such Orders in Council, once made, to be rescinded. Nor is there a power to close a burial ground, or part of a burial ground, which has been opened with approval of the Secretary of State.

Responsibility for maintenance of churchyards closed to further burials by Order in Council may be transferred by the parochial church council to the relevant local authority (Local Government Act 1972, s.215). If the parish or town council does not wish to accept that responsibility, notification will need to be given to the relevant district or metropolitan council within three months. If so, the district or metropolitan council must accept that responsibility.

Burial authorities may contribute towards the provision or maintenance of burial grounds in which their inhabitants may be buried (**Local Government Act 1972, s.214**). This is entirely discretionary.

Disused burial grounds may also be transferred to local authorities as open spaces (Open Spaces Act 1906). Such transfers are by negotiation and are entirely voluntary. If such transfers take place, the **Open Spaces Act** requires the local authority to hold and administer the burial ground for the enjoyment of the public as an open space, under proper control and regulation. The burial ground must be kept in a good and decent state. The local authority may also enclose the ground and undertake works to improve the site. Where the site is or contains consecrated ground, management of the site must be authorised by licence or faculty of the Bishop. The Open Spaces Act also makes provision for the removal or relocation of tombstones and memorials. The playing of games or sports on such open spaces is prohibited unless sanctioned by the persons from whom the site was acquired, or by the Bishop in respect of consecrated ground.

A fuller list of legislation relating to Health and Safety and Open Space management is held by the Sports and Parks Service and is available on request.

Useful Links

<http://www.iccm-uk.com/>

<http://webarchive.nationalarchives.gov.uk/20110118095356/http://www.cabe.org.uk/files/cemeteries-churchyards-and-burial-grounds.pdf>

<http://www.hse.gov.uk/news/2009/memorials.htm>

<http://www.york.ac.uk/chp/crg/crgcontext.htm>

<http://www.justice.gov.uk/about/moj/advisory-groups/burial-and-cemeteries-advisory-group>

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Appendix 2 – Cemeteries Strategy Action Plan

Proposed implementation date: January 2013

Objective 1: Meet current and future needs in respect of local burial space, while providing accessible green space, biodiversity and sustainable environmental practices.

	Action	Lead	Partner(s)	Date
1.1	<p>Review options for providing burial vaults and mounding above old graves in Willesden and Paddington cemeteries.</p> <ul style="list-style-type: none"> • Produce report with costed recommendations. • Implement recommendations for year 1 and initiate a rolling six month review process. 	TOM	FLG	<p>April 2013</p> <p>September 2013</p>
1.2	<p>Revise the cyclical procedure involved in the reclamation of old graves, initially at Alperton and Willesden cemeteries, for a rolling period of five and ten years ahead.</p> <ul style="list-style-type: none"> • Review burial records and identify potential to reclaim old purchased graves and resell old common graves • Publish notices as required and implement a rolling programme of reclamation. 	RM	LDS	<p>April 2013</p> <p>April 2013 and annual rolling programme</p>
1.3	<p>Research options for the reuse of memorials from graves where the exclusive rights have been reclaimed.</p> <ul style="list-style-type: none"> • Investigate options and develop a database of suitable memorials. • Implement a rolling programme of reuse and undertake a six monthly review. 	RM	LDS NAMM	<p>March 2013</p> <p>December 2013</p>
1.4	<p>Review arrangements in place for providing burial space for an unknown number of excess deaths at an unknown future date e.g. due to a flu pandemic, including consulting with crematoria in neighbouring boroughs.</p>	TOM	EP LLRF	

	<ul style="list-style-type: none"> Review and update the Cemetery and Mortuary Service Excess Deaths Contingency Plan 2009. 			April 2013 (periodic reviews)
1.5	<p>Implement the recommendations of a service review relating to operational management procedures which include:</p> <ul style="list-style-type: none"> Review operating hours/days and day of funeral arrangements and implement agreed changes Review memorials testing and recording procedure and reissue Review all Health and Safety procedures risk and COSHH assessments and reissue 			<p>February 2013</p> <p>February 2013</p> <p>March 2013</p>
1.6	<p>Produce site-specific Management Plans for each cemetery to provide a framework for the development of</p> <ul style="list-style-type: none"> Burial space Grounds maintenance Asset management Memorial management Heritage and tree management Increased biodiversity including through the creation and maintenance of wildlife areas. 	TOM	KBG EH	March 2013

Objective 2: Deliver a value for money cemeteries service that is at least self-financing.

	Action	Lead	Partners(s)	Date
2.1	<p>Revise methods for payment collection including</p> <ul style="list-style-type: none"> Administration methods Options for online transactions 	SSM	ITU	March 2013
2.2	<p>Fully computerise cemetery records and administration to ensure robust management and to</p> <ul style="list-style-type: none"> Facilitate ease of access to 	SSM	ITU	March

	<p>statutory records and statistical data.</p> <ul style="list-style-type: none"> • Enable burial records to be readily available to the public via 'Deceased Online' 			<p>2013</p> <p>December 2013</p>
2.3	<p>Review assets within cemeteries to identify potential income-generation opportunities e.g. florists or cafes at facilities including</p> <ul style="list-style-type: none"> • Disused office at Carpenders Park Cemetery • Chapels at Paddington Old Cemetery. <p>Report with costed recommendations produced.</p>	RM	PAM LDS Planning	March 2014
2.4	<p>Further develop and maintain good communication links with Funeral Directors, Officiants and Memorial Masons by:</p> <ul style="list-style-type: none"> • Clarifying contact arrangements. • Holding regular funeral liaison meetings • Producing regular bulletins with updates on burial space availability and service provision. 	SSM	FLG	<p>January 2013</p> <p>March 2013</p> <p>April 2013</p>

Objective 3: Provide a supportive and inclusive service that fully reflects the religious, ethnic and cultural diversity of the borough and supports the wellbeing of bereaved people.

	Action	Lead	Partner(s)	Date
3.1	Review day of the funeral procedures, including liaison arrangements, to ensure good practice in line with equalities considerations.	TOM	BME and Multi-Faith forums	March 2013
3.2	Review funeral service times with a view to increasing flexibility in the numbers and times of funerals available, thereby ensuring that all religions and secular lifestyles are able to receive appropriate services at relevant times where practical.	TOM	FLG	April 2013

3.3	Undertake consultation with key stakeholders from the Muslim community regarding options for future burial provision at Carpenders Park and Paddington Old Cemetery.	SSDT	Multi-Faith and BME Forums	December 2013
3.4	Review the services available for the deposit or interment of cremated and the services available for commemoration at all cemeteries	TOM		December 2013
3.5	Develop and implement a Service User Pledge to clarify the customer offer and act as a promotional tool.	SSDT	ICCM	December 2013
3.6	Review mechanisms for obtaining feedback from bereaved people and making service amendments where relevant and practicable. Recommendations implemented	SSDT	ICCM	September 2013
3.7	Offer a programme of events in each cemetery involving volunteers from various interest groups and the council's Heritage service. The events could include: <ul style="list-style-type: none"> • Tomb and tree trails, • Memorial listing, • Presentations on the history and development of the cemeteries. 	SSM	Local Historical Societies Heritage Service	January 2014
3.8	Establish a Friends Group (where sufficient interest is evident) for each cemetery and engage in regular Friends meetings. <ul style="list-style-type: none"> • Contact people who have expressed an interest via the consultation process. • Pilot focus group held for a selected cemetery 	TOM		September 2013 January 2013 March 2014.

Key to Abbreviations

TOM – Technical Operations Manager – Sports and Parks Service

FLG – Funeral Liaison Group

RM – Resources Manager – Sports and Parks Service

LDS – Legal and Democratic Services

PAM – Property and Asset Management

NAMM – National Association of Memorial Masons

SSDT – Strategy and Service Development Team – Sports and Parks Service

KBT – Keep Britain Tidy

EH – English Heritage

ITU – Information Technology Unit

ICCM – Institute of Cemetery and Crematoria Management

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Appendix 3 - Cemeteries Strategy Consultation Report

A two stage consultation process was undertaken; a first stage to gather feedback and data to inform the production of the draft strategy, followed by a full public and stakeholder consultation on the draft strategy and action plan.

Stage One Consultation Summary

A targeted consultation exercise was undertaken with recently bereaved people and 120 responses were received. The responses are summarised below:

- 70% of respondents named either Carpenders Park or Alperton as the cemetery they visited most often.
- The majority of respondents were regular visitors to Brent cemeteries with 87% of respondents visiting at least once every six months and 71% visiting at least once a month or more frequently.
- 41% of respondents didn't have a regular visiting pattern with Saturday (38%) and Sunday (35%) being the most popular days. The pattern across Monday to Friday visits was evenly spread with responses ranging from 9% to 12%.
- 87% of respondents visited for up to an hour at a time with 57% visiting for an average time of between 30 minutes to an hour. Two hours was the maximum time that respondents cited for average length of visit and only 4% of respondents didn't have a regular pattern.
- 85% of respondents felt either safe or very safe when visiting a cemetery.
- 91% of respondents agreed or strongly agreed that cemeteries are clean and well maintained.
- 72% of respondents agreed or strongly agreed that a sufficient level of information was provided in cemeteries.
- There was a very high percentage of good/very good satisfaction responses for watering facilities (92%), footpaths (86%), seats and bins (86%), car parking (83%), and flower and shrub beds (82%)
- The highest percentages of poor/very poor satisfaction responses were received for signage (20%), grave maintenance (20%), and grass cutting (18%).
- 37 respondents expressed an interest in being part of a "Friends of the Cemetery" group and supplied contact details.
- 50% of respondents had a preference for their own funeral arrangements with traditional burial lawn cemetery (52%) being the most popular preference.

Consultation interviews were held with the following key stakeholders:

- Brent Council service areas – Sports and Parks staff (including operations, registration and booking and memorials), Safer Streets and Planning.
- Six Funeral Directors, one Memorial Mason and two Officiants at a Funeral Liaison meeting. In all, comments were received from eight directors who were responsible for 63% of all funerals in Brent during 2011.
- Administrator of Hendon Mosque and stakeholders at Carpenders Park.

The key findings from these interviews are listed below:

- Brent Council should communicate available burial options more clearly, so that stakeholders are aware of what is available and bereaved people can make better informed choices. For example, up to date information about the availability of vaults and spaces made available through mounding would be helpful to bereaved people unwilling to accept reclaimed space.
- Improvements could be achieved by increasing flexibility to provide burials at requested times and clarifying contact arrangements for Saturday funerals.
- There is a reported demand for increased provision of burial vaults that is not currently being met.
- Brent's cemeteries are generally well kept and staff are good at their jobs.
- A reported resistance to reusing memorials may reflect strong principles and a perception that it would reduce demand for new memorials.
- In view of the lack of new ground at three cemeteries, Muslim people would consider the use of depth remaining above old interments for new burials. However, this would need to be available in areas exclusively for Muslim burial and the orientation of graves would need to comply requirements.*
- Demand for Muslim burial in London appears to be increasing as lower numbers of families choose to repatriate their dead to their place of birth.

* In ground not consecrated by the Church of England, for legal reasons.

Stage Two Consultation Summary

A three-month consultation period on the draft strategy was undertaken through:

- An online questionnaire with paper copies available on request
- Officer attendance at Area Consultative and Service User Forums
- Officer attendance at a Funeral Liaison and Multi-Faith Forum meeting.

Questionnaire Survey

The survey was available on the Consultation Portal and 45 completed questionnaires were submitted. Although this response was slightly lower than anticipated, the draft strategy reflected the feedback during the first stage of the consultation.

- 86% of respondents agreed or strongly agreed with the vision of the draft strategy. Those who disagreed felt that cemeteries are places for quiet contemplation rather than a place for recreation.
- Agreement with the three objectives varied from 72% for Objective 2 to 86% for Objective 3. The main reason for disagreement related to a perception of high cemetery fees and charges rather than the aspiration of the objective.
- 85% and 87% of respondents agreed that the draft strategy and action plan respectively covered the key issues relating to cemetery provision in Brent.

71 additional comments were received from an estimated 20 respondents and the full list of comments and responses will be available on the consultation portal. Several comments echoed those received during the first stage of the consultation; particularly clearer communication of burial options, operational issues such as grass cutting, the need to review fees and charges, and the need for comprehensive maintenance and management plans for each cemetery.

Where relevant and appropriate the strategy and action plan have been revised to reflect the comments received.

Service User Consultative Forums

Over 40 people attended the three meetings at which the strategy proposals were outlined to specific groups of users.

Area Consultative Forums

Presentations were made at all five Area Consultative Forums which offer residents and stakeholders the opportunity to have their say on services provided by the council and other agencies. Approximately 250 residents attended the forums to hear about the strategy and about how they could provide feedback.

Brent Multi Faith Forum

The Brent Multi Faith Forum was established in 2007 to promote co-operation between Brent's diverse communities. Ten people attended a meeting to provide feedback on the draft strategy, including representatives of the Buddhist, Christian, Hindu, Islam, Sikh and Zoroastrian faiths. The key issues discussed were:

- More information on the popularity of the burial vault option.
- Queries on grave reclamation and reuse procedures
- The importance of being able to bury quickly, particularly to Muslims.
- More information available on crematoriums in the absence of a facility in the borough. It was also stated that if the opportunity arose to develop a local cremation facility, this option should be explored.

Funeral Liaison feedback

Feedback was received from eight funeral directors (responsible for 61% of funerals in Brent in 2012) and two officiants. The key points raised were:

- The main comments received centred on the need for the council to communicate available burial options more clearly to funeral directors. Suggestions included a DVD or a 'plain English' booklet to dispel misunderstandings around exclusive rights of burials and reclamation options.
- There is a need to improve contact arrangements for Saturday funerals, in particular to cater for the requirements of the Muslim community.
- Support was expressed for a mechanism for regular communication, possibly through council officers attending at least two National Federation of Funeral Director Liaison meetings a year.

Conclusion

Over 450 people engaged with the two stage consultation programme with 165 people completing a questionnaire and approximately 290 people attending a meeting where the strategy was presented. In summary, the following key issues were identified as being central to the future development of cemeteries in Brent:

- Improved communication of available burial options
- A need to implement the recommendations of an operational service review particularly in relation to funeral times, administration of records and memorial testing
- Individual cemetery management plans should be produced to include provision of burial space, grounds maintenance and asset management
- Options should be explored for engaging with stakeholders including 'online' Friends of Groups and attendance at Funeral Director Liaison meetings.
- Further consultation should be undertaken with members of the Muslim community on options for double depth burials and for using space remaining above old interments for new burials.

A detailed listing of all consultation feedback is available on the council's Consultation Portal

<http://brent-consult.objective.co.uk/portal>

Impact Needs/Requirement Assessment Completion Form

Department: Environment and Neighbourhood Services	Person Responsible: Neil Davies
Service Area: Sports and Parks	Timescale for Equality Impact Assessment : 15 November 2012
Date: 13 November 2012	Completion date: 15 November 2012
Name of service/policy/procedure/project etc: Cemeteries Strategy	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Retrospective <input type="checkbox"/>	Adverse impact- Minor <input type="checkbox"/> Not found <input type="checkbox"/> Found – Generally positive impacts <input type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact Yes <input type="checkbox"/> No <input type="checkbox"/> The action plan and strategy includes the recommendations highlighted in section 15
Is there likely to be a differential impact on any group? Yes <input checked="" type="checkbox"/>	Please state below:
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers Yes <input checked="" type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities No <input checked="" type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability No <input checked="" type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion Yes <input checked="" type="checkbox"/>

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5. Grounds of sexual orientation: Lesbian, Gay and bisexual No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People <input checked="" type="checkbox"/> No
Consultation conducted Yes <input checked="" type="checkbox"/>	
Person responsible for arranging the review: Leslie Williams/Aine Ryan/Neil Davies	Person responsible for publishing results of Equality Impact Assessment: Neil Davies
Person responsible for monitoring: Neil Davies	Date results due to be published and where: 15 November on consultation portal
Signed: L.R Williams	Date: 12 November 2012

Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment, please indicate.

1. What is the service/policy/procedure/project etc to be assessed?

Cemeteries Strategy

2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/ policies etc in this area

The aim of the Cemeteries Strategy is to review the provision of the Cemeteries service, with a particular emphasis on sustaining the supply of burial space to meet future demand, and potential improvements to the service. The Cemeteries Strategy is an enabling strategy and in itself does not make any significant changes to service delivery. The Strategy proposes options and techniques, particularly for increasing the provision for future burial space; and for other improvements to service delivery. These will require further investigation and where changes are proposed, these will be subject to detailed consideration and consultation as appropriate to the changes proposed.

Brent Council has powers, but not a duty, to provide cemeteries. The Council has powers, but not a duty to provide crematoria. As explained in the Strategy, and in this Equalities Impact Assessment, the Council for reasons of historic land use, provides cemeteries but not crematoria. There is adequate provision for crematoria in London and within reasonable distances of Brent. The remit of the Cemeteries Strategy and this Equalities Impact Assessment is concerned with the Cemeteries service. The Strategy also highlights that while the Council provides provision for burial, for commemoration and the associated green spaces, the Cemeteries service does not itself provide for cremation which is the choice of approximately three-quarters of Brent residents. Whilst that is outside of the remit of the Cemeteries Strategy it is a potential equalities issue and as such is considered in Appendix 1 to this Equalities Impact Assessment.

The aim of the Strategy is summarised in the Vision and Objectives below.

The vision of the strategy is **to meet the needs of bereaved people and the wider**

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community within the borough by:

- **Conducting the burial and commemoration of the dead of the diverse community in a secure, sustainable and well-maintained environment.**
- **Offering burial options at a choice of four cemeteries.**
- **Enabling local communities to access cemeteries as valuable historic green spaces which promote wellbeing, biodiversity, learning and recreation**

This vision will be achieved through the delivery of three key objectives.

1. **Meet current and future needs in respect of local burial options, while providing accessible green space and encouraging biodiversity and sustainable environmental practices.**
2. **Deliver a value for money cemeteries service that is at least self-financing.**
3. **Provide a supportive and inclusive service that fully reflects the religious, ethnic and cultural diversity of the borough and supports the wellbeing of bereaved people.**

Cemeteries in Brent

The existing cemeteries that the Borough manages are Alperton, Paddington Old and Willesden New are located within the borough while the Council owned and operated Carpenders Park Cemetery is located north of the borough within Three Rivers District Council's area. The four cemeteries represent a total of 43 hectares of green open space and, in addition, there are a further 3 to 4 hectares available for future use at Carpenders Park Cemetery.

There are also two old burial grounds at St. Mary's Church, Willesden and St. John's Church, Wembley that have not been used for burials since 1995 and 2002 respectively. The council maintains both these disused burial grounds and the churchyards adjoining them.

There is no new land at any of the three cemeteries within the borough itself. The only way that these cemeteries can provide 'new' graves is to use the space within existing graves or above existing graves, depending upon specific details. There is currently no grave space available at Paddington Cemetery (though some potential), while at current levels of use, reclaimed grave space at Alperton Cemetery will run out by 2018 and at Willesden New Cemetery by 2019. At current levels of use Carpenders Park Cemetery will have no further space for new graves from 2041, apart from in the area set aside for Shi'a Muslims.

None of the Brent cemeteries provide cremation facilities, nor are there any facilities for cremation located within the Borough itself, or known plans for crematoria within the Borough. There are however provision in neighbouring areas of London as summarised in Appendix 1 of the Equalities Impact Assessment.

Burial of cremated remains in purchased graves is currently possible at all Brent Cemeteries, and at St Mary's and St Johns churchyards dependent on space available within the graves. There are also dedicated areas for burial of cremated remains is currently possible at Carpenders Park Cemetery, Alperton Cemetery and at Willesden Cemetery. At Alperton Cemetery, a new section (GX) has recently been opened.

Brent Council does not allow the scattering of cremated remains in any of the Brent Cemeteries.

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Yes. The extent to which the aims, and the practice, are consistent with the Council's Comprehensive Equality Policy are analysed in this Equality Impact Assessment. The vision and objectives for Brent Cemeteries in meeting the needs of bereaved people are consistent with the Council's Comprehensive Equality Policy albeit cemeteries predominantly provide for burials whereas the majority of Brent residents opt for cremation and for some faiths cremation is a requirement. Approximately three-quarters (75%) of Brent residents seek either cremation (which is not provided by Brent nor otherwise provided within the London Borough of Brent area) or other interment provision beyond the Borough boundary. The historic and geographic reasons for this situation are explained in Appendix 1 of this Assessment.

Brent does provide for the burial of approximately 25% of Brent residents (based on those who died in 2011) within Brent cemeteries. This is relatively high for Greater London, for which burials represent an average of only 14% of all funerals.

There are some interment practices for which there is no provision within the UK and future provision is unlikely given current legislative and Planning constraints.

This Assessment and the Strategy consider some issues relating to limitations on the timing of burials within Brent's cemeteries. Currently there are circumstances for some faiths for whom the needs of bereaved people are only partially met within Brent, but for whom there is provision within an area around Brent.

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

While the Cemeteries Strategy may have more relevance to users or potential users than of nonusers, there is no evidence that there will be an adverse impact around the protected characteristics.

In considering whether the evidence suggests that the cemeteries service could affect some groups of people, consideration needs to be given to the nine protected characteristics and against the different users of the cemeteries. Primarily the function of the cemeteries is the burial of the dead. Closely related to that are to facilitate any commemoration at the time of the burial, and subsequently. This may be in respect of the wishes of the deceased, for those who are bereaved, and later also for those who may have an interest e.g. genealogy. Cemeteries also provide a range of functions for visitors: both the bereaved and for the general public in the provision of open space for recreation, culture, landscape, biodiversity, and of other green space benefits. The Equalities Impact Assessment therefore considers the impacts on the needs of the deceased, the bereaved, and of visitors.

As explained in the sections above (and detailed in Appendix 1), Brent's cemeteries do not provide a cremation service, though there is provision elsewhere within London. In summary, and save for some interment practices for which there is no current nor likely provision within the UK, there is adequate provision for cremation within north-west London. Indeed, there is evidence that provision for burial even though used by only a quarter of Brent's population, and by an average of 14% of London's population, is more limited and in shorter supply than is the provision for crematoria. The options for future provision for burials are considered in detail in the strategy.

Scoping for the nine protected characteristics indicated that possible impacts should be considered on the grounds of religion or belief; ethnicity (primarily through religion or belief); age (as the provision of the service is generally more relevant to older sectors of the population); and of disability, and pregnancy or maternity in relation to access to cemeteries. The following sections consider impacts from the perspective of:

- The deceased
- The bereaved and commemoration

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- Visitors

The Deceased

Cemeteries provide for burial, interment of cremated remains, and for commemoration. In practical terms the provision is primarily for burial; and rather than for cremation that is not provided in Brent cemeteries. As detailed in Appendix 1 to this Equalities Impact Assessment the service is therefore more relevant to those religions where adherents seek burial, or in the case of non-affiliated individuals those who seek burial rather than cremation or other forms of interment. However, as also explained, there is no adverse impact, since there is provision for cremation and other interments within reasonable distance of Brent. And the cemeteries service that the Council does provide is via a power to provide, rather than a duty.

Ethnicity impacts are primarily evident via religion or belief, though in some cases there are ethnic differences evident within the main religious belief. Black Caribbean's of the Christian faith have a preference for burial; and Bangladeshi people prefer burial due to the predominance of Muslims, while Indians (Hindu or Sikh) prefer cremation.

In the year April 2011 to March 2012, Brent Cemeteries provided for 439 burials of which 363 were coffin burials of Brent residents, as compared with 1,471 deaths in Brent during the calendar year 2011. 23% of burials were those of people who had been resident outside of the Borough (and some interments will have been on cremated remains).

The amount of burial space available within Brent under different scenarios are provided in the main Cemeteries Strategy. In summary, the current population of the Borough (2011 Census) is 311,200. In recent years the birth rate in the Borough has been approximately three times that of the death rate, and whilst the number of deaths are expected to rise, projections of future demand will also be affected by immigration into, and migration out of the Borough, and that these are likely to differentially affect different age groups.

Interments and Brent's current population:

Brent Council, as local authority, is not legally obliged to provide new burial space, but it is obliged to maintain existing cemeteries in good condition.

The provision for burials as compared with other forms of interment within Brent has therefore been as a result of historic and land use factors. However, Brent's population now is of a diverse multi-cultural community. At the last Census for which data is available (2001), the proportion of Christians in the population was about 48%, a figure that is likely to have been lower by the time of the publication of the 2011 Census results. Whilst deaths occur disproportionately amongst older sectors of the population, the Brent population as a whole comprised (as at 2001): Hindu (17%), Muslim (12%), Jewish (2.5%), Sikh (1%), Buddhist (1%) and other (1%), in addition to 8% who did not state their faith and 10% of no religion. The 439 burials in Brent's cemeteries between April 2011 and March 2012 were represented by: Christian (74%: with Church of England burials accounting for 45%, Roman Catholic 27%, Greek Orthodox less than 1%, Jehovah's Witness less than 1%), Muslim (24%), Hindu (1.5%), Jewish (less than 1%), Rastafarian (less than 1%) and Humanist (less than 1%).

The provision of burial space into the future is considered by the Cemeteries Strategy. Muslims generally prefer single graves, through there are differences of approach between Sunni and Shia Muslims, and some are now adopting the practise of burying more than one family member in a grave. These considerations have implications for the amount of burial space that remains available. As detailed in the main part of the Cemeteries Strategy, there is space at current rates of use of 8 years from Sunni Muslims and 43 years for Shia Muslims. Any move away from single-burial graves, could extend this capacity. Findings from the consultation

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show that In view of the lack of new ground at three cemeteries, Muslim people would consider the use of depth remaining above old interments for new burials. However, this would need to be available in areas exclusively for Muslim burial and the orientation of graves would need to comply to requirements. It is therefore proposed in the strategy that further consultation should be undertaken with members of the Muslim community on options for double depth burials and for using space remaining above old interments for new burials.

The concrete burial vaults in Willesden New Cemetery and Paddington Cemetery appear to be popular with black Caribbean people.

Not all faiths however opt for burial. In addition to the majority of Christians who opt for cremation (for reasons of preference, practicality or economy), cremation is generally required by Hindus and Sikhs, and permitted for Buddhists and Liberal Jews. Locally Hindus may use burial in the case of children. The Cemeteries service does not however provide for the majority of the population, - who seek cremation; and not at all for Hindus and Sikhs who comprise respectively 17% and 1% of the Brent population. Others that are not provided for within Brent are Zoroastrians. As explained above and in Appendix 1, the Cemeteries service provides for burial while adequate provision for cremation is available in London.

Provision for other forms of interment:

Within the broad range of practicalities, no one is denied a suitable resting place for their remains. (Even those who die without contactable next of kin are provided for, via Brent Council's Housing & Community Care under section 46 of the Public Health Act). And whilst for reasons of history, the legislative position of the established Church (of England) and space, burial is the service provided by Brent Cemeteries, there is provision and choice of provision on a scale wider than the Borough. Crematoria are located near to Brent at Golders Green, Hendon, Islington, Kensal Green, Mortlake, Ruislip and St Marylebone crematoria; some local authority and some private sector. Jewish Cemeteries are located both within the Borough and in nearby London localities and at Bushey. Nor are Brent residents confined to Brent in seeking a burial location. The private sector can also meet the needs of those who may wish to be repatriated to other countries. In many respects the service is a paying service, and fees are within the range of services offered by other public sector and private providers. There is therefore a market, with some choices, and residents are not compelled to use, or depend upon, the Brent service.

For some faiths, particularly Muslim, there is a time factor involved in the need to arrange a funeral and burial on the same day or within 24 hours of the death. Generally, Brent Cemeteries provide for funerals on weekdays, with the last funeral of the day commencing at about 2.30pm. To meet their needs, Muslims may require a burial later than this, or on non - weekdays. Burials on Saturdays are provided at Carpenders Park Cemetery and at no extra cost. At other Brent cemeteries, Saturday burials are possible but subject to an additional £550 cost. Burials are not available late on weekday afternoons, during the evenings, on Sundays, or on Bank Holidays. During the darker months of the year there are Health and Safety issues which would make burial late in the day difficult. However, demand does exist for light-time afternoon, evening, Saturday, Sunday and public holiday provision, which is not currently provided. These issues have been raised in the Strategy for future detailed consideration. Obviously, there are costs, in some cases a significant premium that would need to be met by the customer. Note that there is unlikely to be much demand from Christians including Roman Catholics for such services for whom funerals can be delayed, while neither officiants nor funeral directors are likely to be available out of hours.

Funeral services may be held at the graveside, while the cemetery chapel at Alperton Cemetery can also be used for services. The chapel at Paddington Cemetery is currently out of use.

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Whilst Brent Cemeteries do not provide for cremation, some people, and the bereaved, may wish to inter the cremated remains within suitable places that may include cemeteries. Brent Cemeteries do provide for the interment of cremated remains, and choices include within existing graves where appropriate; and in other cases in dedicated areas at Willesden, and Carpenders Park Cemeteries. Dedicated areas include memorial trees with provision for eight interments. Though it is not currently marketed there is potential space in the Columbarium at Alperton. While this is raised here, the demand for the interment of cremated remains is not expected to be high as anecdotal evidence suggests that most people will make arrangements for the deposit of cremated remains either near to the cremation or at locations of their choice. Hindus in particular are unlikely to deposit cremated remains in Brent cemeteries.

As was stated earlier, the central function of the cemeteries is for the burial of the dead, but even for those who opt for burial, particularly Christians and Muslims, much of the funeral ceremony may be undertaken at venues other than the cemetery.

The wishes of the deceased will in many cases be taken into account by those arranging the funeral and often these will be family of the same faith. However, in addition to the wishes of the deceased, the bereaved may have particular reasons to seek a local burial or interment. Where the deceased had close connections with the Brent area, or where the bereaved may continue to do so, or where the bereaved may have mobility issues due to for example disability and/or cost, there may be over-riding reasons for seeking a local interment.

The Bereaved

Provision for the bereaved includes:

- Whether the interment of their deceased is provided for by Brent Cemeteries.
- Whether commemoration of the deceased is provided for by Brent Cemeteries.
- And whether the reasonable needs of the bereaved are provided for.

The issue of the interment of the deceased has primarily been considered earlier in this Equalities Impact Assessment in relation to burials, and the interment of cremated remains.

Information on a variety of cemetery services is provided on the Brent Council website at; and while not fully comprehensive, further information is available from the cemeteries team:

<http://www.brent.gov.uk/cemetery.nsf/Cemeteries/LBB-10>

The strategy recommends that this information and the media used should be reviewed.

Commemoration:

Commemoration of the deceased in Brent Cemeteries is most evident in relation to burials, though plaques can be provided in relation to the memorial trees and in the Columbarium. Faiths vary in their need for physical commemoration (for example, stone memorials) and there are also wide variations in individual preferences.

Provision to commemorate those who are neither buried nor have cremated remains interred within Brent Cemeteries include memorial trees, a memorial rose garden outside the Chapel at Alperton Cemetery (now fully used). Memorial benches may also be purchased. There are no books of remembrance as such, nor an internet version. However, information technology has provided people with a versatile media to construct online commemoration if they so desire.

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The practical needs of the bereaved include provision of facilities. Each of the following are provided at each Brent cemetery: car parking, signage and notice boards, seating, toilets, water taps and waste bins. The condition of these and their adequacy are considered as part of the main strategy. In particular the provision of car parking, signage, seating, and of toilets may be particularly relevant to some of the old and young, disabled, pregnant or maternal.

Note here also that comment has been raised about the greeting of funerals upon arrival and their direction to the graveside. It is customary for funerals to be met upon arrival by appropriate officers or staff both to collect legal paperwork, but also to direct mourners to the correct graveside. Recent arrangements for meeting the funeral are considered to be less formal than previously and with an increased risk of mis-directing mourners within the cemetery and/or reducing the dignity of the occasion, though this is now being reviewed operationally. No differential in this risk is evident now, but if the risk were to materialise, it could be perceived differently. This is an issue that is currently being considered by the cemeteries service.

Cemeteries are open at times that vary between 9am to 4pm in the winter; and from 9am to 8pm in the summer.

Visitors

While visitors are more likely to have an interest in visiting if a family member or acquaintance is buried, in a cemetery, all of Brent's cemeteries (and the two maintained churchyards) are open to everyone of all religions or faiths. These areas also have important open space functions, providing for informal recreation, cultural history, landscaping, wildlife, and for other functions.

The practical needs of visitors include provision of facilities. Each of the following are provided at each Brent cemetery: car parking, signage and notice boards, seating, toilets, water taps and waste bins. This provision is aimed at providing for the needs of visitors, to enable access to and use of the cemetery by visitors of different abilities and disabilities. The condition of these and their adequacy are considered as part of the main Cemeteries strategy. In particular the provision of car parking, signage, seating, and of toilets may be particularly relevant to some of the old and young, disabled, pregnant and maternal. The cemeteries are open at times that correspond to seasonal daylight.

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability etc).

A range of sources of evidence were used including data from Brent Council's cemeteries service which is summarised in the Cemeteries Strategy and Appendices. A range of other sources of information were also used, including the following:

- Draft of the Cemeteries Strategy, and Appendices
- Census data (2001 Census, 2011 Census where available)
- Interviews with Sports and Parks staff (including operations, registration and booking and memorials)
- Brent Council guidance publications, and other publications on religious faiths.
- Consultation findings from the two stage consultation
- Leeds City Council, Equality, Diversity, Cohesion and Integration Impact Assessment, 2011.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

As detailed in the sections above, the Cemeteries and cemetery service primarily provide for

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burials, for historic reasons of religion, legislation, and land use. The current religious and demographic composition of the Borough's population differs markedly from that at the time that the cemeteries were created. And the future needs of the population is likely to reflect rapidly changing demographics and this issue of uncertainty is considered by the Cemeteries Strategy. Provision for cremation is considered in Appendix 1.

There are however some unmet needs / requirements that can be identified by this Equalities Impact Assessment that affect specific groups:

- Muslims who may require burial on the same day or within twenty-four hours are restricted in that burial start times are not accepted if they commence after 2.30pm in the afternoon. Saturday burials are accepted only at Carpenders Parks within the standard fees; though Saturday burials can be arranged at other Brent cemeteries for an additional premium of £550. Burials are not accepted at any Brent cemetery on Sundays or Public Holidays. Whilst there would be cost implications of providing for these times, it is thought that the customers would be prepared to pay if the service was provided. Currently they may pay for services outside of the Borough when Brent services are not available. Consideration could be given as to whether these needs could be met.
- Opening times: Consider whether opening times could be extended for Muslims, or others, who may wish to visit cemeteries before 9am in the mornings or in the evenings. Note however, that issues of security, and health and safety that may limit opening to daylight hours. There would however be cost and resource implications, with little chance of any additional income.
- The majority of Brent residents, and all of some faiths, have opportunity to deposit cremated remains within the Borough in which they would have lived. However, the demand is not considered to be high in practice, and at current rates can be met.
- Similarly, there appears to be limited provision for the commemoration of the majority of Brent residents, particularly those of some faiths, who are neither buried in the Borough, nor have cremated remains interred in Brent cemeteries. The demand however is not considered to be high in practise.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

The strategy was developed following a detailed analysis of how Brent's cemetery service currently operates, including levels of demand and the availability of burial space. A benchmarking exercise was undertaken to provide a range of comparative data with other London boroughs and a comprehensive two stage consultation process was undertaken to inform the production of the strategy.

To inform the draft strategy the first consultation stage was undertaken through a survey of recently bereaved people and a series of meetings with council officers, funeral directors and other key stakeholders.

Over 120 questionnaire responses were received from people who had been recently bereaved. The survey results supplied usage data, e.g. frequency and pattern of visits to cemeteries, and customer satisfaction scores. A large majority of respondents agreed that cemeteries are well maintained and safe places to visit. Areas sited for improvement included grave maintenance, grass cutting and signage. Almost a third of respondents expressed an interest in being part of a "Friends of the Cemetery" and provided their contact details.

Consultation meetings were held with stakeholders identified as having a key role to play in the development of food growing provision in the borough.

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- Brent Council service areas – Sports and Parks (including operational managers and officers, grounds maintenance staff, registration and booking officers), Safer Streets and Planning.
- Funeral directors, Officiants and Memorial Masons
- Administrator of Hendon Mosque and stakeholders at Carpenders Park Cemetery.

The findings from the first stage of the consultation process directly informed the draft strategy and draft action plan which went out to public and stakeholder consultation from 2nd July to 29th September 2012. This consultation was undertaken through:

- An online questionnaire with paper copies available on request
- Officer attendance at all five Area Consultative Forums and three Service User Consultative Forums
- Officer attendance at a committee meeting of the Brent Multi Faith Forum.
- Officer attendance at a Funeral Liaison Meeting
- Consultation documentation available at libraries, sports centres and Brent Contact Points
- Notification letters distributed to a sample of 500 people who had buried relatives in a Brent cemetery.
- Coverage in the Brent Magazine and the local press.

Approximately 320 people attended one of the meetings where the draft strategy was discussed and 45 people completed a questionnaire. The latter number was lower than anticipated but it is reasonable to conclude that this was a consequence of having undertaken a first stage consultation process. An average of 82% of respondents agreed or strongly agreed with the draft vision, individual objectives and action plan. 71 additional comments were submitted by 20 of the respondents. Where relevant and appropriate the strategy and action plan have been revised to reflect the feedback received.

Key Findings

From the background research and two stage consultation process it has been possible to identify a number of headline findings which have influenced the vision, three objectives and action plan priorities. These include:

- Burial space could cease to be available in any of Brent's cemeteries by as early as 2030 if no action is taken. However, a number of options are available to ensure the provision of space beyond this date
- Individual management plans should be produced for each cemetery to include provision of future burial space, grounds maintenance and asset management
- A five to ten year rolling programme should be implemented for the reclamation of burial space in old purchased graves where the exclusive rights of burial have been extinguished
- Options should be explored for the creation of burial space at Willesden and Paddington cemeteries through mounding and the provision of burial vaults
- Council officers should put mechanisms in place to communicate available burial options more clearly to funeral directors on a continuous basis
- Consideration should be given to providing more flexibility with regard to funeral times, particularly for evenings and weekends
- Further consultation should be undertaken with members of the Muslim community on possible alternatives to single depth burials to ensure the continued availability of burial space within Muslim sections
- Friends of Groups should be set up for each cemetery and council officers should attend

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Funeral Director Liaison meetings on a six monthly basis

- The recommendations of an operational service review should be implemented, particularly with regard to the administration of records, online payments and memorial testing
- Contingency plans should be reviewed with regard to arrangements for excess deaths, e.g. as a result of a pandemic
- The wider benefits of cemeteries as recreational green spaces of historical and cultural values should be promoted through a programme of community engagement
- Cemeteries have a valuable part to play in increasing the biodiversity of the borough which can be further encouraged through the employment of greener management methods.

A detailed listing of all consultation feedback is available on the council's Consultation Portal

<http://brent-consult.objective.co.uk/portal> and the consultation report is available as Appendix 3 with the Cemeteries Strategy.

8. Have you published the results of the consultation, if so where?

Results of the stakeholder consultation have been included in the draft Cemeteries Strategy. Publication of the results of the consultation on the draft Cemeteries Strategy will be published in accordance with Brent Council standards; and in the final Cemeteries Strategy.

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

No.

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

The Strategy makes a number of recommendations for changes; particularly in relation to sustaining burial space which is currently limited and for improvements to service delivery. Several of these will require further investigation of their feasibility and where appropriate these will be subject to specific consultation and assessment.

Consideration of the provision for funerals after 2.30pm, and where daylight practically enabled that, could have a positive impact on the promotion of equality of opportunity for all, and for those of some religions and faiths in particular.

Reviewing opening hours with a view to extending opening within daylight hours for cemeteries could benefit all visitors and those of some religions in particular.

Reviewing of the provision for the deposit or interment of cremated remains.

Reviewing the provision for the commemoration for Brent residents who have been cremated or otherwise interred elsewhere.

All of the aforementioned issues have been covered in the strategy and action plan.

11. If the impact cannot be justified, how do you intend to deal with it?

Where services are not provided by the Council, they can be sourced from either other local authority areas or from the private sector. Page 177

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12. What can be done to improve access to/take up of services?

See section 6, above.

13. What is the justification for taking these measures?

Refer to sections above.

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

Monitoring of the Equalities Impact Assessment in the first year following the Cemeteries Strategy has been programmed into the work of the Strategy and Service Development Team, Sports and Parks Service, Environment and Neighbourhoods. The Cemeteries Strategy will consider the longer-term arrangements for monitoring.

15. What are your recommendations based on the conclusions and comments of this assessment?

Recommendations

- Review the possible extension of the start time of funerals beyond 2.30pm at times of the year when daylight practically enables an extension. This could be self-financing. This issue is addressed in the strategy and in 1.6 of action plan.
- Opening times: Consider whether opening times could be extended for Muslims, or others, who may wish to visit cemeteries before 9am in the mornings or in the evenings. Note however, that issues of security, and health and safety may limit opening to daylight hours. Extension of opening times would have cost implications but with little opportunity to raise any additional income. This issue is addressed in strategy and in the action plan
- Review the services available for the deposit or interment of the cremated remains of those (the majority of residents), particularly of some faiths, who are cremated outside of the Borough boundaries. Currently demand for this service is in line with the ability of the Cemetery Service to provide space. This may include, but is not limited to, the marketing of the Columbarium at Alperton Cemetery for the interment of cremated remains. This issue is addressed in the strategy and action plan.
- Undertake consultation with key stakeholders from the Muslim community regarding options for future burial provision at Carpenders Park and Paddington Old Cemetery. This issue is addressed in the strategy and action plan.
- Review the services available for commemoration, particularly of those who are neither buried in, nor have cremated remains interred in Brent cemeteries. Consider both physical commemoration, books and internet commemoration and in relation to 'family-history' and tracing web services. Demand is expected to be low.

Should you:

1. Take any immediate action? Yes, consideration as part of the Cemeteries internal review; as part of the consultation, and of the Cemeteries Strategy.
2. Develop equality objectives and targets based on the conclusions?
3. Carry out further research? Yes

16. If equality objectives and targets need to be developed, please list them here.

Any equality objectives and targets will be developed as part of the Strategy.

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17. What will your resource allocation for action comprise of?

Currently, officer time within the Strategy and Service Development team, and the Sports and Parks Service of Environment and Neighbourhood Services.

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment:

Full name (in capitals please):

Date: 13 November 2012

LESLIE WILLIAMS

Service Area and position in the council:

Strategy and Service Development Officer, Sports and Parks, Environment and Neighbourhood Services

Details of others involved in the assessment - auditing team/peer review:

Neil Davies, Strategy and Service Development Team, Sports Service.

Paul Hutchinson, Sports and Parks Service

Once you have completed this form, please take a copy and send it to: **The Corporate Diversity Team, Room 5 Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD**

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**EQUALITIES IMPACT ASSESSMENT
CEMETERIES STRATEGY
Annexe 1
PROVISION OF CREMATION**

19 October 2012

Introduction

The remit of the Cemeteries Strategy and this Equalities Impact Assessment is concerned with the Cemeteries service. The Strategy also highlights that while the Council provides provision for burial, for commemoration and the associated green spaces, the Cemeteries service does not itself provide for cremation which is the choice of approximately three-quarters of Brent residents. Whilst that is outside of the remit of the Cemeteries Strategy it is a potential equalities issue and as such is considered in an Appendix to this Equalities Impact Assessment.

Detail

The extent to which the aims of the Cemeteries Strategy, and the practice, are consistent with the Council's Comprehensive Equality Policy are analysed in this Equality Impact Assessment. The vision and objectives for Brent Cemeteries in meeting the needs of bereaved people are consistent with the Council's Comprehensive Equality Policy albeit cemeteries predominantly provide for burials whereas the majority of Brent residents opt for cremation and for some faiths cremation is a requirement.

In addition to the majority of Christians who opt for cremation (for reasons of preference, practicality or economy), cremation is generally required by Hindus and Sikhs, and permitted for Buddhists and Liberal Jews. Locally Hindus may use burial in the case of children. Others who may not be provided for within Brent are Zoroastrians.

This is a significant caveat. Approximately three-quarters (75%) of Brent residents seek either cremation (which is not provided by Brent nor otherwise provided within the London Borough of Brent area) or other interment provision beyond the Borough boundary. Though not part of the remit of the Cemeteries Strategy, the reasons why burial is provided but not cremation needs to be identified and consideration given to whether this is an equalities issue. The historic and geographic reasons for this situation are explained in this Appendix.

Provision of space for burial and interment in Brent dates from a time when the Brent area was largely rural; the population only a small percentage of the current population; and predominately Christian. Burial was the usual form of interment. The Brent area had numerous churches, most of which had churchyards; and burial space was not an issue except that over a period of centuries, over-burials were frequent. As the population of London increased and the urban area increased, the Brent area was suitably located to take

large numbers of burials from London, and for example the large, private Paddington Cemetery was constructed within what is now Brent. Just south of the southern border of Brent, a private cemetery had also been constructed at Kensal Green. As Brent itself became urban, local authority cemeteries were opened at Willesden, and at Alperton, and two Jewish cemeteries also at Willesden. A small Catholic cemetery was established in 1899 at (now) Waverley Avenue. The churchyard at St. Andrew's Church, Kingsbury was extended to the north. Whilst the population of Brent reduced for a few decades in the mid-late 20th century, the land allocated for cemeteries continued to fill, and there was decreasing land available for new cemeteries. In the 1970s, Brent established a local authority cemetery at Carpenders Park in the Borough of Harrow. Brent Cemetery Service has also taken on the management of two Church of England churchyards, at St. John's, Wembley and St. Mary's, Willesden, as required by legislation, but these being practically full make no significant contribution to current burial provision. Projections for the amount of burial space available within Brent under different scenarios are provided in the main Cemeteries Strategy.

Some of the potential demand for burials eased from the 1930s onwards, as cremation became accepted, at least for Anglian Christians, and this trend accelerated after the Second World War. Catholics were able to opt for cremation from 1963 following a Papal edit. Cremation is the choice following approximately 73% of deaths nationally, 86% in London; and 75% in Brent. The burial figures for Brent are thus proportionally higher than the average for Greater London for which burials represent an average of only 14% of all funerals. Brent does not have a crematorium, and a suitable space for one would be problematic within Brent.

The equalities issue is whether provision is addressed; as otherwise there could be an issue if Brent is not providing for three-quarters of its population. There is evidence that suggests that there is adequate provision for cremation within the north-west area of London. Table 1 indicates the provision of the nearest seven crematoria (and some other interment provision) to Brent. The rounded distances are taken as the shortest road distances between the nearest, and most distant addresses in Brent. (This analysis is used since the Borough itself is approximately 4-5 miles in diameter). Distances to crematoria range from 0 to 13 miles, with Kensal Green crematoria located on the other side of the Harrow Road boundary of Brent, while Breakspear Crematoria is about 13 miles from the most distant address in Brent. Crematoria are located in various directions around Brent; and there is no evidence that any area of the Borough is relatively disadvantaged as a result.

Crematoria are provided by the private and public sectors; and users have some choice, depending upon their faith or wishes, of providers, locations, and market rates. For those who opt for a religious, faith or memorial service, the cost of the cremation will be part of the overall package.

Though cremation was used for the large majority of interments of Brent residents during 2011, no evidence was presented as part of the Strategy of a shortage of crematoria within Brent or the surrounding parts of London, or of

future capacity constraints. The current constraints on burial location; and on future capacity, though affecting the remaining quarter of the population, present a more acute limitation.

Brent Council is not legally obliged to provide new burial spaces (but as a burial authority by virtue of the Local Government Act 1972 Brent is legally obliged to maintain its existing cemeteries 'in good order and repair'). Nor is there a legal requirement for the Council to provide crematoria. Crematoria and other forms of interment are however provided by some other local authorities, by some religious faiths and by the private sector (see Table 1).

That is not to rule out the possibility of crematoria being located in the Borough in the future. Though beyond the remit of the Cemeteries Strategy, the following could be considerations:

- The balance of demand over supply given the existing provision of seven crematoria within 0 to 13 miles of Brent residents.
- That Brent is not legally obliged to provide crematoria; and that provision could be by the private sector or by religious faiths.
- There is unlikely to be space available for crematoria within Brent's cemeteries given the demand on, and need for that space for burials.
- Planning: the location of crematoria would be subject to suitable space availability and to Planning considerations.

There are some interment practices (for example, but not only, the open air pyres, discussed in section 9 of the Equalities Impact Assessment) for which there is no provision within the UK and future provision is unlikely given current legislative and Planning constraints.

Table 1: Approximate distances by road to crematoria near to Brent

Approximate distances by road to crematoria near to Brent			
Crematoria	Postcode	Nearest Brent distance	Furthest Brent distance
		miles	miles
Kensal Green	W10 4RA	0	5
Hendon	NW7 1NB	4	8
Golders Green	N11 4NL	4	8
St. Marylebone	N2 0RZ	4	9
East Finchley	N2 9AG	5	9
Mortlake	TW9 4EN	6	11
Breakspear, Ruislip	HA4 7SJ	8	13
Other provision:			
West Herts Crematorium	WD25 0JS	14	19
Liberal Jewish Synagogue	NW10 2HG	0	5

Cemetery			
United Synagogue manages twelve cemeteries including:			
Willesden United Synagogue Cemetery	NW10 2JE	0	5
Bushey Cemetery	WD23 3TP	7	16
Cheshunt, woodland burial, Jewish Joint Burial Society	EN7 5HT	14	18



Executive
10 December 2012

**Report from the Director of Environment
and Neighbourhood Services**

Award of Contract for Highway Services

Appendix 6 is not for publication

1.0 SUMMARY

- 1.1 The current Brent highway framework agreements end on 31st March 2013. This report requests that the Executive grants authority to award a call-off contract to Conway AECOM with total anticipated value of £7.8m per annum to deliver highways maintenance and related services on and around the London Borough of Brent Road Network from 1 April 2013 to 31 March 2021, as required by Contract Standing Order 88.
- 1.2 The proposed contract is a call off from one of the London Highways Alliance Contract (LoHAC) framework agreements, the product of a collaborative procurement which will be accessible to all London Boroughs and Transport for London (TfL). The report also sets out the financial savings of £485,000 a year and other benefits associated with the contract.
- 1.3 The report also sets out the next steps to ensure successful mobilisation and on-going contract management.

2.0 RECOMMENDATIONS

- 2.1 The Executive is requested to:
 - a) Agree to the adoption of Transport for London's London Highways Alliance Contract as the Council's method of delivery for highways maintenance services from 1 April 2013.
 - b) Approve the award of a call-off contract with Conway AECOM for core highways maintenance services and improvement schemes as set out in paragraph 4.1 for 8 years for the services listed in paragraph 3.7.2.
 - c) That Members acknowledge the value of the contract for the provision of highways maintenance services is estimated to be circa £62.4m over the duration of the contract.

- d) Delegate to the Director of Environment & Neighbourhood Services, in consultation with the Lead Member for Highways & Transportation, the authority to finalise the terms of the call off contract and to agree any additional payment required under the contract to the contractor named above as a result of legal obligations on TUPE and pension protection.
- e) Note the TUPE implications set out in section 7.
- f) Delegate to the Director of Environment and Neighbourhood Services, in consultation with the lead member, the authority to finalise the terms of the call off contract and to agree any additional payment required under the contract to the contractor named above as a result of legal obligations on TUPE and pension protection and more exceptionally, payments that might be made for severance.

3.0 DETAILS

3.1 Background

3.1.1 Highways maintenance is a business critical service for Brent Council. The cost and quality of these services has a direct influence on the quality of lives of residents and all road users within the borough.

3.1.2 On 16 January 2012 the Executive authorised Officers to work with a project established jointly by Boroughs and TfL to explore options for procurement and the delivery of highway services. The project is known as Transforming London’s Highways Management (TLHM). A key workstream is London Highways Alliance Contract (LoHAC), a collaborative procurement of highways maintenance and improvement scheme framework agreements. The report advised members that TfL were proposing to tender 4 framework agreements to cover London on a geographical basis, and that Brent was covered by the proposed framework for north-west London (see appendix 1 for map). This includes a common specification – a first for highways maintenance in London, which will enable authorities using the contract to adopt best practice in the provision of services. The report informed the Executive of existing arrangements and the benefits of collaborative contract opportunities. The Executive approved participation in the collaborative procurement and also resolved:

"that the work the Director of Environment & Neighbourhood Services is leading on, as part of the Council’s “One Council” programme, to identify the optimum mechanism for delivering highways services in Brent, as set out in this report, and that a further report will be presented in due course setting out a proposed way forward which will include consideration of use of the London Highways Alliance Contract, be noted."

This report therefore has dual purposes, the further consideration of the use of the LoHAC framework, and a recommendation to award a contract by calling off from that framework.

3.1.3 Following this, a One Council Project was established with the following financial targets:

Net Operational Savings (gross budget savings less additional operational costs)	2013/14 £'000s	2014/15 £'000s	2015/16 £'000s
Revenue savings			
Reduction in costs of highway services including staffing establishment	225	225	225
Total Revenue Savings	225	225	225

Capital savings			
Reduction in cost of Brent Council funded capital schemes	300	300	300
NET BUDGET SAVING (budget saving less additional operational cost)	525	525	525

3.1.4 The indicative spend on highway works is set out below. This is based on current available information and these are subject to change.

	2012/13 £'000s	2013/14 £'000s	2014/15 £'000s	2015/16 £'000s
REVENUE				
Carriageway Maintenance	547	547	547	547
Footway Maintenance	583	583	583	583
Drainage	67	67	67	67
Signs	10	10	10	10
Highways Lighting	10	10	10	10
Graffiti & Fly Poster Removal	258	258	258	258
Gully Cleansing	239	239	239	239
Public Convenience Maintenance	77	77	77	77
Sign shop & Highways Stores (recharges to capital schemes)	592	592	592	592
CAPITAL				
Capital - Main Programme	2,480	2,480	2,480	2,480
Capital – Transport for London funded schemes	2,400	3,600	2,000	2,000
Capital - S106 schemes	1,000	1,000	1,000	1,000
TOTAL	8,263	9,463	7,863	7,863

3.2 Scope of services

3.2.1 Highway services fall into one of three activity types:

1. Cyclic - those performed at determined schedules, i.e. highway inspections and regular gully cleaning
2. Reactive - those performed as a response to an incident i.e. Emergency call out services or requests for repairs received from the public.
3. Schemes - those activities performed as part of a planned scheme i.e. road resurfacing, pavement renewals and traffic calming measures.

3.2.2 Through the LoHAC framework for north-west London the following core services are available as part of each individual borough call off contract:

- Safety Inspections
- Service Inspections
- Inspection of Highway Structures
- Site Investigations and Surveys
- Design Services
- Road Pavements (including minor repairs and resurfacing)
- Kerbs, Footways and Paved Areas
- Traffic Signs

- Road Markings
- Lighting (including electrical work for signs, etc)
- Fencing
- Road Restraint Systems (including pedestrian guardrailing)
- Drainage (excluding gully cleansing)
- Earthworks
- Landscape and Ecology
- Street Cleaning (sweeping and litter picking)
- Street Cleaning (including gully cleansing; excluding sweeping and litter picking)
- Bridges and other Structures
- Tunnels
- Street Furniture (excluding signs, lighting columns and pedestrian guardrailing)
- Winter Service
- Emergency Call-Out Service
- Civil Engineering Support Works
- 3rd Party Damage
- Updating Employer's Asset Management System for Core Services

Each borough that decides to call off from the relevant framework is able to choose which of these activities it will require within its own contract. Further services can be called off from the framework at a later date if required.

3.3 Procurement Strategy

- 3.3.1 TfL's procurement strategy was designed to encourage competition and provide opportunity for a wide range of bidders to be involved e.g. by forming consortia or joint ventures. Borough representatives were included in the design of the Strategy and the evaluation of tenders. The Strategy included:
- a) the four area-based LoHAC framework agreements would be eight years' duration with call-off contracts able to be formed at any time during the framework agreement
 - b) to drive maximum value through this procurement a multi stage evaluation process would be employed
 - c) A rigorous pre qualification process would assess the generic capability of bidders to deliver the requirements.
 - d) Bidders would be given a general briefing and individual meetings to ensure they fully understood the requirement.
 - e) Pricing would be on the basis of schedule of rates for different activities or lump sums for different activities (see further 3.3.2 below). However all boroughs and TfL had existing contractors, TUPE would be a major factor. Accordingly it was decided that all tenderers should tender on the basis of rates and /or lump sums, and that additional costs as a result of TUPE would be priced through a one-off payment specific to each borough or to TfL. The one-off payment was not evaluated.
 - f) Shortlisted tenders would be evaluated in the traditional way based on an assessment of quality and financial aspects and an overall tender score awarded (using a quality: price ratio of 30:70). Scores in each framework area would be ranked and the top two (or three) tenderers invited to the next stage.
 - g) Tenderers who were shortlisted for multiple framework areas would be given the opportunity to demonstrate their capacity and capability to deliver multiple Lots. This approach would allow tenderers who were deemed capable of delivering multiple framework areas the opportunity to submit bids which demonstrated the financial benefit of delivering more than one framework area.

- h) Tenderers successful in qualifying for multiple framework areas, plus those who were shortlisted for a single framework area would then be invited to submit best and final offers (BAFOs).
- i) At the BAFO stage, evaluation award of framework areas would be based solely on which combination of shortlisted tenderers' financial submissions offered the best value for London.
- j) Call off contracts by TfL and individual boroughs would be co-terminus with the main framework agreements.

3.3.2 As indicated above, it was also agreed as part of the Procurement Strategy that the services under LoHAC could be priced using two methods:

- (i) Traditional schedule of rates. A comprehensive price list has been submitted by the framework contractor which is used on a menu basis to price up both schemes and reactive works
- (ii) Lump sum prices. The framework contractor has submitted a fixed price for the delivery of a service area (as listed in paragraph 3.2.2 above) against the common specification and requirements prepared by the authority. These areas tend to be planned and cyclical activities where the authority knows its requirements over the duration of the contract. The submitted lump sum prices are for the duration of the contract, if they are taken up by the authority then they are tied in for the eight year duration of the contracts, subject to performance. This transfers some contractual risk to the contractor as it has to manage increases in demand.

3.4 Tender Evaluation and Sustainability of Tenders

3.4.1 TfL led the tender evaluation process with assistance from officers from the participating boroughs. The details of the evaluation process are set out in Appendix 4. Appendix 5 includes details of the checks that were carried out by the evaluation panel to ensure that bidders had put in prices and quality commitments that were sustainable i.e. the tendered levels of service must in overall terms be deliverable for the tendered sums. The Contract must provide excellent value for money for Brent's residents and be a viable business concern for the provider. A bid with a price that cannot deliver the submitted quality would be deemed as unsustainable.

3.4.2 The BAFO stage was completed in August 2012. As a result of the evaluation process, TfL appointed Conway AECOM to its north-west London LoHAC framework. This appointment has been confirmed by its Board.

3.5 Recommendation to use the LoHAC framework over other procurement options

3.5.1 As indicated in the Executive report of 16th January 2012, members resolved to receive a further report enabling them to decide whether or not use of the LoHAC framework would be the best approach for the Council. As set out in that report, the alternative approaches are:

- a) Do nothing. This would result in no highways service provider after 31.03.13. This has been discounted as the Council needs to deliver their statutory duties in relation to highways services;
- b) Maintain the existing organisational arrangements and re tender the existing framework contracts. It was anticipated that there would be a marginal reduction in contract rates.

3.5.2 In conclusion, it is considered that the LoHAC deal represents the best approach for the Council on the basis of

- a. Savings (see Financial Implications section)

- b. The non-financial advantages of a contract called off from the LoHAC framework as set out in paragraph 3.6 below.

3.5.3 Accordingly it is recommended that members approve the use of the LoHAC framework for north-west London as its procurement route for highways maintenance services from 1st April 2013.

3.6 Advantages of the LoHAC (non-financial)

3.6.1 Each borough and TfL will form their own call-off contract with the framework contractor. Neither other Boroughs or TfL will be party to Brent Council call-off or will have any liabilities associated with each others call-offs.

3.6.2 Brent will be able to set its own priorities and will have direct ownership of its own contract whilst benefiting from working in a collaborative environment with other boroughs (see paragraph 3.8 below for details of contract management).

3.6.3 The framework agreement will be for a period of eight years to assure best value for money and efficient delivery of the works. The long contract period enables contractors to make the necessary resource investment to deliver lasting cost and quality improvements

3.6.4 The conditions of the call-off contract are based on the NEC3 Term Services Contract, which has been amended to enable authorities to tailor the service provided by a supplier to their individual requirement.

3.6.5 The quality submissions contain a series of commitments, some of which would commit the successful supplier to innovations, added value, robust risk management, efficiencies and enhanced output quality. These quality commitments will be formalised contractually by embedding the entire quality submission into the framework agreement, and compliance with this will form part of the on-going performance management regime.

3.6.6 The contract also provides a range of other benefits to Brent residents and Brent Council including:

- a) Promoting and developing the local economy. This is achieved in part through the promotion and use, where possible, of:
 - Small and Medium Enterprises;
 - Black, Asian and Minority Ethnic businesses;
 - Suppliers from other under-represented or protected groups;
 - Suppliers demonstrating a diverse workforce composition;
- b) The Contractor is encouraged to use local suppliers and subcontractors so far as is reasonably practicable and appropriate;
- c) Appointing one local apprentice, or equivalent, per £3m spent through the framework. For Brent this means at least 2 or 3 apprentices from 2014;
- d) Establishing a complaints procedure and provide Brent with a copies of the Contractor's records relating to complaints and the Contractor's responses;
- e) Registering the Brent Contract under the Considerate Constructor's Scheme and to comply with the Considerate Constructor's Scheme Code of Considerate Practice;

- f) Joining the Freight Operator Recognition Scheme and to fit blind-spot warning devices to heavy goods vehicles;
- g) Identifying possible sources of pollution and provide detail on how they will prevent and/or reduce them including the use of low emission vehicles;
- h) highways maintenance delivered using a common specification, so increasing contractor efficiency and simplifying contract management and on-going asset management;
- i) closer working relationships established between Brent Council, London Boroughs and TfL leading to highways maintenance being delivered in a consistent manner across London taking advantage of innovation and savings through best practice;
- j) As the work will be done by one provider, rather than the current mix of up to 6 different companies there will be a far greater co-ordination, for example, when streets are being resurfaced their gullies will also be cleaned; and
- k) Supporting town centre regeneration by improving the quality of the public realm. A specific example is that the roads and pavements will be more regularly inspected in many areas, helping to identify and resolve safety issues quickly.

3.6.7 In addition:

- a) This contract has been validated against the recommendations contained within the recently published National Audit Office Report - Going the Distance, Achieving better value for money in road maintenance (May 2011); and
- b) This contract has been validated against the stated objectives of the DfT's Highway Efficiency Maintenance Programme – Operational Delivery work stream.
- c) The contract will also support the delivery of Brent's Placemaking Guide.

3.7 Proposed award of Contract

3.7.1 In view of the recommendation to use the LoHAC framework, this report is also recommending the award of a call-off contract to the LoHAC framework contractor for north-west London.

3.7.2 As this is a schedule of rates contract, only an estimated contract value can be given, which is an estimate of £62.4m over the lifetime of the contract. This does not include the one-off cost referred to in paragraph 3.3.1(e) to allow for Brent-specific TUPE and pension costs. The proposal is for Brent Council to procure the following services from Conway AECOM (see also paragraph 4.8 for explanation of the adoption of lump sums).

Core Service	Lump* Sum	SOR
Safety Inspections (cyclic and reactive)	✓	
Site Investigations and Surveys		✓
Design Services		✓
Roads (including minor repairs, resurfacing and traffic schemes)	✓	✓
Kerbs, Footways and Paved Areas	✓	✓
Traffic Signs	✓	✓
Road Markings (reactive only)	✓	✓
Drainage (excluding gully cleansing)		✓
Earthworks (excavations)	✓	✓
Landscape and Ecology (ad-hoc for schemes)		✓

Core Service	Lump* Sum	SOR
Gully cleansing	✓	✓
Bridges and other Structures (ad-hoc for schemes)		✓
Tunnels (not required)		
Street Furniture (excluding signs, lighting columns and pedestrian guard railing)	✓	✓
Emergency Call-Out Service (repair work under SoR)	✓	
Civil Engineering Support Works (ad-hoc)		✓
3 rd Party Damage (to be evaluated)	-	
Updating <i>Employer's</i> Asset Management System for Core Services (to be evaluated)	-	

3.7.3 During the life of the contract, officers will also explore procuring the following services through the LoHAC contract:

Inspection of Highway Structures
 Site investigations and Surveys
 Design Services
 Bridges and Structures
 3rd Party Damage
 Updating Employer's Asset Management System
 Road Safety Audits
 Automatic Traffic Count Surveys
 Manual Classified Timing Count Surveys
 Winter gritting (currently part of the waste, recycling and street cleaning contract with Veolia)

3.8 Managing Contract Performance

3.8.1 Excellent contract management is key to success going forward. As part of this, significant attention has been paid to how best to incentivise contractors to perform to their best. Brent Council will sit on the monthly Area Management Board alongside TfL. At each meeting the successful contractor will report on their performance.

3.8.2 A contract reduction mechanism has been developed to incentivise the contractors to achieve five key performance indicators (see Appendix 3). Performance will be monitored monthly and a full review of performance against these indicators will take place annually. Failure to achieve the performance indicator targets will result in the duration of the framework agreement and all associated call-off contracts being reduced by six months. The contractor will have the opportunity to win back these six months by improving their performance against the failing indicator(s) in the following years. If the performance of the contractor is sufficiently poor that the contract is reduced in duration over two consecutive years it will give Brent Council the right to terminate.

3.8.3 It is proposed that the contract will be managed by a newly established Highways Contracts & Delivery team within Transportation. This team will bring together expertise in managing contracts, delivering highway services and scheme programmes, and reducing costs.

3.9 Next Steps

3.9.1 Following approval of award Brent Council, other Boroughs joining LoHAC, TfL and contractors will trigger the joint mobilisation teams to ensure the smooth implementation of the framework agreements and associated call-off contracts. Alongside this there will be a

cultural change programme designed to enhance cross organisational working amongst all framework parties. This will include joint client and contractor training workshops to support effective and efficient operation of the new contract.

3.9.2 The contract documents will need to be finalised, and the one-off Brent-specific TUPE and pension cost will need to be agreed. It is requested that approval to do this be delegated to the Director of Environment and Neighbourhood Services.

3.9.3 The new contractor will commence service 1 April 2013, on successful completion of the mobilisation period.

4.0 Financial Implications

4.1 Prices and savings have been calculated using a model developed by Brent Council, which compared the rates in LoHAC against our current suppliers on a like for like basis. Tendered rates and prices represent a saving of 8% against Brent Council existing contracts (although the Brent-specific price for additional TUPE and pensions costs is not yet known).

4.2 Savings have been achieved through a cost focused procurement process (30:70 Quality: Price ratio). Inclusion of open book pricing principles, target costing, annual efficiency challenges and volume discounts also provide opportunities for further savings in future years.

4.3 A volume rebate clause has been included in the contract to incentivise more Boroughs to join, as the rebate increases as the amount spent through the framework increases. All clients, including Brent, will benefit financially as more Boroughs join.

4.4 With TfL leading the LoHAC process, Brent Council has avoided undertaking its own procurement activity which would have cost in the region of £228K.

4.5 The TfL and S106 budgets have not been evaluated in this process as they will remain constant irrespective of the outcome of the evaluation process. There is however an impact on Brent's revenue budget. The authority would be able to achieve more for its money from the section 106 budget improving the infrastructure of the borough leading to less pressure on the reactive elements of the service. The direct consequence of this is not currently known but will be monitored.

4.6 The contracts may also be used for some works on behalf of other departments and service areas, for example Regeneration and Major Projects funded work, Parks Services and work for Housing. This work would be managed by staff in Transportation on a trading account basis.

4.7 Contract price increases will be based on the 'Price Adjustment Formulae Indices (Highways Maintenance) 2010', developed by the Highways Term Maintenance Association (htma), the Civil Engineering Contractors' Association and the BCIS. This index incorporates 21 different indices all of which have an effect on the cost of delivering a highways maintenance contract. Other indices were considered, including the Retail Price Index and the Consumer Price Index, however Highways Maintenance index ensures that contract rates closely track delivery costs.

4.8 The analysis has shown that some areas, especially safety inspections and reactive maintenance deliver significant savings and risk transfer by buying them through lump sums. Here, any defects that meet the intervention level in the common specification,

where costs do not exceed £1,000 (index linked) will be automatically repaired. Defects exceeding this cost would need to be repaired under a task order. In addition to this, safety inspections would be carried out more frequently under the LoHAC common specification and the intervention criteria are more robust than those currently used by the Council. This will deliver a better service for Brent residents.

- 4.9 The following sections set out the potential savings available to Brent Council if it participates in the LoHAC contract. It excludes any increase in savings that would arise if other boroughs were to participate because the LoHAC contract also includes a 'volume discount' clause. This means that as other London Boroughs join the contract and the amount of money spent through the contract increases further savings will be delivered. Other boroughs will be encouraged to join the contract as the savings and quality improvements are delivered. The table below summarises the revenue budget savings of **£183,913**.

Revenue	Current	Costs under LoHAC	Variance % (-/+)	Brent revenue savings
Replacing significantly worn traffic signs	23,386	17,668	-24	5,718
Reactive maintenance following inspections e.g. pothole repairs	842,600	746,285	-11	96,315
Emergency call outs	30,971	8,818	-71	22,153
Gully cleaning	230,131	133,816	-42	96,315
Safety inspections	130,000	78,541	-40	51,458
Totals	1,263,448	985,129		271,959
Premises costs already accounted for in Civic centre business case				88,046
Realisable savings				183,913

- 4.10 As noted above, £88,046 of premises costs associated with the above operations have already been transferred to the Civic Centre business case, so this part of the revenue savings has already been accounted for. If these services were to be retained additional premises costs would be need to be identified as these operational services could not be delivered out of the Civic Centre.
- 4.11 It is also proposed to procure Traffic management of events through LoHAC. The service costs would be 42% lower than current costs, saving £38,943. These saving have not been included in the above analysis as the savings will be passed to the client, Wembley.

4.12 The table below summarises the savings on Brent capital expenditure of **£200,816**.

Item	Predicted spend based on 2013/14 indicative budgets in tender documentation		Total future costs based on tender returns		Variance % (-/+)	Brent Capital Savings
	Total (Brent / TFL / Section 106)	Brent capital only	Total (Brent / TFL / Section 106)	Brent		
Major resurfacing of roads	2,194,800	1,232,000	2,311,366	1,297,432	+0.05	65,432
Laying smaller areas of tarmac e.g. large patch repairs of roads	1,345,200	54,000	1,393,896	55,955	+0.04	1,955
Repairs and new pavements and kerbs	3,256,800	1,230,000	2,540,304	959,400	-0.22	-270,600
Antiskid road surface	108,324	10,000	133,130	12,290	+22.90	2,290
Street furniture	66,552	10,000	52,310	7,860	-21.40	-2,140
Line Marking	134,520	20,000	157,859	23,470	+17.35	3,470
Traffic signs	210,774	5,000	159,240	3,778	-24.45	-1,223
Totals	7,316,970	2,561,000	6,748,105	2,360,184		-200,816

4.13 The table below summarises the savings against the One Council expectations for 2013/14.

Net Operational Savings (gross budget savings less additional operational costs)	2013/14 target £'000s	2013/14 savings £'000s
Revenue savings		
Restructure of Transportation		100
Reduction in costs of highway services including staffing establishment	225	184
Total Revenue Savings	225	284
Capital savings		
Reduction in cost of Brent Council funded capital schemes	300	201
TOTAL BUDGET SAVING	525	485

4.14 The increase in value for money of the capital contract elements allows more planned works to be carried out under Brent, TFL and Section 106 capital funding.

4.15 During the life of the contract, officers will also explore procuring the following services through the LoHAC contract:

- Inspection of Highway Structures
- Site investigations and Surveys
- Design Services
- Bridges and Structures
- 3rd Party Damage
- Updating Employer's Asset Management System

Road Safety Audits
Automatic Traffic Count Surveys
Manual Classified Timing Count Surveys
Winter gritting (currently part of the waste, recycling and street cleaning contract with Veolia)

5.0 LEGAL IMPLICATIONS

- 5.1 Highways maintenance and repair are a mixture of part A services and works under the EU public procurement legislation. Any tender of highways maintenance therefore requires the following of a tender process that is in compliance with EU regime. In this case, the Council participated in a collaborative procurement led by Transport for London, and therefore it was TfL who had responsibility for following the correct procedure.
- 5.2 Where the Council proposes to call off a contract from a framework agreement set up by another body, there is a required procedure set out in Contract Standing Orders 87(d). This requires that use of the framework is approved by the Chief Officer, including confirmation that a budget is available, together with confirmation from the Director of Legal and Procurement that use of the framework is legally permissible.
- 5.3 In reviewing whether use of a framework is legally permissible, the most important thing is whether the body setting up the framework did so in compliance with EU rules, including the identification of Brent as entitled to use the framework, and the need to follow a compliant process that cannot be challenged. In the case of TfL, the Council's legal adviser has identified that there were a number of areas where the process adopted by TfL was not strictly in accordance with the Regulations (though for good business reasons): this includes the use of a Best and Final Offers (BAFO) stage; a supplementary PQQ stage after invitation to tender to assess Equalities; the adoption of an 8-year term for the framework agreement when the Regulations require that the term for a framework agreement is no more than 4 years, unless exceptional circumstances exist.
- 5.4 Having said that, the risk of challenge from any aggrieved tenderer about the TfL process is low. This is because the time limit for bringing a claim has already expired. Legal proceedings have to be brought within 30 days beginning with the date when the economic operator first knew or ought to have known that grounds for starting the proceedings had arisen. As TfL were completely transparent in their tender documentation about the three areas referred to in the previous paragraph, the time limit runs from when tenderers received the documentation, which was several months ago.
- 5.5 As at the time of preparing this report, the Director of Legal and Procurement approval to use the framework has not yet been given. However in light of paragraph 5.4, no problems are anticipated in the issue of this approval.
- 5.5 A risk for the Council in using the TfL framework is the standard TUPE provisions within the TfL documentation. This requires the Council to indemnify the contractor for any additional cost incurred by the contractor as a result of TUPE. This is most likely to consist of costs for factors not included in TUPE information supplied to the contractor before the start of the contract. This indemnity applies not only to the Council staff but also employees of the current Council maintenance contractors. This is a risk that cannot be known, because the Council was reliant on its current contractors to supply accurate TUPE information for the use of the tenderers in preparing their bids. However it is hoped to mitigate this risk by ensuring close dialogue between the Council's current contractors and the new contractor as part of contract mobilisation, and by seeking indemnities from the current contractors to reimburse any costs for which the Council is liable to the new contractor.

5.6 Due to the value of the proposed Call-off contract, Executive approval is required for the award. However no Executive approval is required for the TUPE transfer / potential redundancies, as this is delegated to Chief Officers unless the number of staff affected is 20 or more.

5.7 As this is a call-off from a framework, there is no requirement to observe a standstill period. It will therefore be possible to award the contract as soon as the period for call-in after the Executive meeting has expired, although it may be more in the Council’s interest to delay the award until after the agreement of the Brent-specific TUPE and pension costs.

6.0 DIVERSITY IMPLICATIONS

6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

7.0 STAFFING/ACCOMMODATION IMPLICATIONS

7.1 As part of the project, the costs of outsourcing highway inspections, gully cleaning and sign-shop services have been investigated. Highway inspections are currently carried out by the Transportation service and gully cleaning, sign shop and emergency call outs are currently being provided by the Highway Operations team in Environment and Neighbourhood services. It is proposed to include these activities in the contract recommended for award. This part of the proposed contract will deliver savings of £124,186 per annum and is part of the recommendations to the Executive.

7.2 Officers identified all staff involved in providing highway inspection; gully cleansing and sign shop duties. A total of 9-12 staff (TBC) council employed staff have been identified as potentially liable to transfer to a contractor pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 (“TUPE”). These figures will be finalised during the detailed TUPE conversations that happen post contract award.

7.3 The staff and Unions have been kept informed during the process. The council intends to work with the selected contractor to ensure Brent staff will have the best possible support during this time. The table below sets out a summary of the consultation to date.

<u>Transportation staff consultation</u>		
Date	Event	Purpose
04.10	Unison meeting	Union briefing. Provided background to project and outlined staff implications. Background document shared with both Unison and GMB: PID
05.10	GMB meeting	Union briefing. Provided background to project and outlined staff implications. Background document shared with both Unison and GMB: PID
12.10	GMB meeting	Presented Transportation Service consultation paper.
15.10	Unison meeting	Present Transportation Service consultation paper. No direct comments received at meeting.

17.10 and 18.10	Staff consultation events	GMB and Unison were both invited to all staff presentations 17 th and 18 th October. Both responded to state that they could not attend.
14.11	GMB meeting	Update on individual staffing issue.
<u>Highways Operations consultation</u>		
08.11.12	GMB meeting	Informed them of the consultation process and content of paper – presented with paper.
12.11.12	Unison meeting	Informed them of the consultation process and content of paper – presented with paper
12.11.12	Consultation launch	Consultation launch involving meeting of 12 Highways Operations staff affected to present paper and start consultation process. GMB invited and attended to represent members.

- 7.3 Council employed staff transferring to a contractor under TUPE would do so on their current terms and conditions of employment. Although pension rights do not transfer under TUPE, the Council is under a legal obligation to secure pension rights for its staff who do transfer, which was done by requiring contractors to confirm they would either provide such staff with continued access to the Local Government Pension Scheme (“LGPS”), provide pension arrangements that are broadly comparable to the LGPS or in exceptional circumstances pay appropriate compensation to disadvantaged staff. All contractors submitting tenders did so on the basis that they would apply for admitted body status thus allowing staff continued access to the LGPS. As indicated above, any additional costs relating to pensions and TUPE were not included in the evaluation of tenders, and any additional costs will be paid as a lump sum at the start of the contract.
- 7.4 A number of highway services such as road resurfacing and repairs, paving repairs, the implementation of schemes and road markings are already provided by external contractors. Information was provided by the existing contractors for the purpose of TUPE and although the details are not known, contractor to contractor transfers will take place. There are no financial implications to the Council, though see legal comments about the Council’s responsibility for accurate TUPE information provided by its current contractors for tenderers.

BACKGROUND PAPERS

The TfL Invitation to Tender

Appendices

Appendix 1 – Framework Areas

Appendix 2 - List of Tier 1 Boroughs

Appendix 3 – Contract Performance

Appendix 4 - LoHAC Evaluation Summary

Appendix 5 – Assessing Sustainability of Tenders

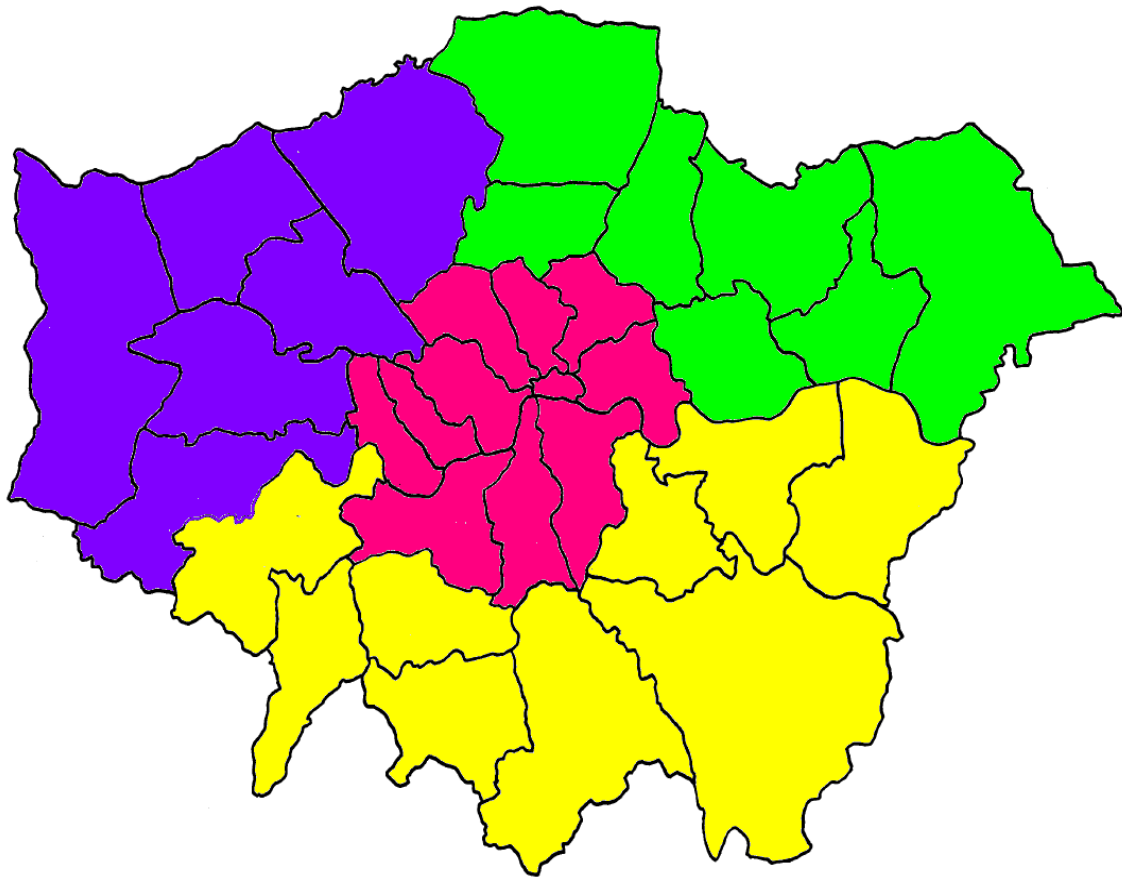
Appendix 6 – Tenderers identity

CONTACT OFFICERS

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Sue Harper
Director of Environment and Neighbourhood Services

APPENDIX 1 – FRAMEWORK AREAS



NORTH WEST – BLUE
NORTH EAST – GREEN
CENTRAL – RED
SOUTH - YELLOW

APPENDIX 2 - LIST OF TIER 1 BOROUGHES

Tier one boroughs are those whose contracts expire in 2013 and are seeking to join the TfL contract.

South area: Kingston upon Thames, Greenwich, Bexley, Bromley and Lewisham.

Central area: Islington, Camden, Lambeth, Southwark and Tower Hamlets.

North West area: Barnet and Brent.

North East area: No Borough existing contracts expire in 2013.

Appendix 3 Contract Performance Regime

1. Background

1.1 The methodology chosen has been developed with simplicity in mind – it being important that any performance management mechanism is manageable for both parties, does not add unnecessary cost but drives improvement.

1.2 Primary Performance Indicators (PPIs) and Secondary Performance Indicators (SPIs)

1.2.1 This approach addresses performance measures at two levels. At a strategic level there are five PPIs (see table 1 below) which are linked to the authorities key objectives for the contract and 21 SPIs (see table 2 below) which focus on detailed contractual compliance.

1.3 Contractor Incentivisation

1.3.1 Starting in the second year, the contractor's performance in the preceding year is assessed against the five PPIs and SPIs. If for a Relevant Year the contractor achieved the consolidated annual target for the PPIs and the monthly target for a minimum of eight months for the PPIs in that year, then the Term is not reduced.

1.3.2 If the Contractor achieves the requirements for fewer than five PPIs then performance against the SPIs is reviewed. If the contractor achieves the consolidated annual target for 75 per cent or more of the SPIs, then at the Term is not reduced.

1.3.3 However, if the contractor achieves fewer than four out of the five PPI and less than 75 per cent of the SPIs, then the Term is reduced by six calendar months.

1.3.4 If during the following year performance improves to the required level, then the lost time is won back. If performance does not improve then the Term is reduced by another six months.

1.3.5 Reduction of duration in two consecutive years gives Brent Council the right to terminate.

1.3.6 This approach is a very powerful tool to keep the contractor focused on constantly performing.

1.4 Reporting Process

1.4.1 PPIs and SPIs will be reported four weekly to Area Management Boards for review. Part of the Area Management Board's responsibility will be to undertake benchmarking across the four frameworks.

1.4.2 The contractor will report against the entire suit of PPIs and SPIs in a way which gives visibility of their performance on each client's network. This approach will enable individual clients to evaluate the contractor performance on their network and where necessary discuss areas for improvement with action plans etc. implemented at contractors cost.

1.4.3 A contractor league table will be introduced to drive competition between the four contractors and in turn improve the overall standard of performance.

Table 1 – PPIs for LoHAC Contracts

Indicator Number	Performance Theme (Outcome)	PI Title	Indicator Outcome
1	Public and Workforce kept Safe	Percentage of Cat 1 defects repaired on time	Ensure the network is safe for all forms of traffic.
5	Reduced Disruption on the Network	Percentage of ECO's attended and appropriate action taken on time	Reduce Disruption through appropriate choice of action in response to Cat 1 (ECO) defects.
8	Preventative Maintenance is effective	Delivery of Cyclic Activities to programme	Increased availability of the network through preventative maintenance.
16	Scheme Delivery is Effective	Percentage Schemes completed on time	Ensure that the programme is delivered swiftly and efficiently.
20	Contract Requirements fulfilled	Percentage Schemes/ Works where final application payment was submitted on time	Timely and efficient processing of financial payments on completion of all works.

Table 2 - SPIs for LoHAC Contracts

Indicator Number	Performance Theme (Outcome)	PI Title	Indicator Outcome
2	Public and Workforce kept Safe	Percentage of Cat 2 defects repaired on time	Ensure the network is safe for all forms of traffic.
3	Public and Workforce kept Safe	Percentage of Safety Inspections completed on time	Ensure Safety defects are identified and appropriately categorised.
4	Public and Workforce kept Safe	Reduction in Injuries	To demonstrate the effectiveness of the Contractor's safety culture and processes by monitoring the AFR, AIR and other Safety related metrics.
6	Reduced Disruption on the Network	Percentage of precautionary salt treatments completed within required time	Safe carriageways, footways and cycleways free of winter weather related hazards.
7	Reduced Disruption on the Network	Percentage of works complying with the TMA requirements	Ensure the Employer meets their Network Management Duty.
9	Preventative Maintenance is effective	Completion of Ordered Works to timescale	To demonstrate effective planning and programming of works.
10	Preventative Maintenance is effective	Average number of days to repair Lighting Defects	Well maintained Lighting.
11	Preventative Maintenance is effective	Availability of Employer defined Tunnel Assets	Well maintained Tunnels.
12	Preventative Maintenance is effective	Percentage of Principal and General Inspection reports delivered and accepted on time for Bridges and Other Structures	Ensure timely and accurate reporting of Inspection Information.

Indicator Number	Performance Theme (Outcome)	PI Title	Indicator Outcome
13	Responsible attitude to Procurement Strategy	Percentage Construction and Demolition waste reused or recycled	Successful management of construction and demolition waste in order to reduce the use of raw materials, encourage recycling and reuse and minimise the waste taken to landfill sites to offer both environmental and economic benefits.
14	Responsible attitude to Procurement Strategy	Percentage Recycled and/or green products procured	Reduce consumption of new resources by procuring recycled and green construction materials and following the principles of sustainable procurement.
15	Responsible attitude to Procurement Strategy	Percentage of Contractor vehicles which meet the required Euro Standards	Reducing the environmental impact of the vehicle fleet.
17	Scheme Delivery is Effective	Percentage of Schemes where defects were rectified within required time	Minimum impact on the Customer after Scheme completion.
18	Scheme Delivery is Effective	Percentage of acceptable Health and Safety file information received within four weeks of scheme completion	Enable the Employer to fulfil its legislative requirement under CDM Regulations 2007.
19	Scheme Delivery is Effective	Average absolute variance between the Contractor's estimate and the Employer's instructed value for scheme works	Accurate forecasting of financial information.
	Contract Requirements fulfilled	Percentage compliance to updating Employer asset inventory systems within Employer timescales	Employers Asset Management System is updated promptly and accurately.
	Contract Requirements fulfilled	Percentage compliance to updating Employer asset inventory systems accurately	Update the inventory within the Employer's Asset Management System accurately after maintenance activity or scheme works.
	Contract Requirements fulfilled	Percentage of estimates for Employer instructed works received within required timescales	Ensure timely and efficient processing of instructed works.
	Contract Requirements fulfilled	Early Warning/Compensation Events Register	Timely response to Early Warning Notices and Compensation Events.
	Improved Customer Satisfaction	Response to Complaints and Requests requiring Contractor action within contractual timescales	Improved public perception of the services provided.
	Improved Customer Satisfaction	Third Party Claims against Contractor	Effective assistance in defence of third party claims

Appendix 4

1.1 Tender Process and Evaluation Results

1.1.1 The tender pre-selection process (pre-qualification) took place in December 2011 with the following bidders.

Amey
Balfour Beatty Living Places
Ringway Jacobs
Colas-Volker Highways-URS Scott Wilson
MGWSP (May Gurney – WSP)
EnterpriseMouchel
FM Conway-AECOM
Skanska Construction UK/ Project Centre
Costain-J Murphy & Sons-Capita Symonds
Bam Nuttall-Hyder Consulting

1.1.2 Five bidders from the above list were invited to tender for the NW area:

1.1.3 Five tenders were received. Following the initial compliance stage there was a three stage evaluation process:

- Stage 1 – Independent evaluation of tenderers' Quality and Financial submissions from which an overall Tender Score was calculated for each tender. Tenderers were then ranked.
- Stage 2 – Tenderers ranked in the top two (or three) in more than one area, (based on overall Tender Score), and were invited to demonstrate their ability to deliver multiple areas.
- Stage 3 – BAFOs invited from shortlisted tenderers.

1.2 Stage 1 Initial quality and financial evaluation

1.2.1 There were four Quality Evaluation Panels – one for each area including evaluators from TfL and London Boroughs and a range of specialist expertise. There were 35 post-tender clarifications and Consensus meetings were held 3 - 11 July 2012.

1.2.2 The Financial Evaluation Panel operated independently of the Quality Evaluation Panels. There was also a through clarification process to address errors, missing rates, caveats and assumptions, and rates outside the group norm. Quality and Financial Scores were combined using a 30:70 ratio to calculate an overall Tender Score. Top two tenderers shortlisted (or three where there was no clear distinction between second and third place).

Stage 1 results for NW				
Tenderer	Quality score	Financial Score	Tender Score	Rank
4	70.6	62.2	64.7	1
8	64.6	45.6	51.3	2
7	64.2	42.1	48.8	3
2	Pass threshold not met			N/A
3	Pass threshold not met			n/A

1.3 Stage 2 Multiple areas

1.3.1 Tenderers shortlisted in more than one area were invited to respond to seven pass/ fail criteria to demonstrate their capability and capacity to deliver multiple areas. The criteria included:

- Financial stability
- London workload
- Changes to organisational structure and/ or depot strategy based on delivering multiple areas
- Approach to delivering key services.
- Mobilisation plan
- Risk register

1.3.2 Four bidders were potentially able to submit multiple area bids. Members of the Quality Evaluation Panel undertook multiple area evaluation and two multiple area bids were considered acceptable from a quality perspective:

- Tenderer 1 for North East and Central
- Tenderer 4 for North East and North West

1.4 BAFO (Best and Final Offers)

1.4.1 BAFOs were invited from shortlisted tenderers based on delivering the areas they had been shortlisted in. Tenderers 1 and 4 were invited to submit BAFOs based on delivering the combination of areas they were deemed capable of delivering. Tenderers 7 and 10, who were not shortlisted, were informed they would not be invited to BAFO.

1.4.2 BAFOs were submitted on 28 August 2012. The submissions were evaluated by the Financial Evaluation Team using the financial evaluation model. On average tenderers offered a 4% reduction in rates and prices through the BAFO stage. The table below sets out the range of options evaluated and the award of Framework Agreements based on the best financial combination for the whole of London.

	North East	North West	Central	South	Percentage increase in cost
1	Tenderer 1	Tenderer 8	Tenderer 5	Tenderer 4	
2	Tenderer 1	Tenderer 8	Tenderer 1	Tenderer 4	+0.1
3	Tenderer 4	Tenderer 4	Tenderer 5	Tenderer 8	+0.2
4	Tenderer 4	Tenderer 4	Tenderer 1	Tenderer 8	+1.3
5	Tenderer 1	Tenderer 4	Tenderer 1	Tenderer 8	+1.7
6	Tenderer 1	Tenderer 4	Tenderer 1	Tenderer 8	+1.8
7	Tenderer 5	Tenderer 8	Tenderer 1	Tenderer 4	+2.5
8	Tenderer 5	Tenderer 4	Tenderer 1	Tenderer 8	+4.2

Appendix 5: Assessing Sustainability of Tenders

To confirm that the bids are sustainable, TLHM have confirmed that they have analysed the preferred bid using the following methodology:


- a) A comprehensive review of the rates and prices tendered was undertaken for each bidder before the rates and prices were entered into the tender evaluation model. Any rates or prices identified outside of the norm, either being considered too high or too low were queried with the bidder. The bidder was then given the opportunity to confirm or revise these rates if they had been incorrectly priced. In most cases the bidder confirmed the rate or price was correct. Where they stated was incorrect, the rate was then adjusted.
- b) Each bidder pricing was compared against those tendering in that areas and against those tendering in other areas to ensure none were unreasonable low – none were
- c) Each bidder was required to provide a resource plan stating labour and management levels. This was then compared against the tender lump sums to determine each bidders expected sales per individual. This figure was then checked against the estimated cost of employment to determine if expected income was sufficient to match fixed outgoing. In all cases it was adequate.
- d) A comparison was undertaken analysing what percentage of total turnover each bidder expected to come from the three key contract activities; lump sum maintenance, reactive work and projects. In all cases bidder had constructed their bid on broadly similar expectations of work volumes and type.

The result of this analysis was that TLHM have concluded the costs of the bid to be sustainable.

The bids were also assessed to ensure that the quality of work is sustainable. To validate the quality proposals, TLHM have confirmed this has been carried out using the following methodology:

- a) An expert panel (including Brent Council staff) undertook the quality submission evaluation and they did not give undue weighting to promises not backed by resources.
- b) One to one meeting were held with the bids teams to check our understanding of their proposals and their approach to working with multiple clients.
- c) Boroughs, TfL and contractors will establish joint mobilisation teams to ensure the smooth implementation of the framework agreements and associated call-off contracts.
- d) The quality submissions contained a series of commitments, some of which would commit the successful supplier to methodologies that will bring innovations, added value, robust risk management, efficiencies and enhanced output quality. To ensure these are delivered, the preferred bidder's submission has been analysed and the quality promises have been identified. These will be formalised contractually, by embedding the bidders entire quality submission in to the final contract and compliance against them will form part of the on-going performance management regime.

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	Executive 10 December 2012 Report from the Director of Regeneration and Major Projects
For Action	Ward Affected: Barnhill
Disposal of the Town Hall	

NOT FOR PUBLICATION

Appendix 1 & 3

Appendix 1 & 3 of this report are not for publication as they contain the following category of exempt information in paragraph 3 Schedule 12(A) of the Local Government Act 1972 namely: information relating to the financial or business affairs of any particular person (including the Authority holding the information.

1.0 SUMMARY

- 1.1 With the building of the new Civic Centre, the existing Town Hall site will become surplus to the Council's requirements during 2013. Previous reports to the Executive have outlined that the Council needs to maximise the capital receipt for the Town Hall in order to contribute towards the Civic Centre business plan.
- 1.2 This report sets out the marketing exercise undertaken for the Town Hall and makes recommendations to the Executive in respect of the disposal of the Town Hall site.
- 1.3 The report also recommends that the Executive agree to authorise the appropriation of the Town Hall site to planning purposes to enable the operation of powers under Section 237 of the Town and Country Planning Act 1990 (Section 237) to facilitate the redevelopment of the Town Hall site.

2.0 RECOMMENDATIONS

- 2.1 That the Executive approve the disposal of the Town Hall site for the sum set out in the confidential Appendix 1 report, to the preferred bidder, or depending on how negotiations proceed, agree a sale to the reserve

bidder - the second highest bid and that the Director of Regeneration and Major Projects to be authorised to agree the final terms and to complete the disposal.

- 2.2 That the Executive agree to authorise the Director of Regeneration and Major Projects, in consultation with the Director of Legal and Procurement, to appropriate the Town Hall site as shown heavily outlined in black on the plan comprised in Appendix 2 for the planning purposes of facilitating the redevelopment of the Town Hall site pursuant to section 122 of the Local Government Act 1972.

3.0 DETAIL

- 3.1 As far back as in 2003 various reports to the Executive set out a vision for a new Civic Centre. Over the years, this vision began to emerge as a deliverable plan and progress was reported and approved by Executive at almost yearly intervals. On 18th March 2008 the Executive approved a report from the Chief Executive that set out in detail a Civic Centre delivery plan.
- 3.3 Subsequently in May 2008, the Executive approved the choice of site for the new Civic Centre as the former Palace of Industry site, Engineers Way. Site acquisition then occurred.
- 3.4 The new Civic Centre is now in construction, buildings works are scheduled for completion in early 2013. The Council will begin occupying the building from spring 2013, and in so doing will vacate a number of buildings from within the existing portfolio. Brent Town Hall is one such building.
- 3.5 The Civic Centre business plan assumes the disposal of Brent Town Hall for a capital receipt, which will be used to fund the cost of the new Civic Centre.
- 3.6 The Town Hall is a Grade II listed building, and therefore the disposal and subsequent planning of the site needs to be handled extremely sensitively. A detailed site specific planning brief was therefore prepared to help guide future development proposals.
- 3.7 In December 2010 the Executive agreed to the appointment of Colliers as marketing agents for the disposal of Brent Town Hall and the appropriation of the Town Hall to planning purposes provided that it is satisfied in principle that the Town Hall site is no longer required for the purposes for which it is currently held. The Executive also noted that a further report would be presented to the Executive recommending disposal after marketing and negotiations.

Planning Context

3.8 The Wembley Master Plan (2009) sets out the long term vision and parameters for the regeneration of the Wembley area. Subsequently, in July 2010 Brent's Core Strategy identified the Town Hall as a future development site.

3.9 In July 2011, Brent's Local Development Framework – Site Specific Allocation DPD, allocated the Town Hall site for:

“mixed use development including offices, retail (for local needs only), residential, hotel and community facilities ensuring the retention of the Listed Building. Any change of use and /or development should enhance and not detract from the character and importance of the Town Hall and have regard for existing traffic problems to surrounding residential areas and seek to improve these conditions”.

3.10 The reason for this allocation is:

“the building is reaching the limits of its use in terms of purpose and size and the Council is seeking a new Civic Centre within the Wembley Regeneration Area. The existing Grade II Listed building however remains an important visual, social and historic landmark in the borough. The outbuildings to the rear have been added over time and are not subject to the Listing.

the sensitive redevelopment of these buildings and appropriate re-use of the main building can enable its continued use and secure its long term restoration.”

3.11 The provisions of the Brent Town Hall Planning and Development Brief SPD also provide planning guidance for the reuse/redevelopment of the Town Hall site, stating:

“Brent Council is currently building a new Civic Centre on land off Engineers Way in Wembley and plans to vacate the Town Hall by mid-2013. In the light of this decision, this document is intended to be an informal guide, expanding upon and explaining the development potential outlined in the Council's adopted Site Specific Allocation for the site SSA W3.

The guidance will outline the options for extension and alteration of the Town Hall and the further potential of the relatively large plot that the Town Hall occupies. The guidance is solely from a Town Planning perspective and offers no advice direct or implied, regarding the economic and constructional considerations that will inevitably require further investigation.”

3.12 The Town Hall's Grade II listing restricts how the site can be developed. To help secure a sensitive but ultimately successful future for the site the

Council prepared the Brent Town Hall Planning and Development Brief SPD and this was approved by the Executive in March 2012.

Appropriation

3.13 In order to provide sensitive re-use and possible redevelopment within the site encompassing proposals in the Site Specific Allocation and the Town Hall Planning Brief it is considered in the public interest that the Town Hall site be appropriated under Section 122 of the Local Government Act for planning purposes. This will enable the Council to utilise powers under Section 237 as stated in paragraph 5.6 below, to facilitate redevelopment to take place and for proposals that will secure a long term future of this important building.

3.14 In making a decision as to whether to appropriate land for planning purposes of facilitating redevelopment the following considerations are relevant:

1. Whether the land is no longer required for the purposes for which it is held immediately before appropriation?

3.15 Given the new Civic Centre will be available for occupation and public use within the next six months, the Town Hall site will become surplus to requirements of the Council and therefore no longer required for the purpose which it is held immediately before the appropriation.

2. The likely extent of infringement?

3.16 The Town Hall land is subject to a number of covenants including a covenant that no part of the land shall be used for any noisy noisome or offensive trade or for the erection of workmen's dwellings or flats for the housing of the working classes other than such quarters or caretakers lodgings as are usual and necessary in connection with a Civic Centre.

3.17 There is the risk that the above covenant could be capable of being enforced by injunction thus preventing the construction and use of the site for a redevelopment consistent with the Town Hall Planning Brief. The appropriation and use of Section 237 powers is required with the object of removing this risk and to facilitate the carrying out of re-development scheme.

3. Whether acquisition will facilitate the carrying out of the redevelopment scheme?

3.18 The acquisition will enable the redevelopment of the Town Hall, a Grade II Listed Building, in accordance with the Site Specific Allocation and the Town Hall Planning Brief consistent with the regeneration of the Wembley area.

4. Whether the redevelopment scheme will contribute to one or more of the following and thus be in the public interest

a) The promotion or improvement of the economic well being of the area?

3.19 The proposed use will result in a number of additional jobs being created which will bring economic benefits to the Wembley area.

b) The promotion or improvement of the social well being of the area?

3.20 The Executive is referred to the Site Specific Allocation and the Town Hall Planning Brief which sets out the mixed use proposal for the site against relevant Council policies the development plan and other material considerations

c) The promotion or improvement of the environmental well being of the area?

3.21 It is considered that the use of Section 237 powers will contribute to the achievement and improvement of the economic well being of the Wembley area as a whole and the environmental and social well being of the area.

5. Are the public benefits proportionate to the interference?

3.22 Human rights issues arise in respect of the proposed arrangements. Following the introduction of the Human Rights Act 1988, the Council is required to act in accordance with the European Convention on Human Rights (ECHR) in deciding whether or not to implement the arrangements.

3.23 However the rights to peaceful enjoyment of possessions is a qualified rather than absolute right as the wording of Article 1 of the Protocol 1 permits the deprivation of an individual's possessions where it is in the public interest and subject to the conditions provided for by law, and Article 8(2) allows for interference which is:

“in accordance with the law and necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the protection of health and morals, or for the protection of the rights and freedoms of others”

3.24 There must be a balancing exercise between the public interest and the individual's right whereby any interference in the individual's rights must be necessary and proportionate. 'Proportionate' in this context means the interference must be no more than is necessary to achieve the identified legitimate aim. A 'fair balance' must be struck between the rights of the individual and the rights of the public.

- 3.25 The infringement with the individual's rights is set out in 3.14 and 3.15 above. Any lawful holder of the benefit of the restriction may have a claim for compensation for the interference or breach of the restriction.
- 3.26 The public benefits arising from the redevelopment are set out in the report.
- 3.27 The surplus nature of the Town Hall and the planning guidance for its reuse set out in the Town Hall Planning Brief and the Site Specific Allocation provide support for the appropriation for planning purposes so that it can be reused and redeveloped in the public interest.
- 3.28 It is considered that the public interest in facilitating the redevelopment outweighs the rights of individuals to peaceful enjoyment of their possessions and that the proposed use of Section 237 powers amounts to proportionate interference in all the circumstances.

Public Open Space

- 3.29 The Town Hall site includes a Grade II Listed Building and open space. Public notice of the proposed appropriation to planning purposes of the Town Hall site under Section 122 of the Local Government Act 1972 and disposal of the open space under Section 123 of the Local Government Act 1972 was advertised in the local press on 13th and 20th September 2012. No objections were received.

Marketing

- 3.30 Formal marketing of the Town Hall site started in March 2012, with the clear objective to secure a buyer with sufficient financial capacity, the required skill and expertise to deal with a listed building, and a proposal that brought forward a high quality and a deliverable future use for the site.
- 3.31 Officers worked closely with Colliers, to develop a marketing plan. This included a bid assessment form that captured the objectives set out above. Recognising bidders would require a number of documents and reports to develop design proposals and formulate a deliverable bid. In a pass-word protected data room and during the process we provided the following documents:
- Property particulars
 - Proposed timetable for sale
 - Title plan
 - Best consideration form
 - Bid assessment document
 - Questions and answers sheet
 - Floor plans
 - Topography plan

- Photos
- Planning Brief 2012
- Heritage report 2012
- Energy performance certificate
- Reports and surveys of recent years
- Legal and searches
- List of items that will remain or be removed
- Contract enquiries
- Heads of terms
- Draft Contract

3.32 We extensively advertised the property with adverts in Estates Gazette, Wembley and Brent Times, Brent Council and Colliers International website. Our agents sent press releases to various trade journals were issued by our agents and the sale featured in: the Caterer and Hotel Keeper, Harrow Observer, Look West London, Hotel Industry, Business High-beam, Wembley Matters, etc.

3.33 The timetable comprised five stages that delivered the following outcomes:

Stage 1 – expressions of interest were invited as a first stage resulting in a two page PDF brochure being sent to approximately 135 interested parties, 10 viewings were undertaken and a total of 10 expressions of interest were received by 18 May 2012.

Stage 2 – we selected 8 parties from those who had expressed an interest, they were asked to submit planning pre-applications for their proposed scheme's to Brent's planning team, along with comments to heads of term, a total of 5 submissions were received by 31 July 2012.

Stage 3 – we set an informal tender bid date and invited those who had provided a stage 2 submission, to submit comments to contract and financial offers, a total of 5 bids were received on 1 October 2012, using the bid assessment form we shortlisted the bids.

Stage 4 – shortlisted bidders were invited to an interview on 9 October 2012, after this interview scores on the bid assessment form were re-scored.

Stage 5 – as a final stage we invited all shortlisted bidders to submit a 'best and final' financial offer for the property on 19 October 2012.

3.34 On the basis that shortlisted parties have demonstrated:

1. Sufficient financial capacity and access to the necessary financial resource to deliver their proposals;
2. Well considered and developed site designs, which the planning department confirmed were of good quality, realistic and deliverable;

3. Properly considered and commented on the content of the draft contract; and
 4. Provided a strong financial offer or one of a scale which could be considered to allow release of the site.
- 3.35 Our recommendation is that we enter contract with the bidder that has provided the highest financial offer and keep in reserve the second highest bid.

Contract issues

- 3.36 Bidders were provided with a draft form of sale contract at an early stage in the process (see paragraph 3.31 above) and were given an opportunity to comment on the terms. No bidders returned the contract with any significant mark-ups and all short-listed bidders confirmed their 'high-level' approval of the form of contract at interview stage.
- 3.37 The contract is drafted so that completion of the disposal is conditional on the preferred bidder securing planning permission for the development of the Property. Accordingly, following Executive approval of the disposal of the Property, contracts will be exchanged and the preferred bidder will be required to commence their formal planning application.
- 3.38 Completion will then occur following the satisfaction of the planning condition, at which point the bidder will be granted a long-lease of the Property for a term of 125 years for the agreed purchase price (as a lease premium) and at a peppercorn rent. Following completion of the development of the Property, the bidder will then be transferred the Council's freehold interest in the Property for a nominal £1 consideration.

Planning Permission

- 3.39 The Site Specific proposal for the Town Hall site, coupled with the detailed guidance provided in the Planning Brief, provide clarity on both the range of uses and extent of alterations/extensions that the Council would regard as being acceptable.
- 3.40 The leading bids are in accordance with the site specific policy and adhere closely to the design and layout principles set out in the brief.
- 3.41 The key 'character spaces' in the existing building are thoughtfully used with minimum design intervention, and the extensions are shown in locations that the brief identifies as being suitable for additional building/enlargement.

- 3.42 Lead bids are also proposing a single use for the whole site that will again assist in achieving the planning objective of maintaining the design integrity of the listed building.
- 3.43 The successful bidders will require planning permission and listed building consent for the proposed use and associated works, and these applications will be judged by the Council against its adopted planning policies and the agreed guidance for the site.

Comments on end user

- 3.44 Members are asked to note the confidential letter received at Appendix 3.
- 3.45 As the Executive is aware from the report considered at its August meeting, the Council is projecting a shortfall of school places and has developed plans to expand primary provision. In addition, proposals to increase secondary provision (where the demand is manifested in later years) will be brought to the Executive for consideration in January.
- 3.46 The Town Hall is not identified specifically as an education site and is not factored into any of these plans, firstly (in terms of secondary provision) because of its close proximity to Ark Academy and secondly because its sale at market value is required to enable the Council's move to the Civic Centre.
- 3.47 Education uses outside the state-funded sector on this site might have some wider benefits for the local population but their impact would be mainly neutral in terms of their impact on local state education provision.

Conclusion

- 3.48 The Assistant Director Property and Asset Management recommends acceptance of the highest offer which represents best value.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The disposal of the Town Hall forms part of the business case for the Civic Centre. The capital receipt for the disposal of the Town Hall has been ring-fenced to the Civic Centre Programme. The bid for the Town Hall from the preferred bidder is within the range expected in the Civic Centre business case. Successful completion of this disposal at the bid price will remove the risk that the Town Hall is sold for less than assumed in the business case.
- 4.2 The cost of disposal (such as marketing and legal fees) will be met from the capital receipt.
- 4.3 There is a cost of securing the property between vacation of the Town Hall as part of the Civic Centre, and the completion of the sale. This cost

is estimated at £150,000 and will be met from the resources allocated to the Civic Centre programme.

- 4.4 In order to maximise the capital receipt for the Town Hall, the Council will not exercise its 'Option to tax' the proceeds of this transaction, as the Vat on the 'attributable costs of sale' can be absorbed within the Council's 'partial exemption threshold' in the year of sale.

5.0 LEGAL IMPLICATIONS

- 5.1 Under Section 123 of the Local Government Act 1972 the Council has a general power to dispose of properties including by way of the sale of the freehold or the grant of a lease. The essential condition is that the Council obtain (unless it is a lease for 7 years or less) the best consideration that is reasonably obtainable.

- 5.2 Disposals on the open market, either by way of auction or by way of appointing a marketing agent, will satisfy the best consideration requirement.

- 5.3 The Council can appropriate land under section 122 Local Government Act 1972 which states as follows:

"...a principal council may appropriate for any purpose for which the council are authorised by this or any other enactment to acquire land by agreement any land which belongs to the council and is no longer required for the purpose for which it is held immediately before the appropriation.

- 5.4 The purposes for which land may be acquired are defined in Section 226(1) Town & Country Planning Act 1990 as follows;

- (a) If the authority think that the acquisition will facilitate the carrying out of development/redevelopment or improvement on or in relation to the land; or
- (b) If the land is required for a purpose which it is necessary to achieve in the interests of proper planning of an area in which the land is situated.

- 5.5 In this case, the purposes fall within the ambit of section 226(1) (a) as the carrying out of the redevelopment of the Town Hall would be facilitated as described in this report.

- 5.6 A local authority must not exercise the power under paragraph (a) unless they think that the development, redevelopment or improvement is likely to contribute to the achievement or the promotion or improvement of one or more of the following objects (namely) the economic, social or environmental well-being of their area.

- 5.7 Under Section 237 of the Town & Country Planning Act 1990 the erection, construction or carrying out or maintenance of any building or work on land or the use of any land which has been acquired or acquired or appropriated by a local authority for planning purposes (whether done by the local authority or by a person deriving title under them) is authorised by virtue of this section if it is done in accordance with planning permission, notwithstanding that it involves interference with an interest or right to which this section applies. The appropriation will be subject (if applicable) to the payment of compensation in respect of third party interests or rights interfered with.
- 5.8 Under Section 241 of the Town and Country Planning Act 1990 land comprising open space which has been appropriated by a local authority for planning purposes may be used by any person in any manner in accordance with planning permission.
- 5.9 The land must no longer be required for the purpose for which it is held immediately before appropriation. The new Civic Centre will be available for occupation in the next six months. The date of the actual appropriation will be when the Town Hall site becomes a vacant site. Once the appropriation is effected, the appropriated land will be held for planning purposes.

6.0 DIVERSITY IMPLICATIONS

- 6.1 An Impact needs / requirements assessment form (INRA) has been completed, Appendix 4 and no issues have been identified.

7.0 STAFFING/ACCOMMODATION IMPLICATIONS

- 7.1 It is expected that staff working at the Town Hall will relocate to the new Civic Centre by mid 2013.

8.0 BACKGROUND PAPERS

Report to the Executive 18th March 2008 entitled "A New Civic Centre for Brent – detailed proposals" (available to the public online).

Report to the Executive 13 December 2010 entitled "Civic Offices and Property Disposals" (available to the public online).

Report to the Executive 12 March 2012 entitled "Brent Town Hall Planning and Development Brief" (available to the public online).

9.0 APPENDIX PAPERS

Appendix 1 - CONFIDENTIAL October 2012 Colliers Report and Recommendation on Preferred Bidder

Appendix 2 - Site Plan

Appendix 3 - CONFIDENTIAL Letter received in relation to bids.

Appendix 4 - INRA assessment

Contact Officers

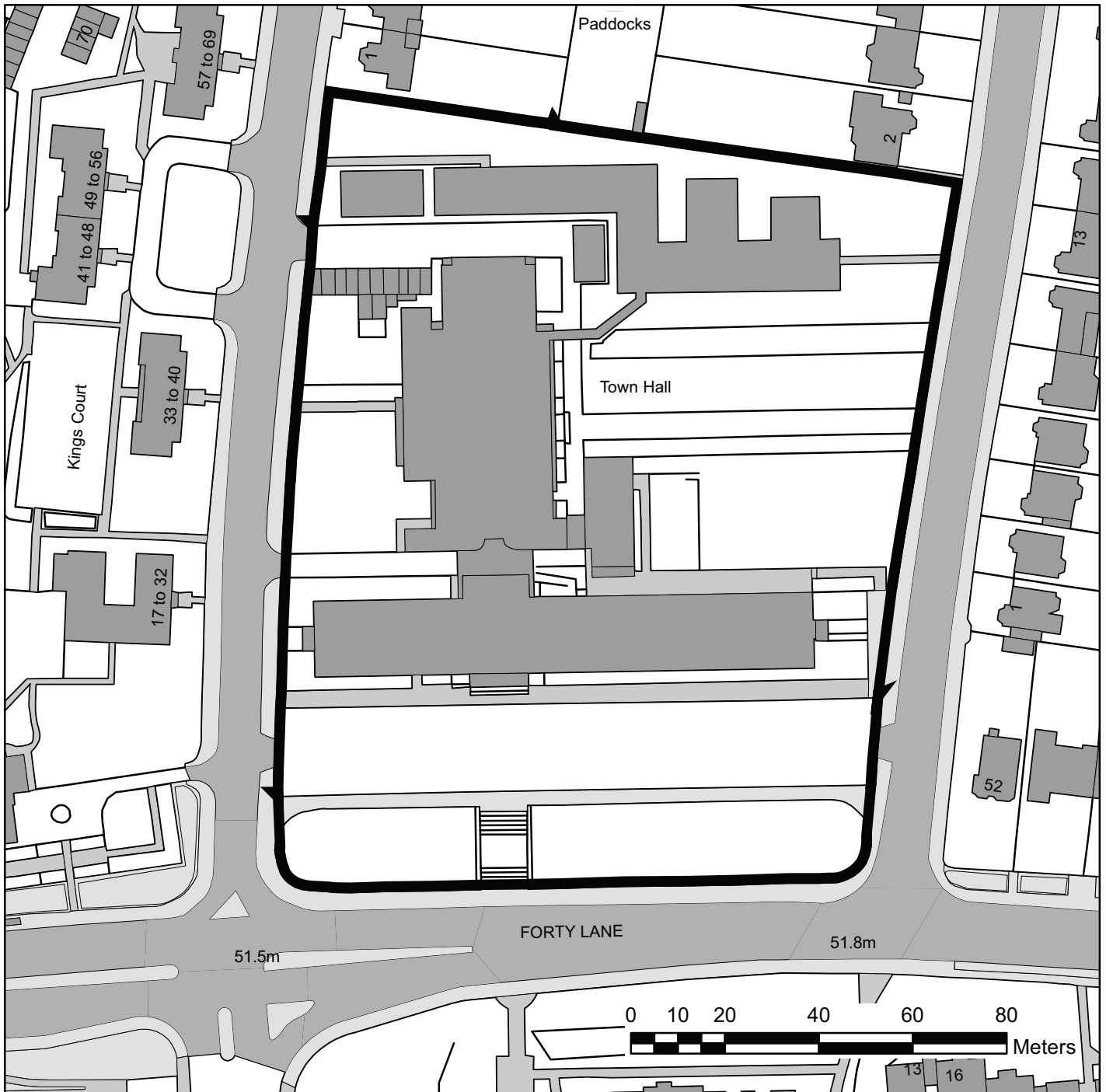
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EXECUTIVE COMMITTEE

**Brent Town Hall, 54 Forty Lane,
Wembley, HA9 9HD**



**Premises shown heavily
outlined black.**

Plan for information purposes only.

NORTH



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Impact Needs/Requirement Assessment Completion Form

Department: Regeneration and Major Projects.	Person Responsible: Sarah Chaudhry – Head of Strategic Property
Service Area: Property and Asset Management.	Timescale for Equality Impact Assessment :
Date: 7 November 2012	Completion date: 7 November 2012
Name of service/policy/procedure/project etc: This is a transaction for the sale of Brent's Town Hall site located on Forty Lane, Wembley Park.	Is the service/policy/procedure/project etc: New <input checked="" type="checkbox"/> Y Old <input type="checkbox"/>
Predictive <input checked="" type="checkbox"/> Y Retrospective <input type="checkbox"/>	Adverse impact <input type="checkbox"/> Not found <input checked="" type="checkbox"/> Y Found <input type="checkbox"/> Service/policy/procedure/project etc, amended to stop or reduce adverse impact N/A Yes <input type="checkbox"/> No <input type="checkbox"/>
Is there likely to be a differential impact on any group? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Please state below: as no I haven't completed points 1 to 6.
1. Grounds of race: Ethnicity, nationality or national origin e.g. people of different ethnic backgrounds including Gypsies and Travellers and Refugees/ Asylum Seekers Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	2. Grounds of gender: Sex, marital status, transgendered people and people with caring responsibilities Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
3. Grounds of disability: Physical or sensory impairment, mental disability or learning disability Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	4. Grounds of faith or belief: Religion/faith including people who do not have a religion Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
5. Grounds of sexual orientation: Lesbian, Gay and bisexual Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	6. Grounds of age: Older people, children and young People Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Consultation conducted Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
Person responsible for arranging the review: Sarah Chaudhry	Person responsible for publishing results of Equality Impact Assessment: There will be no Equality Impact to society from this transaction.
Person responsible for monitoring: Sarah Chaudhry	Date results due to be published and where: No results will be published
Signed: Sarah Chaudhry	Date: 7/11/12

Impact Needs/Requirement Assessment Completion Form

Please note that you must complete this form if you are undertaking a formal Impact Needs/Requirement Assessment. You may also wish to use this form for guidance to undertake an initial assessment, please indicate.

1. What is the service/policy/procedure/project etc to be assessed?

The sale of the Brent Town Hall site, Forty Lane, Wembley Park through an informal tender process. This building is occupied by Brent Council staff who will be relocating to the new Civic Centre that is currently under construction with completion in 2013. After a marketing process the Executive report recommends a sale of the Brent Town Hall site.

2. Briefly describe the aim of the service/policy etc? What needs or duties is it designed to meet? How does it differ from any existing services/ policies etc in this area

To sell the Council owned Brent Town Hall site that will be surplus property when the new Civic Centre opens in 2013, to obtain a capital receipt to meet the income forecasted in the Civic Centre business case.

3. Are the aims consistent with the council's Comprehensive Equality Policy?

Yes as anybody, regardless of age, creed, religion, sexuality, ethnicity and gender had an opportunity to bid for this property in an open and transparent way.

4. Is there any evidence to suggest that this could affect some groups of people? Is there an adverse impact around race/gender/disability/faith/sexual orientation/health etc? What are the reasons for this adverse impact?

The property will be sold, subject to the Executive Committee's approval. This has been an open and transparent method for the sale, all sections of society could bid to purchase the property in an open and transparent way. Ensuring there was no discrimination to any potential bidder and by any bidder.

5. Please describe the evidence you have used to make your judgement. What existing data for example (qualitative or quantitative) have you used to form your judgement? Please supply us with the evidence you used to make your judgement separately (by race, gender and disability etc).

As detailed in the main report, the method of sale provided that the Brent Town Hall site be extensively marketed, featuring website advertisements, articles in publications, the production of brochures. Prior to this there have been a series of Civic Centre and Planning Executive reports all of which were publically available that all suggested the sale and redevelopment of the Town Hall.

6. Are there any unmet needs/requirements that can be identified that affect specific groups? (Please refer to provisions of the Disability Discrimination Act and the regulations on sexual orientation and faith, Age regulations/legislation if applicable)

There are no unmet needs or requirements that can be identified that could affect specific groups. Any group of ethnicity, sexual orientation, faith or age can make a bid for this property. With the opening of the Civic Centre staff and services will be moving from the Town Hall to this new location.

7. Have you consulted externally as part of your assessment? Who have you consulted with? What methods did you use? What have you done with the results i.e. how do you intend to use the information gathered as part of the consultation?

I have not consulted externally as part of my assessment. Although through the planning process, consultation on the sale and redevelopment of the Town Hall has occurred. Similarly the S123 notice that was recently publishing in the press, also informed the public of an anticipated change and no objections or comments were received.

8. Have you published the results of the consultation, if so where?

No, because none has been undertaken.

9. Is there a public concern (in the media etc) that this function or policy is being operated in a discriminatory manner?

This is not a function of policy.

10. If in your judgement, the proposed service/policy etc does have an adverse impact, can that impact be justified? You need to think about whether the proposed service/policy etc will have a positive or negative effect on the promotion of equality of opportunity, if it will help eliminate discrimination in any way, or encourage or hinder community relations.

This is not a service or policy.

11. If the impact cannot be justified, how do you intend to deal with it?

Impact Needs/Requirement Assessment Completion Form

N/A

12. What can be done to improve access to/take up of services?

N/A

13. What is the justification for taking these measures?

N/A

14. Please provide us with separate evidence of how you intend to monitor in the future. Please give the name of the person who will be responsible for this on the front page.

I will be responsible for the monitoring progress of this sale.

15. What are your recommendations based on the conclusions and comments of this assessment?

That the Council be able move forward with this sale transaction as per the recommendation in the report.

Should you:

1. Take any immediate action? No.
2. Develop equality objectives and targets based on the conclusions? No
3. Carry out further research? No

16. If equality objectives and targets need to be developed, please list them here.

N/A.

17. What will your resource allocation for action comprise of?

N/A

If you need more space for any of your answers please continue on a separate sheet

Signed by the manager undertaking the assessment:

Full name (in capitals please): SARAH CHAUDHRY

Date: 8/11/12

Service Area and position in the council: Head of Strategic Property.

Details of others involved in the assessment - auditing team/peer review:

Once you have completed this form, please take a copy and send it to: **The Corporate Diversity Team, Room 5 Brent Town Hall, Forty Lane, Wembley, Middlesex HA9 9HD**

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**Executive
10 December 2012**

**Report from the Director of
Strategy, Partnerships and Improvement
and the Director of Adult Social Care**

Wards Affected:
ALL

**Public Health Contracts – Process for transfer and
commissioning intentions for 2013/14**

1. Summary

- 1.1 This report sets out for the Executive plans for the transfer of public health service contracts to the council to ensure service continuity in 2013/14. Members will see that the position regarding contract transfer is still emerging, but in essence it is proposed that existing contracts that are due to expire on the 31st March 2013 are extended by NHS Brent for at least one year and transferred to the council. During 2013/14 a series of procurement exercises will take place to re-procure public health services in line with the council's plans for the service and the authority's procurement rules.
- 1.2 Officers are working with colleagues from NHS Brent to develop a solution for each public health contract. Unfortunately there is not a simple solution for each contract, reflecting the different types of contract used by public health to commission services. Further work is needed to confirm arrangements for some contracts, such as Local Enhanced Service agreements. However, with a small number of exceptions the intention is to extend and continue each public health service contract. Because this is still a fluid situation, the latest position on the unresolved contracts will be reported to the Executive at the meeting on the 10th December.
- 1.3 If, as a result of further work it becomes apparent that there will need to be a significant variance to the proposal for any contract listed in the report, this will be reported back to members for permission to pursue an alternative course of action. Otherwise, the Executive is asked to approve the plans for public health contracts set out in this report.

2. Recommendations

That the Executive:

- 2.1 Endorse the approach set out in this report to the proposed transfer of existing public health contracts
- 2.2 Agree the specific recommendations for each contract set out in the table in Appendix 1 to this report.
- 2.3 Delegate to the Director of Adult Social Care authority to enter into such contractual or other arrangements as may be required to ensure continuity of relevant services detailed in Appendix 1 for the financial year 2013/14.
- 2.4 Note that where it is not possible to pursue the recommendations for each contract set out in the table in Appendix 1 in the manner proposed, officers will report back to the Executive with regard alternative options.

3. Report

- 3.1 This report sets out for the Executive proposals for the transfer of public health contracts from NHS Brent to the council in order to ensure that public health services can continue to be delivered during the transition of the function from the NHS to the local authority. The majority of the public health budget is spent on contracts with NHS, private and third sector organisations that deliver public health services. This element of the function needs to be successfully transferred if services are to continue to be delivered after the 1st April 2013.
- 3.2 In preparing this report, officers have worked to two broad assumptions:
 - (i). That the priority for 2013/14 is to ensure that there is minimum disruption to public health services. Unless there is good reason for doing so, officers are recommending that the majority of public health contracts are extended and continued in 2013/14 to ensure current services continue in line with the existing arrangements. Once public health services are successfully transferred to the local authority members can consider how they wish to commission services in the future, but the focus at this stage is on achieving a successful transfer and service continuity.
 - (ii). That in the final public health allocation, which won't be known until December 2012, there will be sufficient funding to afford to commission existing public health services.
- 3.3 The process for transferring contracts from NHS Brent to the local authority has become clearer in recent weeks as guidance has become available. In short, the contracts held by NHS Brent for public health services due to transfer to the council will be transferred under a statutory transfer arrangement (transfer order). The transfer scheme's documentation will list all contracts and other property and liabilities currently held by the PCT relevant to the council. The legal transfer will take effect from 1st April 2013.

- 3.4 NHS Brent has 39 public health contracts with external providers. The majority of these contracts are for sexual health and substance misuse services. The position with all of NHS Brent's public health contracts, except for one, is that they expire on the 31st March 2013. Therefore, officers have been working with colleagues at NHS Brent and provider organisations to ensure that the work is done to progress possible extension of contracts so that services continue after the 1st April 2013.
- 3.5 Guidance has been sent to council's by NHS London on what to do in the circumstance facing the council and NHS Brent. The guidance says:
- “Where current public health services contracts expire prior to 1st April 2013 the PCT and local authority should decide jointly whether they wish to continue to commission the service that will transfer to the local authority. A decision will need to be taken on the most appropriate approach. This could include:
- a. PCTs with local authority agreement working with the current provider to agree to continue to run the current services for a short period (e.g. 6, 9, 12 months). This would ensure continuity of service for service users and would allow local authorities time to implement their procurement decisions, where this is possible within the terms of the contract. In this instance, local authorities would be requesting the existing parties to the contract to amend the existing contract duration beyond 1st April 2013. Any request for an extension to duration of the existing contract would be made by the PCT to their SHA/Regional Director. An extended contract would be transferred to the relevant local authority under the statutory transfer scheme arrangements. For this approach, local authorities will need to be able to make a case to support the decision to extend the contract. This is especially the case where the service could be delivered by other providers. Reasonable defence for such decisions may include wanting to manage the impact of transition on the provision of services locally, with actions planned to engage on alternate plans for commissioning services in the future after the transition arrangement expires.
- b. Local authorities commissioning a new service through available procurement routes”
- 3.6 Given the value of some of the public health contracts and the time and capacity available to re-commission services for 2013/14, officers consider there is little option but to ask NHS Brent to extend contracts and transfer those contracts to ensure services continue through 2013/14. However, the council is committed to reviewing and re-commissioning public health services in a rolling programme over the coming two years to ensure that services are

commissioned in line with our procurement rules and that they properly reflect the council's ambitions for public health.

- 3.7 According to the guidance, councils and PCTs will need to put together a case to support their request to the Strategic Health Authority (NHS London) to extend public health contracts. Informal discussions have taken place, where Brent's position has been made clear to the SHA, and they have indicated that in principle they will approve the extension of the existing public health contracts.
- 3.8 The other complicating factor with the transfer is the variety of contracts used by the NHS to commission public health services. Unfortunately there is not a single solution available that can be applied to each public health contract to ensure it can be extended and included in the transfer order. NHS Brent commission services using the following contract types:
- 3.8 **Local Enhanced Services (LESs)** – LES agreements are primary care contracts used to commission GPs to deliver services outside the scope of the core GP contract. Services are also commissioned from pharmacists using LES agreements. Smoking cessation and Health Checks are two examples of services commissioned via a LES agreement that the council should continue commissioning in 2013/14.
- 3.9 Local authorities will not be able to commission using LES agreements for services that commence on or after 1st April 2013 – council's have to find an alternative contract mechanism. In Brent all LES agreements expire on the 31st March 2013. The council needs a new contract agreement with GPs and pharmacists to begin on the 1st April to ensure service continuity.
- 3.10 Initial discussions have taken place with Brent CCG about the LES agreements. Department of Health guidance regarding contract transfer options is due to be issued shortly and it is hoped that this will assist with determining the best approach for dealing with current LES contracts. In the meantime however, officers have been considering conditional grant arrangements or spot purchase arrangements with GPs and pharmacists as appropriate mechanisms enabling current services to continue to be provided in 2013/14. Whilst final agreements with GPs and pharmacists are still to be negotiated, officers are confident agreement can be reached prior to April 2013.
- 3.11 We currently only have budget figures to work from in relation to the LESs for 2012/13 and have requested projected spend figures for this period, to ensure that realistic and adequate budgets are set for April 2013/14 and to protect the financial position of the council.

- 3.12 **Community / Third Sector Contracts** – These contracts are the most straight forward to deal with in this transition. NHS Brent has numerous contracts, primarily for substance misuse and sexual health services with organisations from the community and third sector. Generally contracts are with a single provider to deliver a specific service. Encouragingly, providers are keen to continue working in the borough in 2013/14. From an extension and transfer perspective, these contracts should provide fewest difficulties.
- 3.13 **Foundation Trust Contracts** – The clinical substance misuse service provided by Central and North West London Foundation Trust is in scope to transfer to the council. This service is commissioned using a NHS Foundation Trust Contract. The complicating issue with this contract is that the substance misuse element is a small part of a much larger contract, where the majority of services will remain the Clinical Commissioning Group’s responsibility to commission. Discussions have taken place with the CCG to understand their intentions for this contract and to assess whether GPs will want to commission and be prepared to offer clinical support to the management of this element of the contract for 12 months on behalf of the council because unpicking the Foundation Trust contract will be very difficult in the time available before transfer.
- 3.14 In the event that the CCG will commission this service on behalf of the council, it is likely that the council would be named as an associate commissioner on the contract, taking the lead for performance and financial management of the services it is responsible for. Again, it would be expected that the service would be reviewed and re-procured during 2013/14.
- 3.15 **Block Contracts** – Similar to the Foundation Trust Contract, the PCT commissions services from the Ealing Hospital Trust ICO (which isn’t a foundation trust) in block contracts – one contract for multiple services. The school nursing service is commissioned from the ICO in this way. This element of the contract will be transferring to the local authority, but the majority of the services included in the overall contract will remain within the NHS.
- 3.16 It is important the council understands the CCGs intention for this contract so that the school nursing elements can be re-commissioned in time using the council’s procurement process. Unpicking the contract will not be possible before 31st March 2013. The guidance on these types of contracts says:

“How will public health elements of larger contracts be disaggregated and passed to Las? E.g. school nursing? - The PCT will identify the services within the existing contracts against the named receiving organisations. Although it has not yet been finally confirmed, it is likely that each of the receiving organisations will receive an

electronic copy of the relevant contract within which the specified service sits. From 1st April the receiving organisation will be responsible for managing the transferred services using the terms and condition of the overall contract with the provider.”

- 3.17 Essentially, it is proposed the provision of service such as school nursing will be retained in the larger NHS contracts, commissioned by GPs on behalf of the council. Agreement will need to be reached with the CCG on these services to ensure that the council’s interests are protected in contract negotiations. The legal mechanism to transfer the commissioning responsibility from the council to CCG is likely to be through an agreement pursuant to section 76 of the National Health Services Act 2006.
- 3.18 **Private Sector Contract** – There is one contract with a private sector provider (Slimming World, for weight loss services). Again, this contract is relatively straight forward to manage, as it is a contract for a specific service with one provider, commissioned by the public health service. This contract could be extended by the PCT and transferred.
- 3.19 **GUM Service Contracts** – The council will be responsible for commissioning open access sexual health services (GUM clinics). In London, each PCT has a contract with around 30 NHS trusts that deliver this service. Because of the time needed for the council to individually negotiate a contract with each provider and then manage that contract, Brent, with the other boroughs in the West London Alliance is negotiating with the North West London Commissioning Support Unit for them to do this on the council’s behalf. This will give officers the time, post transition, to better understand the service and commission it in the way that best fits the needs of Brent residents.
- 3.20 There are some significant risks associated with GUM services. They are open access services, and although capping contract activity is done by the NHS, the reality is that the council will have to pay for anyone from Brent using a sexual health clinic anywhere in the UK. Most activity is carried out within London by the contracted providers. However, Brent residents do use providers around the UK. In these instances, the PCT is sent an invoice for the activity. In the future, the council will have to pay for non-contract work.
- 3.21 By working with the CSU, the council will be able to contract with providers in London (the CSU already has these relationships) and work to set a cap on activity to protect the council’s financial position. It is also proposed to set aside a portion of the public health budget (£500,000) to cover any overspend in this service area. The risk in setting a cap on activity is that users look to go outside of London to non-contract providers for services. The council would have to cover these costs as well.

- 3.22 It is accepted that this is not an ideal position, but that working with the CSU should ensure that contracts are put in place with providers and that there is some control over demand, up to a point. It is important that members understand the implications of this service, particularly the open access nature. Clearly the council will want to look to re-orientate activity and spend on preventative work to address the growing demand for clinical treatment services.
- 3.23 **Pan London Sexual Health Services** – There are a number of sexual health contracts commissioned on a pan-London basis or on a multiple borough basis. Whether these continue to be commissioned this way isn't clear yet, and officers are working with colleagues at NHS Brent to resolve this issue.
- 3.24 Public Health Contracts**
- 3.25 Set out in Appendix 1 is the full list on contracts, broken down by service area, that are in scope to transfer to the council. The tables include detail on the service provided, the 2012/13 value and a recommendation for 2013/14.
- 3.26 Members should take the opportunity to consider the separate recommendation for each contract and understand the services that are to be commissioned by the council in 2013/14. Subject to Executive approval and unless there is a significant variation to the proposed recommendation for each contract, officers will proceed to ensure contracts are successfully extended and transferred so that services continue from the 1st April 2013. Significant variations will be reported back to the Executive for members to decide on the way that the council should proceed.
- 3.27 Councillors should be aware that there are three contracts currently commissioned by NHS Brent that they are recommending are not continued. They are:
- Central London Community Services - Contraceptive services. This service is based in Barnet and NHS Brent had been making a contribution to the service to pay for activity provided to Brent residents. NHS Brent Public Health had been unaware until recently that this contract existed and it is unclear what value or service it is providing for Brent. Given that open access GUM services are commissioned by public health and will be transferring to the local authority, that there is a wide variety of contraceptive services commissioned in the borough, for example, the contraceptive services provided by CNWL, and the lack of clarity around the outcomes from this service, it is recommended that the contract isn't extended and is allowed to lapse on 31st March 2013.
 - Young Addaction - Teenage pregnancy services and sexual health services for young people at the Cobbold Road Centre. This contract

was for a GUM nurse to attend the Cobbold Road Centre to provide sexual health services to young people using Young Addaction's other services. There have been problems with this contract as the provider has struggled to secure a nurse to run the sessions. The contract was only set up for one year and would have expired on 31st March 2013. There are also alternative services that people could use, such as the GUM clinics commissioned by public health, or the CNWL contraceptive service. Because of the contract issues and the short term nature of the contract, it is recommended that the contract isn't extended.

- Lonsdale Practice - Shared care for opiate users with high levels of need had been provided from the Lonsdale Practice. The GP providing the service has retired, and clients have transferred to the Junction Service provided by CNWL in order to move them on through the treatment system. Because alternative provision is in place and the provider has retired, it is recommended that this contract isn't extended.

3.28 When reviewing public health services and contracts post transfer, officers will be assessing the need for such services and where and how they should be provided. Whilst there is current alternative provision in place, the whole service offer will be reviewed in time.

3.29 Conclusions

3.30 There are many strands to the public health transfer, but successfully transferring the public health contracts is probably the most important. The council has to ensure that services are not disrupted by the transfer and officers are working to this objective. Once the process for transfer of existing services has been completed, work will begin on reviewing the various public health contracts so that services can be re-procured in line with the council's procurement rules, but more importantly, to meet the council's objectives for public health. Officers will need to review the existing contractual arrangements with providers with a view to achieving better alignment with other council commissioned services and work streams.

3.31 In the coming months, before April 2013, members will receive further reports seeking approval to begin tender processes for a variety of services. Because of the contract values of many of the public health services, Executive approval will be needed to go out to tender on many of the existing service areas. Running tender process for public health will take some time. The aim will be to implement re-procured services from April 2014. Officers will work to develop a review programme for public health so that services are re-procured in a logical sequence and in a way that gets the most from the council's public health resources.

4. Legal Implications

- 4.1 The Health and Social Care Act 2012 (the “Act”) confers powers and imposes a number of obligations in relation to key Public Health functions on local authorities. The relevant provisions are due to come into force on 1 April 2013.
- 4.2 A list of proposed responsibilities for local authorities was identified by the Department of Health in its document “Public Health in Local Government: Commissioning Responsibilities” Appendix 1 of the report details various contracts currently procured by NHS Brent that cover those public health responsibilities that will transfer to the Council. All but one of the contracts is due to expire on 31 March 2013.
- 4.3 For the reasons detailed in section 3 of this report, the recommended approach is for the majority of arrangements currently detailed in Appendix 1 to be extended for a limited period to enable continuity of provision, with contracts thereafter procured by the Council in accordance with its Contract standing Orders and Financial Regulations.
- 4.4 Proposals to extend Community / Third Sector Contracts and Private Sector Contracts would involve NHS Brent extending existing contracts prior to 31 March 2013, with contracts then transferred to the council by way of a transfer order drafted under the transition powers of the Act. Prior to extension of contracts, NHS Brent will have to satisfy itself that such extension is justified under the EU procurement regulations. Additionally it is necessary to seek consent to the proposed extension from the Strategic Health Authority. As detailed in paragraph 3.7, the Strategic Health Authority has been approached and has indicated in principle his agreement to possible extension of all such contracts. Subject to Executive approval of the Recommendations, formal approval from the Strategic Health Authority will be sought. Also, the council must carry out due diligence enquiries into such contracts to establish the extent of contractual rights and liabilities. Initial due diligence checks have not revealed liabilities over and above those expected.
- 4.5 Details are contained in the report as to possible future options for the continued provision of services in respect of LES agreements, Foundation Trust contracts, block contracts, GUM service contracts and pan-London sexual health service contracts. Options in relation to all such contracts are all subject to further discussion. The Department of Health is issuing guidance in connection with contracts and it is envisaged that this will assist in adopting the most suitable arrangements.

5. Finance Implications

- 5.1 The budget transfer as at 1st April 2013 remains uncertain but is projected to be in line with the PCT return to the Government in February 2012 suggesting spending of around £16m based on 2010/11 baseline estimates.
- 5.2 NHS Brent's public health allocation for 2012/13 is £17.3m, which leaves a gap of around £1.3m in funding. In planning for 2013/14, this degree of uncertainty and lack of clarity is unhelpful and will introduce ambiguity in the budgets.
- 5.3 To further complicate matters, the government has set up an advisory committee to look at the resource allocation (ACRA) and they have developed a formula for calculating allocations which, if implemented, could lead to a further reduction in funding for Brent of around 16% to around £13.5m
- 5.4 ACRA's formula for allocating public health resources is based on the standardised mortality ratio for those under 75 years of age. Analysis work has shown that the proposed formula is fundamentally flawed, as it will reduce spending in the country's most deprived areas and increase it in the least deprived areas.
- 5.5 Historic levels of spending on public health are higher in more deprived areas because the level of need is greater, a flaw that has been recognised by PCTs and which has been advised to Government. Authorities in those areas, which include Brent, consider that they should not be penalised due to previous spending patterns in preventative services in the past.
- 5.6 The population figure used in calculating the ACRA formula is 252,105, where as the first results from the 2011 census have been published and they show that Brent's population has increased to 311,200, a difference of 59,000. This would suggest underfunding of approximately £3.2m.
- 5.7 Taking all the above into account, budgets are currently being developed, together with staffing structures based on the £16m allocation figure but mindful that should the ACRA view prevail, the service will need to be managed within the lower sum.
- 5.8 It should also be noted that within this £16m total, two services (sexual health and health checks) are entirely demand-led and account for 41% of the total budget. This introduces a significant risk factor which is being managed through the establishment of a reserve of £0.5m per annum set aside from the £16m.
- 5.9 There are not expected to be any capital requirements arising from this transfer
- 5.10 Initial budget setting work has identified further funding issues, with projected spend being in the region of £16.4m. This, together with the £0.5m reserve,

and the missing projected spend information for the LES contracts leaves the council in a vulnerable financial position going forward if the grant awarded to the council is in the region of £16m.

6. Diversity Implications

- 6.1 The Council will need to comply with the Equality Act 2010 in the provision of these health services and the duty under section 149 of the Equality Act 2010 will need to be addressed at the time that the services and the contracts are reviewed. The proposed transfer of the existing contracts, as set out in this report, is an interim measure with tight time scales and it is not practicable to consider and address the equalities issues in the transitional period during which the contracts are extended for a short period.

7. Staffing/Accommodation Implications

- 7.1 This services outlined in this report are currently provided by external providers and there are no implications for Council staff arising from the extension and transfer of contracts.

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Alison Elliott
Director of Adult Social Care

Phil Newby
Director of Strategy, Partnerships and
Improvement

Appendix 1

(i). Sexual Health Services

Provider	Service	2012/13 Value	Recommendation for 2013/14
CNWL Foundation Trust	Contraceptive Services, provided by CNWL from three sites in Brent – Wembley Centre for Health and Care, Willesden Centre for Health and Care and Hillside Medical Centre. There is potential in the future to integrate this service with open access GUM services, but for 2013/14 the current contract should be extended.	£870,000	Extend the contract and transfer to the local authority.
North West London Hospitals	Chlamydia screening service - This is part of a larger contract with NWL Hospitals. Public health holds a service specification for chlamydia screening. The service should continue in 2013/14, but the council needs to understand the CCGs intention for the contract.	£150,918	Negotiate with CCG to find out their intentions for this contract. The council should be an associate commissioner with Brent CCG for this service.
Central London Community Service	Contraceptive services - Central London Community Services run contraceptive services in Barnet and this contract covers activity for Brent residents. NHS Brent Public Health had been unaware until recently that this contract existed and it is unclear what value or service it is providing for Brent.	£9,000	NHS Brent is recommending that this service isn't commissioned in 2013/14 and the contract value is put back into the public health budget.
SHOC	Primary Care Development - SHOC work to increase provision and take up of sexual health services from GPs in Brent. Brent has high chlamydia screening rates, and this service contributes to this.	£127,000	Extend the contract and transfer to the local authority.
CHAT	HIV Prevention - CHAT work with the African community in Brent to prevent HIV.	£100,100	Extend the contract and transfer to the local authority.
The African Child	Teenage Pregnancy - This service works with vulnerable young people to prevent teenage pregnancy. It is a low volume, high impact service.	£78,000	Extend the contract and transfer to the local authority.
Pan London HIV Programme	HIV Prevention - This contract is commissioned by K&C on behalf of London PCTs. Lambeth is likely to take this on. It is unclear what value this contract brings, but its work has the potential to be extremely useful. If there is a critical mass of council's willing to continue this, it is recommended Brent stays involved. If not, a WLA alternative could be suggested.	£80,000	Discussions with other councils need to take place before a decision on this contract is made. This will also be taken up with Andrew Howe / WLA because of the potential for a WLA link up.
Naz London	HIV Prevention - This service is commissioned to provide targeted support to people from BME groups with HIV. It is a contract with Westminster and H&F.	£19,000	Westminster and H&Fs intend to continue commissioning this service. It is recommended that Brent remains a joint commissioner for 2013/14.
SHOC	Teenage Pregnancy / Condoms - SHOC work to sign young people up to the C-card which	£42,000	Extend the contract and transfer to the local

	enable them to claim free condoms from pharmacists.		authority.
NCSP	Data Collection / pathology service for chlamydia services.	£2,000	Extend and transfer, or agree to pay by grant.
Therapy Audit	Condoms distribution - contract for web based distribution and stock ordering system.	£500	Extend and transfer or agree to pay by grant
The Doctors Laboratory	Chlamydia pathology - The cost for this contract is £12 per screen, and there are around 4,500 screens per year and use is falling. This is underspent as a result.	£80,000, but this is underspent	Extend the contract and transfer to the local authority.
Sonar	IT Support – EHC / Condoms. This contract supports pharmacists IT relating to condom distribution.	£4,700	Extend the contract and transfer to the local authority.
Young Addaction	Teenage pregnancy – This is a service for a nurse to provide GUM services at the Young Addaction sessions at Cobbold Road. There have been problems with this contract, mainly being able to secure a nurse to run the sessions.	£33,000	NHS Brent is recommending that this service isn't re-commissioned and that the funding is put back into the public health budget.
Various Providers	Open Access GUM Clinics - To be commissioned via the CSU with other west London boroughs. Data needs are an issue – CSU needs to verify first and follow up attendance figures as part of the contract.	£3,850,000	It is recommended that the council uses the NWL CSU to commission GUM services, provided the terms for doing so are favourable.

(ii). Substance Misuse Services

Provider	Service	Value	Recommendation for 2013/14
CNWL NHS Foundation Trust	Clinical prescribing	£2,040,000	This will need to be taken up with the CCG to understand their intentions for this contract.
Compass via NHS Harrow	Alcohol Brief Interventions	£160,000	This contract runs until July 2013. It is a 12 month pilot. It is recommended that it is extended until October 2013, and if the initial results of the pilot are encouraging, work begins to procure the service early in 2013.
Addaction	Treatment and recovery	£620,000	Extend the contract and transfer to the local authority.
Young Addaction	Young Peoples' substance misuse services	£197,000	Extend the contract and transfer to the local authority.
Lonsdale Practice	Shared Care	£100,000	The provider of this service has retired and NHS Brent is recommending that this contract is not renewed.
LIFT	Service user involvement	£50,000	Re-tender the contract using the council's

			procurement rules. The value of this service means it can be done under officers' delegation.
CRI	Outreach and engagement	£540,000	Extend the contract and transfer to the local authority.
EACH	Counselling / Abstinence	£270,000	Extend the contract and transfer to the local authority.
WDP	Criminal Justice	£780,000	Extend the contract and transfer to the local authority.

(iii). LES Agreements

Provider	Service	Value	Recommendation for 2013/14
Brent Pharmacists	EHC (morning after pill) - This LES agreement pays pharmacists for each pill distributed (£25 per pill).	£10,000.	Contact will have to be made with pharmacists' representatives to agree a way forward for 2013/14.
Brent GPs	Chlamydia GP LES – This LES covers chlamydia screening. Brent pays £8 per screen to GPs.	£50,000	Discussions will have to take place with the CCG and LMC to ensure GPs are prepared to keep delivering these services using an alternative contracting arrangement to the LES contract.
Brent GPs	IUCD (coils) - GP LES to fit and check coils. GPs are paid £116 for each fitting and £31 for each review. Some GPs are no longer able to provide this service as they haven't fitted enough, while some haven't been trained (or – re-trained) to do it. Training costs aren't included in the budget.	£89,000, but it overspends - £115k in 2011/12.	Discussions will have to take place with the CCG and LMC to ensure GPs are prepared to keep delivering these services using an alternative contracting arrangement to the LES contract.
Brent Pharmacists	Stop Smoking LES	£200,000	Contact will have to be made with pharmacists' representatives to agree a way forward for 2013/14.
Brent GPs	Stop Smoking LES	£200,000	Discussions will have to take place with the CCG and LMC to ensure GPs are prepared to keep delivering these services using an alternative contracting arrangement to the LES contract.
Brent GPs	Stop smoking LES – Primary Care Pregnancy	£28,000	Discussions will have to take place with the CCG and LMC to ensure GPs are prepared to keep delivering these services using an alternative contracting arrangement

			to the LES contract.
Community Providers	Stop Smoking LES	£20,000	Work with the community providers to understand what they are doing in addition to the GPs and in-house team to contribute to the number of successful quits.
Brent GPs	Health Checks	£25 per health check	Discussions will have to take place with the CCG and LMC to ensure GPs are prepared to keep delivering these services using an alternative contracting arrangement to the LES contract.
Brent GPs	Oral health	£200,000	Discussions will have to take place with the CCG and LMC to ensure GPs are prepared to keep delivering these services using an alternative contracting arrangement to the LES contract.
Brent Pharmacists	Breast Feeding	£200,000	Contact will have to be made with pharmacists' representatives to agree a way forward for 2013/14.

(iv). Young Peoples' Health

Provider	Service	Value	Recommendation for 2013/14
Ealing Hospital NHS Trust (ICO)	School nursing and National Child Measurement Programme	£1,474,400	This will need to be taken up with the CCG to understand their intentions for this contract, but the intention is to extend the contract for 2013/14. .
SHOC	Looked After Children's Nurse	£47,407	This contract needs to be checked, but it is assumed that it will be extended and transferred.

(v). Private Sector Contracts

Provider	Service	Value	Recommendation for 2013/14
Slimming World	Community Weight Management Services	£76,000	This contract needs to be checked, but it is assumed that it will be extended and transferred

(vi). Community Services

Provider	Service	Value	Recommendation for 2013/14
Ealing Hospital NHS Trust (ICO)	Intensive lifestyle advice	£127,000	This will need to be taken up with the CCG to understand their intentions for this contract.
CHAT	Health Trainers	£5,000	This contract needs to be checked, but it is assumed that it will be extended and transferred



Executive
10 December 2012

**Report from the Director of Strategy
Partnerships and Improvement**

Wards Affected:
ALL

Authority to award contract for temporary agency staff

Appendix 2 of this report is Not for Publication

1.0 Summary

- 1.1 This report requests authority to award a contract as required by Contract Standing Order No 88. This report summarises the process undertaken in selecting the supplier for this contract and recommends to whom the contract should be awarded.

2.0 Recommendations

Members are requested to:

- 2.1 Note that the Council participated in a collaborative procurement leading to the award of this contract.
- 2.2 Approve the award of contract for Temporary Agency Staff to Adecco Group UK and Ireland, for a period of three years from 9th April 2013 plus a possible extension of one further year.
- 2.3 Approve an exemption from the usual tendering requirements of Contract Standing Orders and approve the direct award of an interim contract to Comensura Ltd for a period of 3 months from 9th January 2013 for the good financial and/or operational reasons set out in paragraph 3.12 of the report.

3.0 Detail

Background

- 3.1 The Council has a need for temporary staff, to fill vacant posts in the short term and on an interim basis, to manage fluctuations in workload and to obtain specialist skills quickly when the need arises.
- 3.2 The Council currently has a contract with Comensura for the management of temporary staff. The contract is a vendor-neutral contract whereby the service provider does not provide staff itself but only through other agencies. The contract with Comensura expires in January 2013. The contract was called off a framework set up by the Royal Borough of Kensington & Chelsea and the framework is set up in such a way that the call-off contracts have to expire on the same date as the framework. Therefore the Council's contract with Comensura also expires in January 2013.
- 3.3 The Council spent £10.7m on temporary staff through the Comensura contract in 2011/2012. This includes the gross amount paid to the agency worker, the fees paid to the employing agency and the fee paid to Comensura for their service.
- 3.4 Comensura is a Vendor Neutral supplier and therefore does not directly supply agency staff, but contracts with other agencies to do so. Comensura's charges are based on a unit cost for each hour of agency work purchased through the contract.
- 3.5 Comensura has used technology to take costs out of the supply chain enabling the Council to control spend and centralise invoicing. Comensura's IT system provides a service at low cost but with limited interaction with Council managers and customer service. The award proposed in this report is for a service to be operated on a "Master Vendor" basis (as opposed to Vendor Neutral), whereby the supplier directly employs some categories of agency staff and contracts with other agencies for the remainder.
- 3.6 The advantages of the master vendor relationship over the current vendor neutral one are:
- reduced unit cost to reflect the vendor's share of the business
 - single invoice per month if required
 - increased robustness of management information
 - better candidate matching
 - reduced wastage/improved productivity
 - standardisation of fees
- 3.7 In September 2012 the Corporate Management Team agreed a recommendation to move to a master vendor relationship, and noted the

proposed approach for the award of a new contract as described in this report.

The selection process

- 3.8 It is proposed that a supplier is appointed using the outcome of a further competition exercise carried out on behalf of London Local Authorities from a framework established by the Eastern Shires Purchasing Organisation.

The framework

- 3.9 The Eastern Shires Purchasing Organisation (ESPO) is a local authority purchasing consortium, jointly operated by the county councils of Cambridgeshire, Leicestershire, Lincolnshire, Norfolk and Warwickshire and the unitary authorities of Leicester and Peterborough City Councils.

The Local Government Professional Services Group (LGPSG) is a stakeholder group representing and supporting local authorities across England in delivering savings from the procurement of professional services, and in 2010 it commissioned ESPO to procure a framework for Managed Service Providers of Temporary Agency Resources (MSTAR).

The procurement process adopted by ESPO for the LGPSG was based upon the Open (one-stage) tendering procedure under the EU rules. Although the services are part B, an OJEU contract notice was placed. This indicated that the framework was a national one which would be open for use by all local authorities as well as some other public sector bodies. It was advertised as a 4-year framework agreement.

Six different sub-lots were tendered, and each sub-lot was evaluated separately. The evaluation involved two stages, qualifying and award; those offers that met the qualifying criteria were then scored against the award criteria.

The qualifying criteria included assessment of the following: compliance of bid, financial standing, insurance levels, experience and references, quality, environmental and health & safety procedures, business continuity plans, compliance with contract regulations and compliance with the terms and conditions.

The award criteria were divided into two areas; service delivery and price and the specific weightings used were as follows:

Service Delivery: 40% Price 60%

A position on the framework was awarded to the six highest scoring Suppliers in each of the sub-lots. An OJEU award notice was then placed confirming framework commencement on 11th April 2011 for 4 years.

The London Authorities' further competition exercise.

- 3.10 In the summer of 2011, a group of London local authorities led by Tower Hamlets under the umbrella of London Councils carried out a further competition exercise from the ESPO framework. Brent was specifically

identified in that further competition exercise as a body that was participating. Tenders were invited for two of the ESPO sub-lots, including Lot 1(b) Corporate – Resource Pool Management (another term for master vendor as described above). This report recommends using the supplier who was successful in that further competition exercise in relation to this sub-lot.

The tendering instructions stated that the contract would be awarded on the basis of the following price and service delivery scoring methods to determine the most economically advantageous tender:

The weightings were as follows

Quantitative Price - 50% **Qualitative Price – 10%** **Service Delivery - 40%**

The total Price scores were to be added to the Service Delivery score to give the Grand Total of points scored and the contract would be awarded to the tenderer with the highest points in each sub-lot.

An overview of the quantitative evaluation of price is provided in the table below:

Section	Section Weighting	Component	Evaluation
MSP Booking Fee	15%	Fees offered	Quantitative
Agency Fees	7%	Agency Fees proposed	Quantitative
Pay Rate Bandings i.e. min - max	3%	Pay rate ranges proposed	Quantitative
Savings	15%	Savings proposed	Quantitative
Total	60%		

The Managed Service Provider’s agency and booking fee elements of the quantitative pricing evaluation were tendered via e-Auction, based on an example quantity of hours for each of the different job categories.

An overview of the qualitative evaluation of price is provided in the table below:

Section	Section Weighting	Component	Evaluation
MSP Booking Fee	3%	Fees offered	Qualitative

Section	Section Weighting	Component	Evaluation
Agency Fees	2%	Proposals for reviewing and reducing Agency Fees	Qualitative
Pay Rate Bandings i.e. min - max	2%	Monitoring pay rates and benchmarking with respect to local and sub regional market conditions	Qualitative
		Proposals for managing risks associated with AWD	Qualitative
Savings	3%	Proposals to make savings	Qualitative
		Proposals for achieving minimum savings	Qualitative
		Measurement and calculation of savings	Qualitative
		Proposal passing back benefit and gainshare	Qualitative
Total	10%		

The qualitative evaluation included questions on the following areas:

- Tenderer's proposals for reviewing and reducing agency fees
- Monitoring and benchmarking pay rates to ensure in line with regional conditions
- Managing the risks associated with the forthcoming Agency Workers Directive
- Making savings and achieving minimum savings proposed, as well as the measurement and calculation of savings made
- Method of passing back of the gainshare benefit

The evaluation methodology for service delivery was as follows:

Tenderers were required to respond to how their service delivery model met the specification requirements by answering a set of questions.

The 40% available for service delivery was divided up into sections and each section was given a weighting, as per the table below.

Section	Section Weighting
---------	-------------------

General requirements	5%
Recruitment & management of agencies	5%
Ordering of temporary agency workers & system requirements	6%
Service delivery & provision of temporary agency workers	6%
Managed service provider personnel & contract management	4%
Invoicing & payment requirements	2%
Regeneration & sustainability	4%
Management information	4%
Implementation	4%
Total	40%

All six suppliers appointed to the MSTAR framework set up by ESPO for Lot 1(b) submitted tenders, and following the tender evaluation process, Adecco were the highest scoring tenderer and so were selected as the successful supplier.

The details of the tenderers final scores and prices are contained in Appendix 1.

3.11 There will be a cost to the Council of using the MSTAR framework contract. This charge is 2p per agency hour purchased, and is added to the supplier's hourly MSP fee. The total effect of this 2p charge is estimated at £7,718.00, based on historical agency staff usage.

3.12 The current contract with Comensura expires on 8th January 2013, and this report is recommending they be awarded an interim contract for 3 months based on the same terms and conditions as the current arrangement. This is in order to allow sufficient time for Adecco to carry out the implementation of the new service and migrate current temporary staff to the new contract, and in particular to give sufficient time for negotiations with existing temporary staff employing agencies, who will be required to agree terms with Adecco.

4.0 Financial Implications

4.1 The Council's Contract Standing Orders state that contracts for supplies and services exceeding £500k or works contracts exceeding £1million shall be referred to the Executive for approval of the award of the contract.

4.2 The estimated value of this contract is £11m per annum and will vary depending on the quantity of agency workers.

4.3 The fee element of the current contract was £735,282.56 in 2011/12. This reflects the fee paid to the employing agency and the fee for the Comensura service. The projected savings against these fee costs are estimated at £212,966.51 per annum, based on 2011/12 agency staff

usage. This is after the deduction of the MSTAR fee referred to in 3.11 above.

4.4 The cost of the contract will be funded from those service areas that use agency workers.

4.5 There are no other associated costs of the contract.

5.0 Legal Implications

5.1 For the purpose of Contract Standing Orders, the value of this contract is the estimated value that will be paid to Adecco for its own fees and those of the other agencies it uses over the lifetime of the contract. It does not include the pay to the temporary workers which are under separate contracts and which are exempt from Contract Standing Orders by virtue of a specific exception in paragraph 83(a) of Contract Standing Orders.

5.2 The estimated value of this contract over its the lifetime is higher than the EU threshold for Services. However these services are classified as part B services under the Regulations and so the award of the contract is not governed by the Public Procurement Regulations apart from general requirements to be fair, transparent and non-discriminatory. The award is subject to the Council's own Standing Orders in respect of High Value contracts and Financial Regulations.

5.3 Where a contract proposed for award has been procured by calling off a framework set up by another body, there is no requirement under Contract Standing Orders for the submission of a pre-tender report to the Executive. Instead the proposal to use the particular framework has to be approved by the Chief Officer, including confirmation that a budget is available, together with confirmation from the Director of Legal and Procurement that use of the framework is legally permissible (SO 87(d)).

5.4 For the proposed use of this framework, Chief Officer approval had been given. In addition, a report was submitted to the Director of Legal and Procurement detailing the process used to get to the stage of the joint appointment of Adecco by the consortium of London Boroughs as described above. The appointment process used by the consortium of London Boroughs was very unusual in that it operated more as a framework within a framework; ESPO had already set up the multi-supplier framework and Tower Hamlets then tendered a further single-supplier framework from one of the ESPO lots. The preferred approach would have been for the consortium of London boroughs to tender a joint contract from the ESPO framework, however there is insufficient certainty in the appointment process to say that this has happened. There is therefore a theoretical risk of challenge from one of the other Lot 1(b) providers about the appointment process, however in view of the fact that services of this nature are part B services, this risk is very low. In addition, (a) all the lot 1(b) providers participated in the further competition exercise and (b) other local authorities in the consortium have already awarded their individual contracts without leading to a challenge. On this basis, the Director of Legal

and Procurement has approved use of the ESPO framework and the further competition exercise as legally permissible.

There is no requirement for a standstill period so the contract can be awarded to Adecco on expiry of the call-in period.

- 5.5 This report is also requesting approval for an exemption from the usual tendering requirements of Contract Standing Order 84f for Medium Value Contracts, in order to allow a direct award of an interim contract to the current provider of temporary staff management services. The Executive has the power to do this by virtue of Contract Standing Order 84a, provided that Members are satisfied that there are good operational and/or financial reasons for doing so. It should be noted that this is a new contract, as opposed to being a call off from the RBKC framework; as indicated above in paragraph 3.2, no further call offs are possible.

6.0 Diversity Implications

- 6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications.

7.0 Staffing Implications

- 7.1. There will always be a need for specialist skills and additional capacity at times of change and the council can provide for this need at the best rates using the approach outlined in this paper.
- 7.2. Improved contract management of non-permanent staffing arrangements will help to ensure that vacant posts are filled sooner so that the council has a reduced reliance on non-permanent staff.

8.0 Background Papers

- 8.1 London Councils Collaboration Invitation to Tender - Further Competition under ESPO Framework 653F

Contact Officers

Phil Newby
Director of Strategy, Partnerships and Improvement


Appendix 1 - Evaluation Scores

Evaluation Scores

Lot 1B Pricing				
Quality	Supplier	Final Price	% Saving	Overall score
2	A	£12,491,822.11	6.74%	66.775
3	Adecco	£8,364,698.69	19.69%	79.864
5	B	£7,966,772.86	52.46%	79.6
1	C	£10,350,308.00	44.91%	73.977
6	D	£11,651,220.44	20.39%	64.637
4	E	£14,246,635.91	8.96%	60.583

The key to the supplier names is not for publication and is included in Appendix 2.

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	<p style="text-align: center;">Executive 10 December 2012</p> <p style="text-align: center;">Report from the Director of Strategy, Partnerships and Improvement</p>
Wards Affected: All	
London Councils Grant Scheme 2013/2014	

1.0 Summary

This report seeks agreement to London Councils Grants Committee budget for 2013/14 and the associated reduction in the level of contribution by Brent Council to the London Borough Grants Scheme.

2.0 Recommendations

Members of the Executive are recommended by London Councils to:-

- 2.1 Agree the recommended budget for the London Councils Grant Scheme and the contribution of £342,487 to be paid by the Council towards the London Boroughs Grants Scheme for 2013/14.

3.0 Detail

- 3.1 The aim of the London Councils Grant Scheme is to provide funding for voluntary organisations delivering London-wide or cross London projects that support the London population.
- 3.2 The London Councils Grants Committee considered proposals for expenditure in 2013/14 at its meeting on 5th November 2012. The Leaders' Committee agreed a budget at its meeting on 13th November 2012 and recommended constituent councils to agree to an overall level of expenditure of £10 million for the Grants Scheme in 2013/14 (inclusive of £2 million gross ESF programme – 50% funded by boroughs and 50% by ESF grant). The application of £1 million ESF grant results in net borough contributions for 2013/14 of £9 million. The break down of this budget is shown in appendix 1.
- 3.3 London Councils recommend an overall reduction in the level of borough contributions to the Scheme of £2.5million for 2013/14. This represents a 21.7% reduction compared with the current financial year of 2012/13. The proposed budget

includes a provision for grants administration of £520,000. This comprises of 5% of the boroughs grants budget of £8 million, amounting to £400,000, plus 5.99% of the £2 million gross ESF programme, amounting to £120,000. This represents a reduction in grants administration expenditure of £75,000 (12.6%) compared to £595,000 for 2012/13.

- 3.4 The context in which this recommendation is made is set out in reports to Grants Committee on 5th November 2012 and to the Leaders' Committee on 13th November 2012. These reports concern both the future London wide European Social Fund programme and the overall Grants Committee budget. London Councils notified Brent Council of this in a "Chief Executives' Circular" on 16th November 2012, which is appended to this report. The London Councils Report seeks a decision from constituent London Boroughs by 13th January.
- 3.5 Members are asked to agree to a contribution of £342,487 to be paid by the Council towards the London Boroughs Grants Scheme for 2013/14. The total contribution required from each constituent Council for 2013/14 is shown at Appendix 2.
- 3.6 By accepting the revised recommendations of London Councils, the Council will need to consider the impact the reduced contribution will have on local organisations, residents and current funded organisations. The Council will need to take any potential adverse impact into consideration.

4.0 Financial Implications

- 4.1 The London Councils Leaders Committee agreed a recommended budget on 13th November 2012 the detail of which is set out in Appendix 1. The Chief Executives' Circular appended to this report summarises this.
- 4.2 The proposed budget consists of:
- A core, pan-London scheme of services to meet agreed service priorities of £7.6 million, which includes the membership subscriptions for boroughs for London Funders of £60,000;
 - An additional gross sum of £1.88 million relating to a continuance of the current ESF grants programme;
- 4.2 The indicative gross grant payments budget of £9.48 million, represents a reduction of £2.425 million (20%) compared to grants programme of £11.905 million for the current year. In addition to the indicative gross grant payments budget of £9.48 million, the proposal includes a provision for grants administration of £520,000. This comprises of 5% of the boroughs grants budget of £8 million, amounting to £400,000, plus 5.99% of the £2 million gross ESF programme, amounting to £120,000. This represents a reduction in grants administration expenditure of £75,000 (12.6%) compared to £595,000 for the current year.

4.3 The overall level of London Borough's contributions to the Grant Scheme that is recommended for 2013/14 represents a reduction 21.7% compared to 2012/13. For Brent Council the proposed 2013/14 of £342,487 represents a 9.2% reduction on the subscription of £377,097 in 2012/13. It should be noted that Brent's reduction in contribution is lower than average due to the ONS mid 2011 estimates of population which incorporate the 2011 Census figures. This higher population figure results in Brent paying a higher proportion to the scheme than in 2012/13.

4.4 Details of all London Boroughs contributions for 2013/14 are included in Appendix 2.

5.0 Legal Implications

5.1 Constituent Councils of London Councils, which includes Brent Council, are required to contribute to any London Borough Grants Scheme expenditure, which has been incurred with the approval of at least two-thirds of the constituent Councils, pursuant to section 48 of the Local Government Act 1985. Contributions are to be proportionate to constituent Councils' populations pursuant to Regulation 6(8) of the Levying Bodies (General) Regulations 1992.

5.2 In October 1985, the London Borough Grants Scheme was set up in accordance with the requirements of section 48 of the Local Government Act 1985. The purpose of this scheme is to provide funding for voluntary organisations offering London-wide services or operating in two or more London boroughs. The thirty two London Boroughs and the Corporation of London are required by statute to contribute to the London Boroughs Grant Scheme.

5.3 For 2013/14 the apportionment is based on the 2011 Census data, adjusted by the ONS to provide the mid-year population estimates for June 2011; in accordance with Section 48 (4) Local Government Act 1985, which states that "the population of any areas shall be taken to be the number estimated by the Registrar General and certified by him to the Secretary of State by reference to such date as the Secretary of State may from time to time determine."

5.4 Further to the Grants to Voluntary Organisations (Specified Date) Order 1992 (which came into effect on 2 November 1992 pursuant to section 48(3) of the Local Government Act 1985 and which remains in force), the London Borough Grants Scheme budget for 2013/14 must be agreed by two-thirds of constituent Councils before 1 February 2013. If it is not, the overall level of expenditure for the constituent councils for 2013/14 will be deemed to be the same as that approved for 2012/13 (i.e. £12.5 million).

5.5 The Leaders' Committee of London Councils report (as provided at appendix 4) outlines the ways in which in reaching a decision regarding the 2013/14 London Grants Scheme, the committee had regard to the public sector equality duty as set out in section 149 of the Equality Act 2010. Section 149(1) of the Equality Act 2010 requires a public body, when exercising its functions, to have 'due regard' to the

need to eliminate discrimination, harassment and victimization and other conduct prohibited under the Equality Act 2010, and to advance equality of opportunity and foster good relations between those who share a 'protected characteristic' and those who do not share that protected characteristic. A 'protected characteristic' is defined in the Equality Act 2010 as: age, disability, gender reassignment, pregnancy and maternity, race (including ethnic or national origins, colour or nationality), religion or belief, sex and sexual orientation. Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

- 5.6 Under section 149(3) of the Equality Act 2010, the requirement to have due regard to the need to advance equality of opportunity includes having due regard to the need to:- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

6.0 Diversity Implications

- 6.1 In reaching its decision, Leaders' Committee of London Councils states the way in which its approach continues to respond to equality impact assessment undertaken with decisions already taken to agree the principles and priorities of the new Grants Programme, and to agree the service specifications and strands to deliver those outcomes, made with the intention of applying scarce resources to seek, where possible, to mitigate any adverse equality impacts arising from a re-focused Grants Programme operating with a reduced budget. The Chief Executive's Circular (appendix 3) states that the committee has given regard to the duties set out in the Equality Act 2010 and in particular the public sector equalities duty when making its decision regarding the budget for the London Councils Grants Scheme 2013/14. A copy of the report that was presented to the Leaders' Committee of London Councils on 13th November 2012 in respect of the budget proposals for London Grants Scheme is set out in Appendix 4 and Members are referred to the content of that report. The recommended budget is intended to mitigate the effects on equalities groups receiving services.
- 6.2 It is difficult to assess the impact for groups with protected characteristics in Brent as there is a lack of detailed information about the direct benefits of the London Boroughs Grants scheme to Brent's residents.
- 6.3 Officers will monitor the immediate impact of the change through complaints and/or correspondence received.

Background Papers

- London Councils Chief Executives Circular November 2012
Not yet on line
- London Councils Leader's Committee November 2012
http://www.londoncouncils.gov.uk/committees/meetings.htm?pk_meeting=936&comid=2
- London Councils Grants Committee November 2012
http://www.londoncouncils.gov.uk/committees/meetings.htm?pk_meeting=974&comid=3
Background to reaching the present grant scheme priorities and approach
- London Councils Chief Executives' Circular 16th December 2011
- London Councils Leaders' Committee 13th December 2011
www.londoncouncils.gov.uk/committees/agenda.htm?pk_agenda_items=4674
- London Councils Grants Committee 9th November 2011 –
http://www.londoncouncils.gov.uk/services/grants/aboutus/meetings.htm?pk_meeting=835&comid=3
- London Councils Chief Executives' Circular 26th May 2011
www.londoncouncils.gov.uk/.../Circ411LCsGrantsSchemeLevy2011.pdf
- Further review of future role and scope of London Council's Grants Scheme
www.londoncouncils.gov.uk/committees/agenda.htm?pk_agenda_items=4422
- London Councils Leaders' Committee 10th May 2011 – Future role and scope of grants scheme item
www.londoncouncils.gov.uk/committees/agenda.htm?pk_agenda_items=4428
- London Councils Grants Committee May 6th 2011 Grants paper appendices including the additional equality impact assessment and outcomes of the second round of consultation
www.londoncouncils.gov.uk/committees/agenda.htm?pk_agenda_items=4423
- Leaders' Committee future role and scope of London Councils Grants Scheme Item 14th December 2010
www.londoncouncils.gov.uk/committees/agenda.htm?pk_agenda_items=4306
- London Councils Chief Executives' Circular 24/10 and related documents
www.londoncouncils.gov.uk/aboutus/corporatepublications/ceocirculars/24-10.htm
- London Councils – Consultation on the Review of the future role and scope of the London Council's Grants Scheme.
www.londoncouncils.gov.uk/services/grants/consultation.htm

Appendices

Appendix 1: Proposed London Councils Grant scheme Budget 2013/2014

Appendix 2: Proposed London Borough Contributions to London Councils Grant Scheme 2013/2014

Appendix 3: London Councils' Chief Executives' Circular

Appendix 4: Report to the Leaders' Committee dated 13 November 2012 in respect of the London Councils Grant Scheme Budget Proposals 2013/14

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PHIL NEWBY
Director of Strategy, Partnerships and Improvement

Grants Committee Income and Expenditure Budget 2013/14

Expenditure	Revised Budget 2012/13 £000	Developments £000	Inflation £000	Original Budget 2013/14 £000
Payments in respect of Grants				
London Councils Grants Programme	9,940	-2,400	0	7,540
Membership Fees to London Funders (for all boroughs)	60	0	0	60
European Social Fund Co-Financing	1,905	-25	0	1,880
Sub-Total	11,905	-2,425	0	9,480
Operating (Non-Grants) Expenditure				
Contractual Commitments				
External audit fees	16	-12	0	4
CoL Finance/Payroll/Legal SLA	18	1	0	19
GLE ESF Management Fee	59	-59	0	0
Maintenance of GIFTS Grants IT system	10	0	0	10
	103	-70	0	33
Salary Commitments				
Officers	330	2	0	332
Members	19	0	0	19
	349	2	0	351
Discretionary Expenditure				
Staff training/recruitment advertising	6	0	0	6
Staff travel	2	0	0	2
Supplies and service	19	-2	0	17
Research	12	-2	0	10
	39	-4	0	35
Total Operating Expenditure	491	-72	0	419
Central Recharges	104	-3	0	101
Total Expenditure	12,500	-2,500	0	10,000
Income				
Core borough subscriptions				
Contribution to grant payments	11,000	-2,400	0	8,600
Contribution to non-grants expenditure	500	-100	0	400
	11,500	-2,500	0	9,000
Other Income				
ESF Income	1,000	0	0	1,000
	1,000	0	0	1,000
Transfer from Reserves	0	0	0	0
Central Recharges	0	0	0	0
Total Income	12,500	-2,500	0	10,000
Net Expenditure	0	0	0	0

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APPENDIX B

Borough Subscriptions 2013/14

ONS Mid-2010 Estimate of Population ('000)	%	2012/13 Borough Contribution (£)		ONS Mid-2011 Estimate of Population ('000)	%	2013/14 Borough Contribution (£)	Difference from 2012/13 (£)
Inner London							
235.4	3.01%	345,942	Camden	220.1	2.68%	241,452	-104,490
11.7	0.15%	17,194	City of London	7.4	0.09%	8,118	-9,076
228.5	2.92%	335,802	Greenwich	255.5	3.11%	280,287	-55,515
219.2	2.80%	322,135	Hackney	247.2	3.01%	271,181	-50,953
169.7	2.17%	249,390	Hammersmith and Fulham	182.4	2.22%	200,095	-49,295
194.1	2.48%	285,248	Islington	206.3	2.51%	226,314	-58,934
169.5	2.17%	249,096	Kensington and Chelsea	158.3	1.93%	173,657	-75,439
284.5	3.64%	418,099	Lambeth	304.5	3.71%	334,040	-84,059
266.5	3.41%	391,646	Lewisham	276.9	3.38%	303,763	-87,884
287.0	3.67%	421,773	Southwark	288.7	3.52%	316,707	-105,065
237.9	3.04%	349,616	Tower Hamlets	256.0	3.12%	280,835	-68,781
289.6	3.70%	425,594	Wandsworth	307.7	3.75%	337,551	-88,043
253.1	3.23%	371,954	Westminster	219.6	2.68%	240,904	-131,050
2,846.7	36.38%	4,183,488		2,930.6	35.72%	3,214,905	-968,583
Outer London							
179.7	2.30%	264,086	Barking and Dagenham	187.0	2.28%	205,141	-58,944
348.2	4.45%	511,712	Barnet	357.5	4.36%	392,182	-119,530
228.0	2.91%	335,067	Bexley	232.8	2.84%	255,385	-79,683
256.6	3.28%	377,097	Brent	312.2	3.81%	342,487	-34,610
312.4	3.99%	459,101	Bromley	310.6	3.79%	340,732	-118,369
345.6	4.42%	507,891	Croydon	364.8	4.45%	400,190	-107,701
318.5	4.07%	468,065	Ealing	339.3	4.14%	372,216	-95,849
294.9	3.77%	433,383	Enfield	313.9	3.83%	344,352	-89,031
225.0	2.88%	330,658	Haringey	255.5	3.11%	280,287	-50,372
230.1	2.94%	338,153	Harrow	240.5	2.93%	263,831	-74,322
236.1	3.02%	346,971	Havering	237.9	2.90%	260,979	-85,991
266.1	3.40%	391,058	Hillingdon	275.5	3.36%	302,227	-88,832
236.8	3.03%	347,999	Hounslow	254.9	3.11%	279,628	-68,371
169.0	2.16%	248,361	Kingston upon Thames	160.4	1.96%	175,961	-72,400
208.8	2.67%	306,851	Merton	200.5	2.44%	219,951	-86,900
240.1	3.07%	352,849	Newham	310.5	3.78%	340,622	-12,227
270.5	3.46%	397,525	Redbridge	281.4	3.43%	308,699	-88,825
190.9	2.44%	280,545	Richmond upon Thames	187.5	2.29%	205,690	-74,855
194.2	2.48%	285,395	Sutton	191.1	2.33%	209,639	-75,756
227.1	2.90%	333,744	Waltham Forest	259.7	3.17%	284,894	-48,850
4,978.6	63.62%	7,316,512		5,273.5	64.28%	5,785,095	-1,531,417
7,825.3	100.00%	11,500,000	Totals	8,204.1	100.00%	9,000,000	-2,500,000

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Chief Executives' Circular

To: Borough Chief Executives

Cc:

Borough
Treasurers
Nick Lester
Frank Smith
Mark Brangwyn
Katy Makepeace-
Gray

Date: 16 November 2012

Ref. no: 04/12

Contact:

Telephone: 020 7934 9700

Email: Frank.smith@londoncouncils.gov.uk

Response Date: 18 January 2013

London Councils Grants Scheme 2013/14 expenditure

Summary:

This circular informs Chief Executives of the recommended level of the London Borough Grants Scheme budget for 2013/14, and seeks a formal response to that recommendation, **ideally by Friday 18 January 2013, but no later than Thursday 31 January 2013.**

Please provide written notification of your borough's agreement to this budget by the dates set out in bold above. The means by which each borough arrives at such a formal decision will be dependent upon local Schemes of Delegation, Standing Orders and Terms of Reference. In most cases, however, we anticipate a cabinet or mayoral decision will be provided to us.

Background

The London Councils Grants Committee considered proposals for expenditure in 2013/14 at its meeting on 5 November 2012. The Leaders' Committee agreed to recommend a budget for the Grants Scheme at its meeting on 13 November and the recommendation now made to constituent councils is set out below.

Overall level of expenditure of £10 million in 2013/14 (inclusive of £2 million gross ESF programme – 50% funded by boroughs and 50% by ESF grant) comprising:

Grants - £9.48 million including £7.6 million and £1.88 million for ESF grants
(inc borough subscriptions to London Funders of £60,000)

Administrative Expenditure - £520,000

Income would comprise:

European Social Fund grant - £1 million

Borough contributions - £9 million

The draft budget makes provision for a Grants Programme in 2013/14 for a new set of commissions that accord with the new principles and priorities of the Grants Scheme, as agreed, following extensive consultation earlier in 2012. The commissions to be awarded to deliver the principles and priorities of the London Councils Grants Programme will be considered by the Grants Committee at its meeting to be held on 20 February 2013. This will follow assessment by officers and include an analysis of equalities impacts of the proposed services. The Grants Committee will make its decisions in awarding commissions based on the available budget for 2013/14 and to provide a programme that provides services that meet the principles and priorities having "due regard" to relevant equalities considerations.

The context in which this recommendation is made is set out in reports to Grants Committee on 5 November 2012 and to the Leaders' Committee on 13 November 2012. Taking account of the application of £1 million ESF grant, the net borough contributions for 2013/14 of £9 million will represent a reduction of £2.5 million or 21.7% on the 2012/13 subscription of £11.5 million. Since 2010/11, borough contributions towards the Grants Programme have reduced from £24.9million to £9million, a reduction of £15.9million, or 64%.

The proposed revenue income and expenditure budget for 2013/14 is attached.

Contributions for 2013/14 have been calculated using the 2011 Census data, adjusted by the ONS to provide the mid-year estimates for June 2011. Contributions are, under Regulation 6(8) of the Levying Bodies (General) Regulations 1992, to be proportionate to constituent councils' populations. For 2013/14 the apportionment is based on the ONS mid-year estimates for 2011 in accordance with Section 48 (4) Local Government Act 1985, which states that "the population of any areas shall be taken to be the number estimated by the Registrar General and certified by him to the Secretary of State by reference to such date as the Secretary of State may from time to time determine."

Approval

As you are aware, constituent councils are required to contribute to any London Boroughs Grants Scheme expenditure, which has been incurred with the approval of at least two-thirds of the constituent councils. The total contribution required from each constituent council for 2013/14 is attached.

In the event that constituent councils are unable to reach agreement by the two-thirds majority required on the overall level of expenditure before 1 February 2013, the Secretary of State for Communities and Local Government has powers to intervene and set the budget at the same level as the preceding year i.e. £12.5 million). Section 105 of the Local Government Act 1992 and section 48 (4A) of the Local Government Act 1985 apply.

Section 48(3) of the Local Government Act 1985 requires that at least two-thirds of the boroughs must approve the budget and the budget must be agreed by two-thirds of constituent councils before 1 February 2013. I would therefore be grateful if you would advise me in writing of your authority's formal response to the recommendation as soon as possible; ideally by Friday 18 January 2013 (as required under section 7.5 of the Grants Scheme), but no later than 31 January 2013. If you are unable to meet the 18 January deadline, please let me know.

Once 22 councils have given their approval the overall level of expenditure and contributions to it are binding on all constituent councils.

Equalities Effects

In reaching its decision, Leaders' Committee had regard to the duties of the Equality Act 2010 and in particular the Public Sector Equalities Duty (the PSED).

In summary, the analysis of the equalities identified that a refocusing of the future Grants Programme to reflect the reduced resources available in the context of the significant spending constraints facing local authorities, will have an impact on protected groups. The decisions which have already been taken to agree the principles and priorities of the new Grants Programme, and to agree the service specifications and strands to deliver these outcomes, have been taken with the intention of applying scarce resources to seek, where possible, to mitigate any adverse equality impacts arising from a refocused Grants Programmes operating with a reduced budget.

Conclusion

I look forward to your responses, ideally by **Friday 18 January 2013** and no later than **Thursday 31 January 2013**.

Thank you

Yours sincerely

A handwritten signature in black ink that reads "John O'Brien". The signature is written in a cursive style with a long, sweeping underline.

John O'Brien
Chief Executive

Grants Committee Income and Expenditure Budget 2013/14

Expenditure	Revised Budget 2012/13 £000	Developments £000	Inflation £000	Original Budget 2013/14 £000
Payments in respect of Grants				
London Councils Grants Programme	9,940	-2,400	0	7,540
Membership Fees to London Funders (for all boroughs)	60	0	0	60
European Social Fund Co-Financing	1,905	-25	0	1,880
Sub-Total	11,905	-2,425	0	9,480
Operating (Non-Grants) Expenditure				
Contractual Commitments				
External audit fees	16	-12	0	4
CoL Finance/Payroll/legal SLA	18	1	0	19
GLE ESF Management Fee	59	-59	0	0
Maintenance of GIFTS Grants IT system	10	0	0	10
Salary Commitments	103	-70	0	33
Officers	330	2	0	332
Members	19	0	0	19
	349	2	0	351
Discretionary Expenditure				
Staff training/recruitment advertising	6	0	0	6
Staff travel	2	0	0	2
Supplies and service	19	-2	0	17
Research	12	-2	0	10
	39	-4	0	35
Total Operating Expenditure	491	-72	0	419
Central Recharges	104	-3	0	101
Total Expenditure	12,500	-2,500	0	10,000
Income				
Core borough subscriptions				
Contribution to grant payments	11,000	-2,400	0	8,600
Contribution to non-grants expenditure	500	-100	0	400
	11,500	-2,500	0	9,000
Other Income				
ESF Income	1,000	0	0	1,000
	1,000	0	0	1,000
Transfer from Reserves	0	0	0	0
Central Recharges	0	0	0	0
Total Income	12,500	-2,500	0	10,000
Net Expenditure	0	0	0	0

Borough Subscriptions 2013/14

ONS Mid-2010 Estimate of Population ('000)	%	2012/13 Borough Contribution (£)		ONS Mid-2011 Estimate of Population ('000)	%	2013/14 Borough Contribution (£)	Difference from 2012/13 (£)	
235.4	3.01%	345,942	Inner London	220.1	2.68%	241,452	-104,490	
11.7	0.15%	17,194		Camden	7.4	0.09%	8,118	-9,076
228.5	2.92%	335,802		City of London	255.5	3.11%	280,287	-55,515
219.2	2.80%	322,135		Greenwich	247.2	3.01%	271,181	-50,953
169.7	2.17%	249,390		Hackney	182.4	2.22%	200,095	-49,295
194.1	2.48%	285,248		Hammersmith and Fulham	206.3	2.51%	228,314	-58,934
189.5	2.17%	249,096		Islington	158.3	1.93%	173,657	-75,439
284.5	3.64%	418,099		Kensington and Chelsea	304.5	3.71%	334,040	-84,059
266.5	3.41%	391,646		Lambeth	276.9	3.38%	303,763	-87,884
287.0	3.67%	421,773		Lewisham	288.7	3.52%	316,707	-105,065
237.9	3.04%	349,616		Southwark	256.0	3.12%	280,835	-88,781
289.6	3.70%	426,594		Tower Hamlets	307.7	3.75%	337,551	-88,043
253.1	3.23%	371,954		Wandsworth	219.6	2.68%	240,904	-131,050
2,946.7	36.38%	4,183,486		Westminster	2,930.6	35.72%	3,214,905	-988,683
179.7	2.30%	264,086	Outer London	187.0	2.28%	205,141	-58,944	
348.2	4.45%	511,712		Barking and Dagenham	357.5	4.36%	392,182	-119,530
228.0	2.91%	335,067		Barnet	232.8	2.84%	255,385	-79,683
256.6	3.28%	377,097		Bexley	312.2	3.81%	342,487	-34,610
312.4	3.99%	459,101		Brent	310.6	3.79%	340,732	-118,369
345.6	4.42%	507,891		Bromley	364.8	4.45%	400,190	-107,701
318.5	4.07%	468,065		Croydon	339.3	4.14%	372,216	-95,849
294.9	3.77%	433,383		Ealing	313.9	3.83%	344,352	-89,031
225.0	2.88%	330,658		Enfield	255.5	3.11%	280,287	-50,372
230.1	2.94%	338,153		Haringey	240.5	2.93%	263,831	-74,322
236.1	3.02%	346,971		Harrow	237.9	2.90%	260,979	-85,991
266.1	3.40%	391,058		Havering	275.5	3.36%	302,227	-88,832
236.8	3.03%	347,999		Hillingdon	254.9	3.11%	279,628	-68,371
189.0	2.16%	248,361		Hounslow	160.4	1.96%	175,961	-72,400
208.8	2.67%	306,851	Kingston upon Thames	200.5	2.44%	219,951	-66,900	
240.1	3.07%	352,849	Merton	310.5	3.78%	340,622	-12,227	
270.5	3.46%	397,525	Newham	281.4	3.43%	308,699	-88,825	
190.9	2.44%	280,545	Redbridge	187.5	2.29%	205,690	-74,855	
194.2	2.48%	285,395	Richmond upon Thames	191.1	2.33%	209,639	-75,756	
227.1	2.90%	333,744	Sutton	259.7	3.17%	284,894	-48,850	
4,978.6	63.62%	7,316,512	Waltham Forest	5,273.5	64.28%	5,785,095	-1,531,417	
7,825.3	100.00%	11,500,000	Totals	8,204.1	100.00%	9,000,000	-2,500,000	

11,500,000

9,000,000

Leaders' Committee

London Councils Grants Scheme - Item no: 7 Budget Proposals 2013/14

Report by: Frank Smith **Job title:** Director of Corporate Resources
Date: 13 November 2012
Contact Officer: Frank Smith
Telephone: 020 7934 9700 **Email:** Frank.smith@londoncouncils.gov.uk

Summary This report considers the proposed budget for the Grants Scheme for 2013/14 and makes a recommendation to the Committee on the appropriate level to recommend to constituent councils for approval.

- Recommendations** The Leaders' Committee is asked to agree:
- an overall level of expenditure of £10 million for the Grants Scheme in 2013/14 (inclusive of £2 million gross ESF programme – 50% funded by boroughs and 50% by ESF grant);
 - that taking into account the application of £1 million ESF grant, net borough contributions for 2013/14 should be £9 million (representing a reduction of £2.5 million or 21.7% on the 2012/13 subscription of £11.5 million);
 - that further to the recommendations above, constituent councils be informed of the Committee's recommendation and be reminded that further to the Order issued by the Secretary of State for the Environment under Section 48 (4A) of the Local Government Act 1985, if the constituent councils have not reached agreement by the two-thirds majority specified before 1 February 2013 they shall be deemed to have approved expenditure of an amount equal to the amount approved for the preceding financial year (i.e. £12.5 million);
 - that constituent councils be advised that the apportionment of contributions for 2013/14 will be based on the 2011 Census data, adjusted by the ONS to provide the mid-year population estimates for June 2011; and
 - that, subject to the approval of an overall level of expenditure, the Committee agrees to set aside a provision of £520,000 for costs incurred by London Councils in providing staff and other support services to ensure delivery of the Committee's grant making responsibilities, including ESF administration of £120,000. This figure can be compared against £595,000 for 2012/13, a decrease of £75,000 or 12.6%.

Introduction

1. This report details the indicative overall budget requirement for the London Boroughs Grants Scheme for 2013/14 of £10 million, comprising:
 - The cost of the borough scheme of priority, pan-London commissioned services of £8 million, which includes the cost of administering the borough scheme, equating to 5%, or £400,000 of the proposed grants programme of £8 million plus the membership subscriptions for boroughs for London Funders of £60,000; and
 - The gross cost of the ESF programme of £2 million, including £120,000 administration costs, offset by ESF grant of £1 million, leaving a net cost of £1 million to be funded by boroughs.
2. The proposed total expenditure budget of £10 million will be funded by borough contribution of £9 million and ESF grant income of £1 million. Reflecting the spending constraints on local authorities, the level of proposed borough contributions for 2013/14 represents a reduction of £2.5 million or 21.7% in the level of borough contributions of £11.5 million for 2012/13.
3. The Leaders' Committee will need to reach a view on both the appropriate overall level of expenditure and to recommend the budget to constituent Councils having due regard to it equalities duties and the impact on protected groups.

Approval of Expenditure

4. The statutory basis of the Grants Scheme is Section 48, Local Government Act 1985. Constituent councils agreed to some changes to the operation of the Scheme as part of the establishment of the new ALG on 1 April 2000: these changes mean that the budget for the London Councils Grants Scheme must be approved by the London Councils Leaders' Committee. This will need to happen before any budget that is recommended to constituent councils by the Grants Committee can be formally referred to them as a basis for consideration in their respective council chambers.

5. The budget proposals were considered by of the Grants Committee at their meeting on 5 November and the meeting agreed that the proposals should be approved by the Leaders' Committee as laid out in this report. If Leaders do not accept the recommendations of the Grants Committee, and instead agree to recommend a different budget figure to Boroughs, the Grants Committee will need to meet urgently to consider the implications for the Grants programme.
6. Section 48(3) of the Local Government Act 1985 requires that at least two-thirds of the constituent councils in Greater London must approve the proposed overall level of expenditure on grants to voluntary organisations and other costs incurred in "the making of grants" under the Grants Scheme. This is not a decision that can be delegated to the Grants Committee although that Committee is able to make decisions with regard to allocation of that expenditure once overall expenditure has been approved. This means that when the Grants Committee decides on an overall level of expenditure, subject to the agreement of this Committee, it will recommend it to the London Boroughs and the Cities of London and Westminster and at least 22 of them must agree through their respective decision-making arrangements to ratify and give effect to that overall level of expenditure. Once 22 councils have given their approval, the overall level of expenditure and contributions to it are binding on all constituent councils.

Timing of Decisions

7. The Committee needs to make its recommendation in good time so that constituent councils are able to consider the budget proposal within their own decision-making arrangements and make a response within the timescales laid down for the Scheme. The Scheme approved by the boroughs provides that constituent councils shall be asked to agree to the Committee's recommended level of overall expenditure not later than the third Friday in January, in this case 18 January 2013. All constituent councils will have received copies of this report and will be informed of the Committee's recommendation as to overall expenditure for next year, once the decision has been taken.
8. The City of London Corporation has been the Designated Council for the Scheme since 1 February 2004. Bearing in mind the issues raised above, it is essential for the Committee make a recommendation today, to provide sufficient time for constituent councils to consider the matter before the 1 February 2013 deadline, and enable the City of London Corporation to approve the levy on constituent councils by the deadline of 15 February 2013.

9. In the event that constituent councils are unable to reach agreement by the two-thirds majority required on an overall level of expenditure before 1 February 2013 the Secretary of State for Communities and Local Government has powers to intervene and set the budget at the same level as the preceding year. Section 105 of the Local Government Finance Act 1992 inserted a new sub-section (4A) into section 48 of the Local Government Act 1985 which states that:

"4A. The Secretary of State may by order provide that if -

- *a scheme requires the total expenditure to be incurred under the scheme in any financial year _*
 - *in the making of grants; and*
 - *in the discharging by the designated council of its functions under the scheme, to be approved in accordance with the scheme by some or all of the constituent councils; and*
- *the total expenditure to be incurred in any financial year is not approved as required by the scheme before such date as may be specified in relation to that financial year in the order, the constituent councils shall be deemed, subject to any order which has been or may be made under subsection (5) below, all to have given their approval for that financial year to total expenditure of an amount equal to the amount that was approved or, as the case may be, deemed to have been approved for the preceding financial year".*

Contributions by constituent councils

10. Section 48(3) of the 1985 Act provides that the amount of contributions to the London Councils Grants Scheme shall be determined so that expenditure is borne by constituent councils in proportion to the population of their respective areas. Section 48(4) of the 1985 Act states that the population of any area shall be the number estimated by the Registrar-General and certified by him to the Secretary of State.
11. Under The Levying Bodies (General) Regulations 1992, arrangements made under section 48 of the 1985 Act use total resident population as the means of apportionment and it is no longer necessary for the Registrar General to certify the estimates. The Regulations came into force on 11 December 1992. Regulation 6(8) is of particular importance, stating that:

"A levying body shall secure that the expenses to be met by levies issued by it under these Regulations by reference to the relevant precepting power conferred by section 48 or 88 of the Local Government Act 1985 are borne by the relevant authorities in a proportion calculated by reference to the total resident population of the area of each relevant authority on 30th June in the financial year beginning two years before the beginning of the financial year in respect of which the levy is issued, as estimated by the Registrar General."

12. The Designated Council is defined as a levying body further to Sections 74 and 117 of the Local Government Finance Act 1988, which means that the levy will have to be approved formally by the City of London Corporation, being the Designated Council under the Grants Scheme, before the payment requests are sent to constituent councils. The City of London Corporation will consider this matter before the deadline of 15 February 2013. The Levying Bodies (General) Regulations 1992 then require the approved levy to be sent out to constituent councils by 15 February in any year. The term levy refers both to the total contributions from constituent councils and to the apportionment of that total between them.

Summary Timetable

13. To summarise, the timetable for the approval of the budget for 2013/14 is expected to be as follows:

Date	Action
5 November 2012	Grants Committee considers proposed budget and borough contributions for 2013/14 and makes recommendations to Constituent Councils, subject to approval of Leaders' Committee
13 November 2012	Leaders' Committee is asked to approve the level of budget and borough contributions for 2013/14, as recommended by the Grants Committee on 5 November
14-16 November 2012	Constituent Councils formally notified of the approved level of budget and borough contributions for 2013/14
19 November 2012 – 31 January 2013	Constituent Councils to individually ratify the overall level of expenditure for 2013/14 through their respective decision-making arrangements
1-15 February 2013	The City of London Corporation, as the Designated Council for the Grants Scheme, approves the levy for 2013/14 on Constituent Councils
15 February 2013	Constituent Councils informed of level of expenditure and borough contributions for 2013/14

Budget Proposal for 2013/14

14. Appendix A to this report sets out detailed information relating to the proposed budget for 2013/14. The budget assumes:

- A core, pan-London scheme of services to meet agreed service priorities of £7.6 million, which includes the membership subscriptions for boroughs for London Funders of £60,000;
- An additional gross sum of £1.88 million relating to a continuance of the current ESF grants programme;
- An indicative gross grant payments budget of £9.48 million, which represents a reduction of £2.425 million (20%) compared to grants programme of £11.905 million for the current year.
- In addition to the indicative gross grant payments budget of £9.48 million, the proposal includes a provision for grants administration of £520,000. This comprises of 5% of the boroughs grants budget of £8 million, amounting to £400,000, plus 5.99% of the £2 million gross ESF programme, amounting to £120,000. This represents a reduction in grants administration expenditure of £75,000 (12.6%) compared to £595,000 for the current year.

Non-Grants Expenditure

15. All estimates of grants administration expenditure levels are based upon a target of no more than 5% of the grants budget for the borough funded scheme, as previously discussed by Grants Committee in the review of non-grants expenditure levels conducted in early 2009. For the ESF programme, the claimable amount is limited to 5.99% of the total budget as stated in the DwP guidelines, with both amounts to be met from within the budget envelopes of £8 million and £2 million respectively.

16. In terms of dedicated staff, with the transfer of the management of the borough funded ESF programme in-house from GLE Limited, the overall number of staff is 5.97 fte posts split between the S.48 programme of 4.05 fte posts and 1.92 fte posts dealing with the ESF programme.

17. The staffing costs figures within the proposed 2013/14 budget options reflects all of these posts, together with the apportionment of time spent on Grants Committee activities by other London Councils staff, such as Grants Committee servicing and Public Affairs. In addition to this, an apportionment of time spent by Corporate Resources, Corporate Governance other than Committee Servicing, the Chief Executive's office, and London Councils Political Advisors are included in the central recharges figure for supporting the Committee's functions, as well as a notional rental figure for office space occupied at Southwark Street.

ESF Grant Income

18. The proposed budget includes gross expenditure of £2m million on activities commissioned under London Councils Poverty priority, including administration costs of £120,000, which attracts grant income at 50% as a consequence of London Councils status as one of London's ESF co-financing bodies, thus reducing the net cost of this activity to £1 million. Both the gross expenditure and the ESF income it attracts are reflected in Appendix A.

2012/13 Outturn Projections

19. The Month 6 forecast report reported to the Grants Committee on 5 November highlighted projected underspends amounting to £643,000 in total for 2012/13, reflecting:

- An projected underspend of £108,000 in respect of borough S.48 grant payments for commissioned service relating to 2012/13;
- A return to revenue of estimated liabilities of £123,000 set up during the closure of the 2011/12 accounts, which will not be paid out, again in respect of the borough S.48 programme;
- A projected underspend of £790,000 relating payments relating to the borough/DWP ESF programme, due to delays in starting the 2012-14 two year programme, offset by a reduction in ESF grant of £410,000, giving a net projected underspend of £380,000; and
- A projected net underspend of £32,000 in respect of grants administration, with additional salaries arising from transfer of staff from GLE Limited from October 2012 to manage the ESF programme offset by the cessation of contract payments to GLE. The split between the S.48 programme and the ESF programme is £15,000 and £17,000 respectively.

Use of Reserves

20. Audited reserves at the end of March 2012 were £819,000, inclusive of £139,000 relating to ESF programme slippage. The current position on Grants Committee reserves is shown in the table below, which takes on board projected underspends from the current year (refer paragraph 19).

	Borough	ESF	Total
	£000	£000	£000
Audited reserves as at 1 April 2012	680	139	819
Projected surplus/(deficit) for the year	246	397	643
Projected reserves as at 31 March 2013	926	536	1,462
Indicative total expenditure 2013/14	8,000	2,000	10,000
Forecast reserves as a % of indicative expenditure	11.58%	26.8%	14.62%

21. The Director of Corporate Resources recommends that, in line with best financial management practice, it would be appropriate to retain reserves of at least £400,000 to support the future borough programme of approximately £8 million. The projected level of reserves as at 31 March 2013 therefore comfortably achieves this benchmark. For the ESF programme, reserves attributable to this area of the programme have accumulated due to slippage and are therefore likely to be fully utilised in the subsequent years of each programme element – effectively acting as an earmarked reserve, so aspiring for a desirable level of future reserves is not considered appropriate.

Borough Contributions

22. Paragraphs 10 to 12 of this report set out the legal position relating to contributions payable by constituent councils to the London Councils Grants Scheme. Contributions for 2013/14 have been calculated using the 2011 Census data, adjusted by the ONS to provide the mid-year population estimates for June 2011 and are set out in Appendix B.

23. A review of the principles and priorities and future arrangements for a new Grants Programme for 2013/15 was undertaken earlier this year, following extensive consultation and assessment of equalities implications of the revised arrangements on protected groups, and having regard to the spending constraints on local authorities, such that the overall level of borough contributions for 2012/13 will be £9 million.

24. Taking into account the application of £1 million ESF grant, the net borough contributions for 2013/14 of £9 million will represent a reduction of £2.5 million or 21.7% on the 2012/13 subscription of £11.5 million.

25. While the budget for the Grants Scheme is agreed annually, the Committee is advised that at the Grants Committee AGM on 11 July 2012 it was agreed that services under the new Grants Programme should be commissioned for an initial two year period to March 2015 (and possibly to 2017, subject to the outcome of the review of the Programme in 2014). Nevertheless, funding of any commission will always be subject to availability of resources and the successful delivery of the service, and these conditions will be included in the contracts with the organisations eventually commissioned to deliver the service.

Equalities Implications

26. In reaching decisions for the implementation of the future Grants Programme and in agreeing the budget required to deliver that programme in 2013/14 to be recommended to constituent councils, the Committee is required to have due regard to its obligations under the Equalities Act 2010, and in particular the Public Sector Equalities Duty (the PSED). The PSED is an on-going duty and the Committee, in taking its decisions, must demonstrate due regard throughout the process. Further information regarding this duty is set out in the Legal Implications paragraph below.

27. London Councils has completed extensive consultation concerning the content of its proposed Grants Programme for 2013/15, having regard to its equalities duties and the impact of its decisions upon protected groups.. The budget proposals enable London Councils to complete the delivery of the new programme and provide grants to voluntary organisations in 2013/14.

28. The commissions to be awarded to deliver the principles and priorities of the London Councils Grants Programme for 2013/15 will be considered by the Grants Committee at its meeting to be held on 20 February 2013. This will follow assessment by officers of applications received by London Councils in October 2012, and include an analysis of equalities impacts of the proposed service. The Grants Committee will make its decisions in awarding commissions based on the available budget for 2013/14 and to provide a programme that provides services that meet the principles and priorities having 'due regard' to relevant equalities considerations.

29. London Councils has, at the beginning of this year, already undertaken extensive consultation and assessment of the equalities impacts upon protected groups in setting the principles and priorities to be delivered under the new and reduced Grants Programme for 2013/15. While that consultation did not invite comments on the future budget, the prospect of a reduced budget in the region of £8 million – in the context of the spending constraints upon local government – was made clear. The scope of the 2013/15 Programme, which was agreed in June 2012, reflects this. A report of the outcome of the consultation, and a detailed analysis of the equalities impacts was reported to London Councils Leader's Committee on 12 June 2012 and can be seen at:

http://www.londoncouncils.gov.uk/committees/agenda.htm?pk_agenda_items=4892

30. London Councils also subsequently invited views on the distribution of spending, with reference to that indicative budget, across the new priority areas as well as the proposed specifications for services to be delivered under each priority. The outcomes of this short consultation, including the relevant equalities implications, were considered by the Grants Committee at its meeting held on 12 September 2012 and the full report (and equalities analysis) can be seen at:

http://www.londoncouncils.gov.uk/committees/agenda.htm?pk_agenda_items=4978

31. In summary, the analysis of equalities considerations identified that a re-focussing of the future Grants Programme, to reflect the reduced resources available in the context of significant spending constraints facing local authorities, will have an impact upon protected groups. The decisions which have already been taken to agree the principles and priorities of the new Grants Programme, and to agree the service specifications and strands to deliver those outcomes, have been taken with the intention of applying scarce resources to seek, where possible, to mitigate any adverse equality impacts arising from a re-focused Grants Programme operating with a reduced budget.

32. Officers have reviewed the equalities analysis referred to at paragraphs 29 above. in recommending the proposed budget to the Committee. There are no issues or considerations to add to those which have already be identified and addressed in those detailed Reports and Appendices. Members are therefore asked to consider the budget proposals having regard to the needs and equalities considerations outlined in detail in those Reports. The extensive consultation previously undertaken has enabled the needs of protected groups to be included in shaping the content of the commissions and specifications in tackling the needs of Londoners with reference to a reduced budget such as that now under consideration.

Summary

33. This report considers the proposed budget for the Grants Scheme for 2013/14 and makes a recommendation to the Committee on the appropriate level to recommend to constituent councils for approval. Specifically, the report proposes an overall level of expenditure in 2013/14 of £10 million, a reduction of 20%, compared to the current year figure of £12.5 million; which requires borough contributions of £9 million; a reduction of £2.5 million or 21.7% compared to the current year contributions of £11.5 million (refer to Appendix B);

Recommendations

34. The Leaders' Committee is asked to agree, to recommend to the constituent councils for their approval, a budget for 2013/14:

- having an overall level of expenditure of £10 million for the Grants Scheme in 2013/14 (inclusive of £2 million ESF programme);
- that taking into account the application of £1 million ESF grant, net borough contributions for 2013/14 should be £9 million (representing a reduction of £2.5 million or 21.7% on the 2012/13 subscription of £11.5 million);

- that further to the recommendations above, constituent councils be informed of the Committee's recommendation and be reminded that further to the Order issued by the Secretary of State for the Environment under Section 48 (4A) of the Local Government Act 1985, if the constituent councils have not reached agreement by the two-thirds majority specified before 1 February 2013 they shall be deemed to have approved expenditure of an amount equal to the amount approved for the preceding financial year (i.e. £12.5 million);
- that constituent councils be advised that the apportionment of contributions for 2013/14 will be based on the Census data, adjusted by the ONS to provide the mid-year population estimates for June 2011; and
- that, subject to the approval of an overall level of expenditure, the Committee agrees to set aside a provision of £520,000 for costs incurred by London Councils in providing staff and other support services to ensure delivery of the Committee's grant-making responsibilities, including ESF administration of £120,000. This figure can be compared against £595,000 for 2012/13, a decrease of £75,000 or 12.6%.

Appendices

Appendix A – Proposed revenue income and expenditure budget 2013/14;

Appendix B – Proposed borough subscriptions 2013/14;

Background Papers

Grants Committee Budget Working Papers 2012/13 and 2013/14;

Grants Committee Final Accounts Working Papers 2011/12;

Grants Committee Revenue Budget Forecast Working Papers 2012/13; and

London Councils Consolidated Budget Working Papers 2012/13 and 2013/14.

Legal Implications

[A] This report considers the proposed budget for the Grants Scheme for 2013/14 and makes a recommendation to the Committee on the appropriate level to recommend to constituent councils for approval.

[B] In reaching its decision the Committee must comply with general public law requirements and in particular it must take into account all relevant matters, ignore irrelevant matters and act reasonably and for the public good.

[C] In addition, the Committee is required to consult those likely to be affected by the decision. In order to be lawful a consultation exercise must take place when the proposals are still at a formative stage, sufficient time and information must be given to permit intelligent consideration and response and the product of the consultation must be conscientiously taken into account by the decision maker in reaching a decision. The consultation process and the results of the consultation were undertaken earlier in the year and were set out in detail in the Reports referred to at paragraphs 26 – 32.

[D] A public authority must also in, the exercise of its functions, comply with the requirements of the Equality Act 2010 and in particular section 149 (the Public Sector Equality Duty). The protected characteristics to which the Public Sector Equality Duty (“PSED”) applies now include age as well as the characteristics covered by the previous equalities legislation applicable to public authorities (i.e. disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, sexual orientation, religion or belief and sex).

[E] The PSED is set out in section 149 of the Equality Act 2010 (“the Act”) provides (so far as relevant) as follows:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
- (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to (a) tackle prejudice, and (b) promote understanding.

(6) Compliance with the duties . . . may involve treating some persons more favourably than others.

[F] Case law has established the following principles relevant to compliance with the PSED which the Committee will need to consider:

(i) Compliance with the general equality duties is a matter of substance not form.

(ii) The duty to have "due regard" to the various identified "needs" in the relevant sections does not impose a duty to achieve results. It is a duty to have "due regard" to the "need" to achieve the identified goals.

(iii) Due regard is regard that is appropriate in all the circumstances, including the importance of the area of life of people affected by the decision and such countervailing factors as are relevant to the function that the decision-maker is performing.

(iv) The weight to be given to the countervailing factors is in principle a matter for the Committee. However in the event of a legal challenge it is for the court to determine whether an authority has given "due regard" to the "needs" listed in s.149. This will include the court assessing for itself whether in the circumstances appropriate weight has been given by the authority to those "needs" and not simply deciding whether the authority's

decision is a rational or reasonable one.


(v) The duty to have “due regard” to disability equality is particularly important where the decision will have a direct impact on disabled people. The same goes for other protected groups where they will be particularly and directly affected by a decision.

(vi) The PSED does not impose a duty on public authorities to carry out a formal equalities impact assessment in all cases when carrying out their functions, but where a significant part of the lives of any protected group will be directly affected by a decision, a formal equalities impact assessment ("EIA") is likely to be required by the courts as part of the duty to have 'due regard'.

(vii) The duty to have ‘due regard’ involves considering whether taking the particular decision would itself be compatible with the equality duty, i.e. whether it will eliminate discrimination, promote equality of opportunity and foster good relations. Consideration must also be given to whether it will be possible to mitigate any adverse impact on any particular protected group, or to take steps to promote equality of opportunity by, for example treating a particular affected group more favourably.

[G] To assist the Committee in fulfilling its PSED, a summary of the equalities implications is set out in paragraph 31. This, and the previous reports to Grants and Leaders Committees referred to at paragraphs 26 - 32, will need to be read and taken into account by Committee, together with the requirements of the PSED itself set out above, in reaching a decision on the recommendations in the report regarding the Grants Scheme budget for 2013/14. As the PSED is an on-going duty, due regard will need to be given to it in the further development and operation of the grants process.

[H] The Committee should therefore carefully consider these matters in reaching its decision.

 <p>The logo of Brent Council, featuring a central coat of arms with a shield, a crown, and two lions, surrounded by the words 'BRENT' at the top and 'COUNCIL' at the bottom in a circular arrangement.</p>	<p>Executive 10 December 2012</p> <p>Report from the Deputy Director of Finance</p>
<p>Wards Affected: ALL</p>	
<p>Collection Fund Surplus/Deficit at 31 March 2013</p>	

1.0 SUMMARY

- 1.1 As part of the Council Tax setting process for 2013/2014 the Council is required to estimate the amount of any surplus or deficit on the Collection Fund as at 31 March 2013. This must be done by the 15 January 2013 and this report asks Members to approve the balance projected.

2. RECOMMENDATIONS

- 2.1 To agree the calculation of the estimated Collection Fund balance as at the 31 March 2013 as a surplus of £2.34 million.

3. DETAIL

- 3.1 Income from Council Tax is used to fund budget precepts on the Fund from Brent and the Greater London Authority (GLA), which levies a precept on London's local authorities. If the eventual collection of Council Tax is estimated to be greater than precepts on the Fund (taking the cumulative position since the introduction of Council Tax in 1993), a surplus occurs. If the reverse happens, there is a deficit. Any surplus or deficit is shared between Brent and the GLA in its role as a preceptor.
- 3.2 Total arrears as at 31/3/12 not covered by bad debt provisions were £2.459m. Therefore £2.459m of debts to this date need to be collected to avoid the necessity for further provisions. If collection is anticipated to exceed this figure, a surplus can be declared.

3.3 In considering the Collection Fund position at 31 March 2013, there are a number of factors Members need to bear in mind:

- In-year collection of council tax has improved in recent years. It increased from 93.2% in 2006/07 to 95.0% in 2009/10, 95.6% in 2010/11, and reached 96.0% in 2011/12. It is anticipated that the collection rate for 2012/13 will be maintained at a similar level, despite the effects of the current economic climate (at 31 October 67.2% of the debit for the year had been collected, compared to 67.1% at the same date in 2011). One of the main reasons for the increased collection has been a very significant increase in payments by direct debit, from £43.6m in 2006/07 to an estimated £59m in 2012/13.
- Collection of council tax arrears amounted to £1.8m in 2011/12. As collection levels have improved there are fewer arrears left to collect, so collection would be expected to decline slightly. However in the current year the figure is fairly comparable to the same stage in 2011/12, and it is expected that the final 2012/13 total will again be approximately £1.8m.
- Collection carries on for some years after the original debt arises. As an example, in 2011/12 £711k of arrears was collected in relation to years up to 2007/08 (i.e. for arrears which were already over three years old). In the current financial year £374k has been collected in respect of these arrears (up to October) which are now more than four years old.
- As a result of improvements in collection, and increases in the level of provision, there has been a reduction in the overall level of un-provided arrears from £12.5m at 31 March 2007 to £2.5m at 31 March 2012, so the Collection Fund is now on a much more stable footing.

3.4 The shortfall as at 31 March 2012, as outlined in paragraph 3.2, was £2.46m. It is estimated that in the full 2012/13 financial year, around £1.8m of Council Tax arrears will have been collected in relation to earlier years, leaving a further £0.66m to collect. Based on projections of future years' collection of arrears, it is estimated that around a further £2.5m will eventually be collectable for years up to 2011/12, leaving a surplus of approximately £1.84m. This figure is dependent on the required collection level of 97.5% for 2012/2013 debits eventually being achieved. In addition, over the last year, there has been an increase in properties on the Council Tax valuation list. This means that the total collectable from Council Tax is greater than assumed when the 2012/13 budget was set, and this amount can be added to the surplus. This is partly offset by adjustments reducing Council Tax Benefit for prior years. The combined effect of these factors is to increase the estimated surplus by a further £1.1m (to £2.94m)

3.5. Given the uncertainties relating to the continuing difficult economic climate, it is considered prudent to allow for some contingency (£0.6m) for collection of both in year council tax and arrears to fall. Therefore it is recommended that a surplus of £2.34m is declared as at 31/3/2013. The balance on the collection fund has to be reviewed each year, so if this contingency is not fully required a

further surplus could be declared next year.

- 3.6. The deficit on the Collection Fund as at 31 March 2013 will be split with the Greater London Authority. The GLA share (based on its share of the total precept in 2012/2013) would be 22.46% of any surplus. If a surplus of £2.34m is declared, the GLA share would be £525,552, leaving Brent's share as £1,814,448.

4. FINANCIAL IMPLICATIONS

- 4.1 The proposals in this report have a direct impact on the level of Council Tax in 2013/2014. Any deficit or surplus has to be taken into account in the calculation of next year's Council Tax.

5. LEGAL IMPLICATIONS

- 5.1 Regulation 10 of the Local Authority (Funds) Regulation 1992, made under Section 99 of the Local Government Finance Act 1988, requires an estimate of the surplus or deficit on the Council's collection fund to be made by 15 January each year (or the next working day). This estimate is one of the figures to be used in the budget and council tax setting process for 2013/14.

6. DIVERSITY IMPLICATIONS

- 6.1 The proposals in this report have been subject to screening and officers believe that there are no diversity implications arising from it.

7. STAFFING IMPLICATIONS

- 7.1 None directly.

8. BACKGROUND INFORMATION

Collection Fund Accounts 2011/12.

Any person wishing to inspect the above should contact David Huberman, Finance Manager, Town Hall, Forty Lane, Wembley HA9 9ED. Telephone 020-8937-1478.

Mick Bowden
Deputy Director of Finance

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	<p style="text-align: center;">Executive 10 December 2012</p> <p style="text-align: center;">Report from the Director of Strategy, Partnerships and Improvement and Deputy Director of Finance</p>
<p style="text-align: right;">Wards Affected: ALL</p>	
<p style="text-align: center;">Performance and Finance Review, Quarter 2, 2012-13</p>	

1.0 Introduction

Brent's Borough Plan 'Brent our Future' is a four year strategy document which sets out the Administration's priorities over the coming years. These priorities form the core of our Corporate Planning Framework, which is broadly based around three overarching strategic objectives:

1. To create a sustainable built environment that drives economic regeneration and reduces poverty, inequality and exclusion.
2. To provide excellent public services which enable people to achieve their full potential, promote community cohesion and improve our quality of life.
3. To improve services for residents by working with our partners to deliver local priorities more effectively and achieve greater value for money from public resources.

The planned reduction in central government funding over the remaining three years of the Government's current Spending Review and beyond continues to intensify pressure on Council services, and difficult economic conditions have directly affected levels of employment across the borough. The scale and pace of national policy changes, particularly in relation to Housing Benefits and the implementation of the new Universal Credit, is expected to fuel increased demand for services, which will have an enduring effect on the borough. However despite these challenges, the Council remains committed to preserving services and protecting the most vulnerable residents.





The purpose of this report is to provide Members with a corporate overview of Finance and Performance information to support informed decision-making and manage performance effectively.

2.0 Recommendations

The Executive is asked to:

- a. Note the Finance and Performance information contained in this report and agree remedial actions as necessary.
- b. Consider the current and future strategic risks associated with the information provided and agree remedial actions as appropriate.
- c. Challenge progress with responsible officers as necessary.
- d. Agree the budget virements contained within this report.
- e. Note the write off of bad debts contained within this report.

3.0 Executive Summary - Performance

Overall Council Performance					
					Total
	Low Risk	Med Risk	High Risk	Indicative Only	Total
Adult social care	4	0	1	7	12
Children and families	9	1	2	4	16
Environment & NS	3	1	7	2	13
Regeneration & MP	2	4	2	8	16
Central services	2	2	2	8	14
Total	20	8	14	29	71
Percentage	28	11	20	41	100

The performance section of the Performance and Finance Review report now includes a benchmarking column which will provide information from the London Council's benchmarking club. Benchmarking will only be available for those indicators that other councils also wish to benchmark against. To make the information relevant and meaningful it is drawn from the same quarter in the previous financial year. So for this quarter the information provided comes from Q2 2011/12.

3.1 **Adult Social Services**

Performance in relation to the timeliness of social care assessments for mental health clients is showing a slight improvement, though it remains below target. However once an assessment has taken place the packages of care are delivered within timescales. The percentage of carers receiving a needs assessments or review has marginally improved since last quarter and is now performing better than the year to date target. Data quality issues are still being addressed by the service. As part of this work a more robust data collection method for reporting the percentage of clients receiving self directed support (direct payment and individual budget) has been introduced and the service are now more confident in the figures they are reporting.

3.2 ***Children and Families***

The pressure for school places remains most acute at key stage 1 though this is expected to work through to secondary school places over the next 2 to 3 years. This is being address with the implementation of a medium and long term strategy for creating additional school places which was agreed by the Executive in August 2012. The snapshot measure of the number of looked after children in Brent shows a slight reduction for the second quarter in a row, though the sustained pressure in Children's Social Care looks likely to continue for the foreseeable future. A suite of four co-ordinated One Council projects that collectively deliver a 'Working with Families' initiative in Brent is currently at the delivery stage. The aim of the projects is to provide early help and ensure better coordination between departments and agencies reducing fragmentation and balancing demand with resources.

3.3 ***Environment and Neighbourhood Services***

The time lag in producing figures for the volume of residual waste and percentage of household waste sent for recycling means that data is provided one quarter in arrears. New local indicators have been developed to measure the number of small and large flytips in the borough. The number of small flytips reported is above target while the number of inspections and investigations is below target in Q2 and both are showing a high risk status.

3.4 ***Regeneration and Major Projects***

Unemployment rates in Brent remain high in comparison to the London average though the percentage of working age residents in employment increased slightly in Q2. The number of households in temporary accommodation has increased since Q1, though this is currently showing a low risk status. The pressure on employment and housing indicators, largely driven by a range of external factors, such as the overall economic conditions, look set to continue. Actions to mitigate the impact of welfare reform, to implement the council's new employment offer and to make effective use of the flexibility provided by the housing reform are central to the departments work programme. The percentage of major planning applications determined in 13 weeks is high risk and a cause of concern. While one or two difficult negotiations can have a huge impact on this indicator the department are proposing to undertake a fundamental review of the service during 2013/14. The current rent collection rate is slightly below target and is highlighted in the appendix as a medium risk. The average number of days taken to re-let a property is above target and a medium risk though this has improved since Q1.

3.5 ***Central Services***

New indicators on the number of personal robberies and the number of residential burglaries have now been included to better reflect local priorities.

The number of personal robberies (cumulative) is showing status Amber, while the number of burglaries has moved from amber to green. Council tax collection rate has moved from Green in Q1 to Amber in Q2

3.6 Complaints Summary

There was a marked reduction in the number of local resolution (13%) and final review complaints (65%) received in comparison with Q1. Much of the reduction was due to BHP who saw no complaints escalate during the quarter. With the exception of Adult Social Care and Children & Families response times were good. A project has been initiated in Adult Social Care aimed at building capacity within the department to respond to complaints. The complaints manager will also be working with Children & Families Departmental Management Team to improve response times in the department. The Council continued to enjoy a low level of adverse findings from the Ombudsman with just four cases so far this year.

4.0 Executive Summary - FINANCE

4.1 The Council's revenue budget position for quarter 2 is as follows:

Item	Budget £000	Forecast Outturn £000	Variance £000
Adult Social Services	87,832	88,370	538
Children & Families	48,943	48,955	12
Environment & Neighbourhood Services	33,782	33,934	152
Regeneration & Major Projects	33,670	33,170	(500)
Central Services	37,317	37,048	(269)
Service Area Total	241,544	241,477	(67)
Central Items	18,848	18,848	0
Total Council Budget	260,392	260,325	(67)

- For quarter 2 the Council is currently forecasting an underspend of £67k this is an improvement of more than £2m on the quarter 1 forecast of an overspend of £1.954m. This has broadly been achieved by a number of ongoing and one off savings across the main services areas. Children and Families has reduced its overspend by £1m, Regeneration & Major Projects is now projecting £500k underspend and Adult Social services has reduced its overspend by £400k. Further details are included below.
- Children & Families are currently forecasting an overspend of £12k which is £1m better than the quarter 1 forecast overspend of £1,014k. Savings of £500k from across early years, transport and business support together with £500k of one off monies received for academy schools funding which was originally deducted as part of the local government finance settlement have been used to balance the budget pressures within children's social care. The position on the schools budget has also improved with the forecast overspend down £384k since quarter 1 to £568k. The main pressures on the budget are

SEN expenditure on out of borough mainstream and independent day special pupils and the pupils without school places budget. A great deal is being done through the SEN One Council Project to control future commitments, however the financial impact of this will take some time to feed through into reduced expenditure due to a large element of expenditure being linked to historic statements. To meet these current pressures savings from the Alternative Education and the Schools Improvement Services and the headroom from the schools budget deficit recovery plan are being used. The current forecast is also subject to further review once the final Dedicated Schools Grant allocation for 2012/13 has been announced by the DfE and a firmer forecast should be available at that point.

- For Adult Social Services there has been a vast improvement in the forecasted overspend position as reported in the quarter 1 report. This reflects a movement from an overspending position of £950k to the current position of £538K. The £950k overspend was wholly due to shortfalls in growth for transitions over the last two financial years. The responsibility for paying the cost of care transfers each year on 1st August from Children and Families for all young people aged 19. The majority of the transfers relate to learning disabilities and can require residential, homecare respite and day care services Work has been going on to reduce this with compensating underspends including keeping posts vacant , the transfer of one of Brent's clients to another borough with a significant saving and the use of top-sliced voluntary sector monies. In total this has brought the forecast overspend down by £412k to £538k. Further savings in other areas are being sought and the department is confident that by year end it will come in within budget.
- Environment and Neighbourhood Services identified in quarter 1 significant risks around achieving the budgeted recycling and waste savings through the delivery of reduced tonnages. At present this is forecast to be £560k and negotiations are taking place with Veolia to achieve lower gate fees, a reduction in vehicle costs and a review of rounds. There are also staffing pressures following the wave 2 staffing and structure review and shortfalls in fee income. Overall action is being taken to review agency and freeze vacant posts and non essential spend. In addition £443k of balance sheet deposits no longer required are being written back. The forecast overspend is currently £152k for quarter 2.
- Regeneration and Major Projects is currently forecasting an underspend of £500k. As part of the budget process £1.134m of growth was provided in the 2012/13 budget to cover additional costs in the temporary accommodation budget from amendments to housing benefit resulting from the changes to Local Housing Allowance caps. To date the impact of those changes has not been as great as expected thus leading to the level of the underspend.
- Central Services are currently forecasting an underspend of £269k for quarter 2 after a breakeven position in quarter 1. This underspend relates to Strategy, Partnerships and Improvements and covers mainly vacant posts predominantly within the Policy areas.

- A significant overspend in the West London West Authority (WLWA) budget has arisen during 2012/13 as a result of poor budget monitoring in 2011/12 and weaknesses in the budget setting process for 2012/13. The expected budget surplus of £2.8m for 2011/12 did not materialise and an in year budget overspend for 2012/13 of £2.6m is currently forecast due to higher than expected tonnages and costs not identified in the budget process having to be met. To remedy this position the WLWA have proposed a supplementary levy for 2012/13 of £3.6m to cover the current year's overspend and replenish WLWA's reserves. This levy will be met by the six constituent boroughs and Brent's contribution will be £609k on top of the £1.713m we currently pay. There is likely to be a knock on impact for future years which will need to be considered as part of the 2013/14 budget process. This overspend will be met from savings in the capital finance budget in 2012/13 as a result of lower than budgeted borrowing costs.
- Following the completion of the 2011/12 audit at the end of September the Council's general fund balances carried forward from 2011/12 are £10.316m. This is a betterment of £236k when compared to the originally budgeted figure of £10.080m.

	£m
Balances Brought Forward 1 st April 2012	10.316
General Fund Contribution to Balances	1.000
2012/13 Underspend	0.067
Forecast Carried Forward 31 st March 2013	<u>11.383</u>

Overall Including the in year underspend of £67k and the budgeted contribution of £1m to balances in 2012/13 the forecast balances at 31st March are now forecast to be £11.383m which is an improvement of £303k on the budgeted figure of £11.080m.

4.2 The Council's capital budget position for Quarter 2 is as follows:

Item	Original Budget	Revised Budget	Forecast	Variance
	£000	£000	£000	£000
Adult Social Services	1,184	1,552	1,552	0
Children & Families	0	0	0	0
Environment & Neighbourhood Services	7,535	17,489	17,489	0
Regeneration & Major Projects	165,952	213,052	213,053	1
Housing – General Fund	6,969	8,357	5,637	(2,720)
Housing - HRA	13,846	19,271	16,647	(2,624)
Central Services	450	3,938	3,938	0
Total Capital Programme	195,936	263,659	258,316	(5,343)

The forecast is that Housing will underspend in 2012/13, and these monies will be rephased to 2013-14. Further underspend in other areas is likely to be identified in quarter 3. Regeneration & Major Projects is forecasting £1k overspend. Full details of the movements between the original budget and forecast are given in the attached Finance Appendix.

- 4.3 Under standing orders bad debt write offs of over £3,000 need to be reported to the Executive twice yearly. Details of National Non Domestic Rate write offs for the period April 2012 to September 2012 are included in a separate appendix to this report. There are no council tax and general write offs to report for this period.

5.0 Financial implications

These are set out in the attached Performance and Finance Review quarter 2 appendix.

6.0 Legal implications

The capital programme is agreed by Full Council as part of the annual budget process. Changes to or departures from the budget during the year (other than those by Full Council) can only be agreed in accordance with the Scheme of Transfers and Virements contained in the Council's Constitution. Any decisions the Executive wishes to take and any changes in policy which are not in accordance with the budget and are not covered by the Scheme of Transfers and Virements will need to be referred to Full Council.

The Director of Finance and Corporate Services is satisfied that the criteria in the scheme are satisfied in respect of virements and spending proposals in this report.

7.0 Diversity implications

This report has been subject to screening by officers and there are no direct diversity implications.

8.0 Contact officers

Cathy Tyson (Assistant Director, Strategy, Partnerships and Improvement)
Brent Town Hall, Forty Lane, Wembley Middlesex, HA9 9HD 020 8937 1030

Mick Bowden (Deputy Director, Finance and Corporate Services) Brent Town Hall, Forty Lane, Wembley Middlesex, HA9 9HD 020 8937 1460.

PHIL NEWBY
Director of Strategy, Partnerships and
Improvement

MICK BOWDEN
Deputy Director of Finance

Performance & Finance
Review

**Performance
Report
2012-13
Quarter 2**

This report is designed to supplement the covering Performance & Finance Review report. It summarizes the Council's key performance indicators for the current reporting period.

**Produced by: Strategy, Partnerships & Improvement and
Finance & Corporate Services**







Brent

How to interpret this report





This report is designed to supplement the covering Performance & Finance Review report and includes a much wider suite of performance indicators. It summarizes performance information in relation to the Health & Wellbeing Strategy and other strategies which collectively enable the Council to deliver Brent’s Borough Plan.

The indicators contained in this report are those which are considered essential at the current time, given the pressures which the Council faces, and are reported on a quarterly basis. The Council also has a suite of annual performance indicators which are reported on an annual basis.

Performance information is assessed using the following “Alert” symbols:

	If performance is below target.
	If performance is below the level of expected performance but is within tolerance of the target.
	If performance is as expected and the target has been met or exceeded.
	If performance cannot be fairly measured against a target because it is difficult to set a target or influence performance due to external factors then the indicator is marked as indicative only.

Finance information is assessed using the following symbols:

	If there is an overspend on the budget of more than £50k or more than 5% of the budget.
	If there is an overspend on the budget of up to £50k or less than 5% of the budget.
	If the budget is underspent or at breakeven. Or additionally, for capital budgets where increased expenditure is matched by an equivalent sum of additional funding. In these cases the capital programme remains in balance and no further action is required.
	If there has been slippage in the Capital Programme with expenditure being re-phased to future years.

The LAPS Benchmark figures– are the national average benchmark figures taken from LAPS for the same quarter the previous year.

PUBLIC HEALTH

Reference	Performance Indicator	2011-12 End of Year	LAPS Bench-mark 2011-12 Q2	2012-13 Year to date	2012-13 Current Target	Alert	Definition
Local via the PCT	Number of hospital admissions for over 65s.						Cumulative. Measures the number of people aged 65 and over who are admitted to hospital.
NI 40 via the PCT	Number of drug users recorded as being in effective treatment.	1245		1208 (Q1)			Cumulative on a 12 month rolling programme. Measures the number of drug users recorded as being in effective treatment after triage.
Local via the PCT	Tuberculosis Treatment completion rates, (percentage of cases).	87.4		85.4%	85%		In arrears. Rolling year Jan-Dec 2011. Measures the number of people who, having been diagnosed with TB complete treatment programmes.
NI 121 via the PCT	Mortality rate from all circulatory diseases at ages under 75.			76.5 (2010)			In arrears for 2010. Measures mortality rates from all circulatory diseases per 100,000 per calendar year.
NI 112 via the PCT	Under 18 conception rates.		40.8	36.2 (Q2 2010)			Q4 2010 actual. Delayed reporting 12 months in arrears. Data supplied by PCT.

Comments

- TB Treatment Completion Rates – based on notifications received until 30th June 2011 followed up to 30th June 2012; this is just above the set target for the whole borough. Please note that it is the latest performance data available for up to Jun-2011, based on historical performance due to the criteria set for this measure. HPA reports performance reports and compares performance on calendar year and the last one is for 2010, 88.9%. NB: There are some changes in their reporting practice this year.
- Mortality Rate from Circulatory Diseases for under 75's – this figure is for 2010. Finalised data for 2011 should be available in December.
- Teenage Pregnancy Rate – Figure provided is the latest finalised figure available.

ADULT SOCIAL CARE









Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q2	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
NI 125	Percentage of over 65s who are still at home after 91 days following discharge.	89%		Annual	90%	●	Measures the percentage of over 65s who are still at home after 91 days following hospital discharge into the Council's re-ablement services.
NI 130	Social Care clients receiving self-directed support.	53.48%	41.7%	46.0%	32.50%	●	Cumulative. Measures the percentage of clients receiving self-directed support per 100,000 of population.
NI 132	Timeliness of Social Care assessments: (Mental Health Only).	75.51%		53%	70%	●	Cumulative. Measures the percentage of adult assessments completed within 4 weeks
NI 133	Timeliness of Social Care packages following assessment. (Mental Health Only).	100%		100%	95%	●	Cumulative. Measures the percentage social care packages put in place within the recommended timelines following assessment.
NI 135	Percentage of carers receiving needs assessment or review and a carer's service.	29%	17.4%	16%	15%	●	Cumulative. Measures the percentage of carers receiving needs assessment or review and a specific carer's service, or advice and information.
Local	Quarterly number of delayed hospital discharges (Social Services).	33		5	6	●	Measures the quarterly number of delayed discharges from hospitals.
Local	Number of clients living in the community and receiving a service.	4852		3550	Indicative only	●	Measures the number of clients who are currently living independently in the community.
Local	Number of clients in nursing and residential care.	1220		1019	Indicative only	●	Latest. Gives a snapshot of social care clients in nursing and residential care in the borough.

Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q2	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
Local	Number of clients in residential care who suffer from dementia	152		192	Indicative only	●	Latest. Gives a snapshot of the number of residential care clients who also have dementia.
Local	Number of adult contacts who were eligible after Fair Access to Care screening.	3028		1590	Indicative only	●	Cumulative. Measures the total number of clients who were eligible to receive re-ablement or long-term services after assessment.
Local CMP10	Total number of complaints received (stage 1).	95		60	Indicative only	●	Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	3		1	Indicative only	●	Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

Comments

- NI125 - Annual mid-year indicator, captured as a snapshot between 1st Oct – 31st Dec
- NI130 – The collection method for this indicator has changed from Q1 to Q2 to a more robust method and hence the performance data is more reliable. Therefore Q1's performance figure has been altered accordingly and this is reflected in the cumulative YTD Q2 figure.
- NI131 - Due to the poor quality of data available for this indicator has been replaced with a more reliable Local Indicator "Quarterly number of delayed hospital discharges" (Social Services).
- NI132 - The timeliness of social care assessments for mental health clients continues to be a cause for concern. However it is noteworthy that when the assessments do take place, all the packages of care are delivered within timescales.

CHILDREN & FAMILIES

Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q2	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
NI 114	Rate of permanent exclusions.	0.60	0.1	0.63	1.0		Measures the annual rate of exclusions from Brent-maintained schools per 1000 pupils.
Local	Net shortfall of places at Key Stage 1	-439		-393	0		Measures the number of unplaced pupils in Reception, Year 1 and Year 2 compared to the number of vacancies for 4-6 year olds. Negative = shortfall, positive = surplus.
Local	Net shortfall of places at Key Stage 2	57		75	0		Measures the number of unplaced pupils in Years 3,4,5,6 compared to the number of vacancies for 7-10 year olds. Negative = shortfall, positive = surplus.
Local	Net shortfall of places at Key Stage 3	388		543	0		Measures the number of unplaced pupils in Years 7,8,9,10,11 compared to the number of vacancies for 11-16 year olds. Negative = shortfall, positive = surplus.
NI 117	Percentage of 16 to 18 year old NEETs	3.9%	5.4%	3.6%	5%		Measures the percentage of 16 to 18 year olds who are not in Education, Employment or Training.
NI 148	Percentage of care leavers in employment, education or training	64%	57.0%	42%	64%		Measures the percentage of care leavers who are in Education, Employment or Training.
Local	Percentage of parents completing evidence based parenting programmes	31%		62%	50%		Measures the percentage of teenage mothers registered with Brent children's centres. Demand led = target represents the London Average.
Local	Proportion of child referrals to social care, which are repeat referrals.	17%		14%	17.2%		Measures the percentage of children within the social care service which are repeat referrals.

Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q2	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
Local	Number of under 18 year olds subject to a child protection plan.	173		165	N/A	●	Indicative only: target for monitoring. Measures the number of under-18 year olds who have a child protection plan in place.
NI 062	Stability of placements for looked after children (LACs): number of moves.	14.2%	7.3%	7%	13%	●	Cumulative: Measures the rate of looked after children (as part of Brent LAC total) who have had 3 or more different placements.
NI 062 d	Number of looked after children in Brent.	371		338	Indicative only	●	Snapshot: Measures the number of looked after children in Brent.
Local	Number of looked after children placed with Independent Fostering Agencies.	101		83	100	●	Measures the number of looked after children placed with independent fostering agencies.
Local	Number of looked after children placed with in-house foster carers.	113		121	127	●	Measures the number of looked after children placed with local foster carers in Brent.
NI 019	Rate of proven re-offending by young offenders in Brent.	35%	0.8% (6 returns excl. Brent)	28%	37%	●	Measures the percentage of young offenders who go on to re-offend.
Local CMP10	Total number of complaints received (stage 1).	181		89	Indicative only	●	Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	13		4	Indicative only	●	Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.













Comments

- NI 114 Rate of permanent exclusions: It needs to be borne in mind that the annual target of 1.00 represents a **cumulative** figure, and although the position might be closer to 0.5 in any one quarter, the final figure will be nearer 1.0. Please note this is based on academic year not financial year. A new Averting Exclusions Protocol has been agreed with schools which should result in even less exclusions because it facilitates earlier intervention.
- NI 117 (NEETs): This figure of 3.6% is the adjusted NEET performance against a reporting target to

DfE of 5%, 381 young people.

- Looked After Children (LACs): These figures are based on rolling three year averages as per the DfE recently published adoptions scorecard.

ENVIRONMENT & NEIGHBOURHOOD SERVICES










Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q2	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
NI 191	Volume of residual waste kg per household.	557	145 (Q1)	125 (Q1)	109.5 (Q1)		Cumulative. Measures household waste that is not re-used, recycled or composted.
NI 192	Percentage of household waste sent for recycling.	37%	32.8% (Q1)	43.8% (Q1)	50% (Q1)		Measures the percentage of household waste re-used, recycled or composted.
Local	Tonnes of waste sent to landfill.	73,524		17,900 (Q1)	14,3004 (Q1)		Measures the volume of waste sent to landfill sites.
Local	Number of small reported flytips	2106		1340	1050		Latest. Measures the number of small fly tipping incidents reported
Local	Number of large reported flytips	5046		2513	2500		Latest. Measures the number of large fly tipping incidents reported
Local	Flytipping Enforcement: No of Inspections and Investigations	4337		939	1900		Latest. Measures the number of inspections and investigations relating to fly tipping incidents
Local	Flytipping Enforcement: No of Enforcement Actions Taken	614		109	150		Latest. Measures the number of enforcement actions taken relating to fly tipping incidents
Local	Number of library visits per 1000 population.	5873		2188	2974		Cumulative. Measures the number of visits to Brent libraries.
Local	Active library borrowers as a percentage of population.	15.6%		11.8%	15.3%		Measures the proportion of people to borrow books from the libraries.
Local	Number of visits to Brent Sports Centres to partake in sports activity	1.24m		649,640	624,754		Cumulative. Measures the number of adults to visit sports centres to actively partake in sport.
NI 195a	Percentage of Streets below standard for litter.	15.3%	5.8%	12%	15%		Measures the percentage of streets which fail to meet environmental cleanliness standards. Per 4 month tranche.
Local CMP10	Total number of complaints received (stage 1).	410		286	Indicative only		Cumulative. Measures the number of new complaints relating to each service area at the first stage.








Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q2	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
Local CMP11	Total number of complaints escalated to stage 2.	36		11	Indicative only	●	Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

Comments

- NI 191, NI 192 and Tonnes of Waste Land Filled: reported a quarter in arrears
- Number of visits to Brent Sports Centres to partake in sports activity - as there are now two sports centres, it is unlikely that the London average will be met in relation to the number of sports centre visits.
- Number of library visits per 1000 population: Target revised upwards from that originally quoted, to reflect the fact that Willesden Green will not close for refurbishment in September 2012 as originally planned.
- Active library borrowers as a percentage of population: The definition of this indicator has been revised. Previously this indicator showed the figure from April 1st to date, however it now shows the figure for the last twelve months (i.e. from 1st July 2011 to 30th June 2012). This will make it easier to compare performance on a rolling quarterly basis.
- Complaints: The highest 3 complaint areas were Safer Streets, Recycling & Waste and Parks and Sports.










REGENERATION & MAJOR PROJECTS

Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q2	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
NI 154	Net additional homes provided	559	642.4 (9 returns excl. Brent)	Annual	915		Cumulative: Measures the number of additional homes provided
NI 157a	Percentage of major Planning applications processed within 13 weeks.	41%	52.7%	50%	70%		Measures the efficiency of the Planning applications process.
NI 157b	Percentage of minor Planning applications processed within 8 weeks.	67%	71.5%	71%	80%		Measures the efficiency of the Planning applications process.
NI 157c	Percentage of other Planning applications processed within 8 weeks.	81%	83.5%	82%	90%		Measures the efficiency of the Planning applications process.
Local	Percentage of working age residents in employment	64.2%	68.2%	63.1%	Indicative only		Measures the percentage of eligible age residents who are currently employed.
NI 152	Gap between Brent and London for working age people on out of work benefits.	3.45%	12.4%	3.7%	Indicative only		Measures how Brent's cohort of working age people on out of work benefits compares to the London average figures.
NI 156	Number of households living in Temporary Accommodation.	3176	1131.8	3191	3600		Cumulative. Measures the number of households in temporary accommodation provided under Homelessness legislation.
Local	Percentage of residents with no qualifications	-4.8%		1.9%	Indicative only		Latest. Measures the percentage gap between Brent and London average. Minus figure reflects higher than average.
Local	Percentage of empty commercial properties in the borough	14.99%		13.39%	Indicative only		Latest. Percentage of total commercial properties which remain unoccupied.

Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q2	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
Local	Current rent collection rate as a percentage of total rent due (excl. arrears)	99.1%		97.8%	98%		Latest. Percentage of rent collected by the Council as a proportion owed by Housing Revenue Account dwellings.
Local	Average days taken to re-let Council properties	27		28	27		Measures the average number of days taken to re-let Council properties.
Local	Percentage of repairs completed on the first visit.	95%		96.8%	95%		Measures the efficiency of the Housing Repairs system.
Local CMP10	Total number of complaints received (stage 1).	281		143	Indicative only		Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	47		21	Indicative only		Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.
Brent Housing Partnership (BHP)							
Local CMP10	Total number of complaints received (stage 1).	540		187	Indicative only		Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	74		21	Indicative only		Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

Comments	
<ul style="list-style-type: none"> NI 154 - New housing completions are assessed accurately only on an annual basis. Figs. for 2011/12 were about two thirds of the target. It is anticipated that this level of new build may fall back a little through 2012/13 because of national economic conditions Proportion of residents with no qualifications: There has been a massive reversal of the proportion of residents with no qualifications, the rate has increased by more than 100% . This significant rise in the proportion of residents with no qualifications is a cause for concern but the underlying reasons are unclear. Percentage of empty commercial properties in the borough: This indicator has been developed to monitor the health of business within the borough. Total no of commercial properties: 8284 (up by 27 units from Q1), Occupied: 7175 (up by 141 units from Q1), Empty: 1109 (down by 129 since Q1). Statistics provided by Business Rates. Complaints: BHP have joined the Council's 2 stage process this quarter 	





















CENTRAL SERVICES

Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q2	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
NI 015	Serious violent crime rate.	0.16	-	1.15	0.98		Measures the cumulative number of serious crimes recorded by the police per 1000 of population.
NI 016	Serious acquisitive crime rate.	2.87	-	2.75	2.35		Measures the number of serious thefts, burglaries etc. recorded by the police per 1000 of population.
Local	Number of Personal Robberies: cumulative rolling financial year.	5758		1014	944		Cumulative. Measures the number of personal robberies
Local	Number of Residential Burglaries: cumulative	7663		1014	1380		Cumulative. Measures the number of residential burglaries
NI 181	Time taken to process all Benefit claims.	8.19	-	7.02	8.00		Measures the average number of days taken to process Housing Benefit/Council Tax Benefit claims and change events.
Local	Council Tax collection rates.	96.02%	55.8%	57.99%	58.35%		Cumulative. Percentage. Measures Council Tax collected as an amount against the net debit raised at the start of the financial year.
NI 185	Volume of CO2 emissions from council main buildings.	2.76m		1.25m	Indicative only		Cumulative. Measures the amount of CO2 emissions in tonnes from Mahatma Gandhi House, Brent House and Town Hall.
Local	Average number of working days lost due to sickness absence.	5.34	7.8	1.26	Indicative only		Measures the average number of days lost across the Council due to sickness absence.
Complaints: Strategy partnerships and improvement							
Local CMP10	Total number of complaints received (stage 1).	0		0	Indicative only		Cumulative. Measures the number of new complaints relating to each service area at the first stage.

Reference	Performance Indicator	2011-12 End of year	LAPS Bench mark 2011-12 Q2	2012-13 Year to date	2012-13 Current YTD Target	Alert	Definition
Local CMP11	Total number of complaints escalated to stage 2.	0		0	Indicative only	●	Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.
Complaints: Customer and community engagement							
Local CMP10	Total number of complaints received (stage 1).	37		10	Indicative only	●	Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	0		0	Indicative only	●	Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.
Complaints: Finance and corporate services							
Local CMP10	Total number of complaints received (stage 1).	221		30	Indicative only	●	Cumulative. Measures the number of new complaints relating to each service area at the first stage.
Local CMP11	Total number of complaints escalated to stage 2.	16		6	Indicative only	●	Cumulative. Measures the number of complaints over the year that were not resolved at stage 1 and escalated to stage 2.

Comments	
<ul style="list-style-type: none"> NI 16 (serious acquisitive crime rate) this indicator has been dropped by the police, therefore no statistical comparison is available, and data is unreliable. Residential Burglary - Quarter 1 saw a rise in offences of 8.4% a considerable (7.3%) slowing of the rise in this offence, this still left Brent bottom of the 15 comparator boroughs and this remained the case in quarter 2. Personal Robbery - Quarter 1 offences were down 31%, a considerable reduction the annual outcome for 2011 – 12 that saw a rise of 9.3 %. Despite this improved performance Brent is still 14th in the cohort of comparator boroughs, there are 15 of these similar areas. The fall continued in quarter 2 with the cumulative being reported by the Metropolitan Police as 42.5%, however, Brent remains at number 14. Sanction and detection rose slightly in quarter 2 and remains close the rate for last financial year 13.6% 	

One Council Programme Quarterly Snapshot Position

PROJECT NAME	PROJECT SPONSOR	PROJECT STAGE	RAG STATUS
Projects in Delivery and Reporting into the OC Programme (20)			
1. Future Customer Service	Toni McConville	Delivery	
2. Web Enhancement	Toni McConville	Delivery	
3. Digital Post Room	Margaret Read	Delivery	
4. Civic Centre (including Move to the Civic Centre)	Andy Donald	Delivery	
5. Review of Employee Benefits	Phil Newby	Delivery	
6. Project Athena: E-business suite	Andy Donald	Delivery	
7. Realigning Corporate and Business Support	Phil Newby	Delivery	
8. Procurement (Training and Practice / E-Procurement / Additional Operational Savings from Procurement Activities)	Fiona Ledden	Delivery	
9. Special Educational Needs (SEN) Review: Phase 2	Sara Williams	Delivery	
10. Libraries Transformation	Jenny Isaac	Delivery	
11. Parking Enforcement Review	Michael Read	Delivery	
12. Highways	Jenny Isaac	Delivery	
13. Managing the Public Realm	Jenny Isaac	Delivery	
14. Adult Social Care - Direct Services (Learning Disabilities)	Alison Elliott	Delivery	
15. Supporting People Phase 1	Steven Forbes	Delivery	
16. Developing a Model for Public Health in Brent	Phil Newby	Delivery	
17. Multi-Agency Front Door Working with Families Phase1)	Phil Newby	Delivery	
18. Early Help (Early Years 0 – 11) (Working with Families Phase1)	Phil Newby	Delivery	
19. Early Help (Adolescents) (Working with Families Phase1)	Phil Newby	Delivery	
20. Edge of Care (Working with Families Phase1)	Phil Newby	Delivery	
Other Projects (not reporting directly into the OC Programme) (3)			
1. Services for Young People (Phase 1)	Cathy Tyson	Delivery – PSR not required	N/a
2. Review of School Improvement Service	Sara Williams	Delivery- PSR not required	N/a
3. Improving Recycling Performance	Michael Read	Delivery - new	N/a
Planned Projects (at the pre-Delivery stage) (1)			
1. Integrating Health and Social Care	2. Alison Elliott	3. Pre-delivery (6mths +)	4. N/a

PROJECT NAME	PROJECT SPONSOR	PROJECT STAGE	RAG STATUS
Completed Projects			
1. Finance Modernisation Project		Closed	N/a - closed
2. Income Maximisation		Closed	N/a - closed
3. Staffing & Structure Review Wave 1	Gareth Daniel	Closed	N/a - closed
4. Staffing & Structure Review Wave 2	Gareth Daniel	Closed	N/a - closed
5. Temporary Labour Project	Fiona Ledden	Closed	N/a - closed
6. Strategic Procurement Review	Fiona Ledden	Closed	N/a - closed
7. Transitions into Adult Life	Alison Elliott	Closed	N/a - closed
8. SEN Review Phase 1	Krutika Pau	Closed	N/a - closed
9. Children's Social Care Transformation	Krutika Pau	Closed	N/a - closed
10. Children with Disabilities	Graham Genoni	Closed	N/a - closed
11. Waste & Street Cleansing Review	Sue Harper	Closed	N/a - closed
12. Adult Social Care: Customer Journey	Alison Elliott	Closed	N/a - closed
13. Adult Social Care Commissioning	Alison Elliott	Closed	N/a - closed
14. Housing Needs Transformation	Andy Donald	Closed	N/a - closed
















Performance and Finance Review



Finance Report


ADULT SOCIAL SERVICES

Budget: GENERAL FUND

Adult Social Services					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Forecast £000,	2012/13 (Under)/Over Spend £000,	Alert
Operational					
Directorate	1,743	5,704	5,680	(24)	
Voluntary Sector	1,344	0	4	4	
Reablement & Safeguarding	3,011	3,248	3,232	(16)	
Support Planning & Review	3,450	3,410	3,378	(32)	
Day Centres	6,946	5,412	5,374	(38)	
Client Services	14,557	15,344	15,321	(23)	
Total Operational	31,051	33,118	32,989	(129)	
Purchasing					
Older People's Services	23,833	21,669	21,671	2	
Learning & Disability	18,487	18,432	19,130	698	
Mental Health	7,351	7,433	7,424	(9)	
Physical Disability	8,223	7,180	7,156	(24)	
Total Purchasing	57,894	54,714	55,381	667	
Total	88,945	87,832	88,370	538	

Budget: CAPITAL

Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Forecast £000,	2012/13 (Under)/Over Spend £000,	Alert
Adults: Individual schemes	0	0	0	0	
Ring-fenced grant notifications for adult care	300	1,184	1,552	368	

Total	300	1,184	1,552		368	
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Key Financial Risks

Adult Social Services Revenue






The current forecast is an overspend of £538k which is an improvement on the £950k reported in quarter 1. This overspend arose due to shortfalls in transitions growth over the last two financial years. The improvement has been achieved by a number of actions including keeping vacancies empty and not filling with agency staff, a transfer of responsibility for a client paid by Brent to another borough saving £100k and a one-off top slicing of voluntary sector grants. Work is being undertaken by the department's management team to bring the budget back into line by year end. A project plan is in place which is being monitored regularly.

Adult Social Services Capital

£900k of the increase in forecast expenditure compared to the budget reflects slippage between 2011-12 and 2012-13. £456k of budget and grant has been transferred to Regeneration and Major Projects to fund the refurbishment of Kilburn Library. £76k has been transferred to RMP to fund loose Fixtures, Furniture and Equipment spend at the John Billam Resource Centre.

CHILDREN & FAMILIES

Budget: GENERAL FUND

Children and Families					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Forecast £000,	2012/13 (Under)/Over Spend £000,	Alert
Achievement & Inclusion	46,718	46,120	46,103	(17)	
Social Care	37,550	32,707	33,236	29	
Central Support & Other	1,734	3,437	3,437	0	
Schools and Dedicated School Grants	(32,887)	(33,321)	(33,321)	0	
Total	53,115	48,943	48,955	12	

Key Financial Risks

Children and Families Revenue

Children & Families are currently forecasting an overspend of £12k. This is a £1m improvement on the first quarter position of £1.014m overspend.

- Following a successful legal challenge by a number of local authorities on the basis of how monies were being deducted for academy funding for LACSEG as part of the local government finance settlement the authority received £500k compensation.
- Lower than expected redundancy costs following the review of Early Years has resulted in £200k of additional savings.
- Savings from Transport and Business Support are both contributing £150k of savings each.
- The above savings have allowed the pressures on the Social Care purchasing and placements budget to be balanced.

The schools budget is currently forecasting an overspend of £568k which is a £384k improvement on the £952k reported in quarter 1. There are two main elements of overspending

- £1M estimated overspend in SEN mainly in out of borough Mainstream & Independent Day Special pupils.
- Pupils without school places is currently forecasting an overspend of £860k with a significant increase since August because of the new September 2012 intake of pupils.

These overspends are offset by





- £800k from the schools budget headroom which was approved as part of the schools budget deficit recovery plan.
- The review of the Alternative Education Services has achieved savings of £300k from the closure of one of the Pupil Referral Units.
- £95k savings from Schools Improvement Service











The current forecast is subject to further review once the final Dedicated Schools Grant allocation for 2012/13 has been announced by the DfE and a firmer forecast should be available at that point.


Children and Families Capital

Capital expenditure and grant allocations transferred to Regeneration and Major Projects capital programme.

ENVIRONMENT AND NEIGHBOURHOOD SERVICES

Budget: GENERAL FUND					
Environment and Neighbourhood Services					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Forecast £000,	2012/13 (Under)/Over Spend £000,	Alert
Directorate	844	779	756	(23)	
Neighbourhood Services	9,172	9,156	8,979	(177)	
Environment & Protection	26,632	23,847	24,199	352	
Deposits					
Total	39,648	33,782	33,934	152	

Budget: CAPITAL					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Forecast £000,	2012/13 (Under)/Over Spend £000,	Alert
TfL grant funded schemes	4,179	4000	4222	222	
Estate Access Corridor	593	0	1201	1201	
Stadium Access Corridor	0	0	30	30	
Leisure & Sports schemes	643	535	1,247	712	
Environmental Initiative schemes	3,389	0	2	2	
Public Realm	0	0	6,200	6,200	
Highways schemes	5,081	2,920	3,575	655	
Parks & Cemeteries schemes	483	80	912	832	
Library schemes	0	0	100	100	
S106 works	0	0	0	0	

Total Environment & Neighbourhoods Capital Programme	14,368	7,535	17,489		9,954	
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Key Financial Risks

Environment and Neighbourhood Services Revenue

Environment and neighbourhood Services are currently forecasting an overspend of £152k after reporting a break-even position for quarter 1 though a risk around the recycling and waste savings of £1.4m for 2012/13 was flagged up. At present there is a projected overspend of £560k for recycling and waste as targets for residual waste are not being achieved in terms of tonnage or price following the closure of Seneca earlier this year. There are also issues over staffing costs following the wave 2 staffing and structure review and a shortfall in highways and licensing income. To meet the overspend £443k of balance sheet deposits no longer required will be written back. Negotiations are also taking place with Veolia to achieve lower gate fees, a reduction in vehicle costs and a review of rounds. Action is also being taken to review agency and freeze vacant posts and non essential spend.

Environment and Neighbourhood Services Capital

£222k increased expenditure reflects increased grant from TfL.

£1,201k and £30k increased expenditure for Estate Access Corridor and the Stadium Access Corridor respectively is slippage from 2011-12.

£712k forecast increase in expenditure over the budget on Leisure and Sports Schemes represents slippage from 2011-12.

£2k additional spend on Environmental Initiative schemes is rephasing from 2011-12.

£6,200k has been added to the capital programme for the purchase of a waste collection depot.

£600k of the increased Highways schemes spend is a transfer from the Civic Centre budget held by Regeneration and Major Projects to pay for the installation of CCTV monitoring equipment in the Civic Centre. The remaining £55k is rephasing from 2011-12.

Libraries spending has increased by £100k to reflect self-financed Radio Frequency ID tag works.

REGENERATION & MAJOR PROJECTS

Budget: GENERAL FUND

Housing					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Forecast £000,	2012/13 (Under)/Over Spend £000,	Alert
Housing Benefit Deficit	710	1,134	864	(270)	
Housing Needs	8,514	7,065	6,867	(198)	
Private Housing Services	710	713	713	0	
Supporting People	10,383	9,918	9,886	(32)	
Other Housing Services	604	326	326	0	
Total	20,921	19,156	18,656	(500)	
Non Housing					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Forecast £000,	2012/13 (Under)/Over Spend £000,	Alert
Civic Centre & Major Projects	436	3,188	3,188	0	
Directorate & Business Support	516	691	691	0	
Planning & Building Control	1,330	1,021	1,021	0	
Policy & Regeneration	126	478	478	0	
Property & Asset Management	9,778	9,134	9,134	0	
Total	12,168	14,514	14,514	0	
Total Regeneration and Major Projects	33,089	33,670	33,170	(500)	

Budget: CAPITAL

Housing	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Forecast £000,	2012/13 (Under)/Over Spend £000,	Alert
PSRSG & DFG Council	4,169	6,969	7,830	862	
New units	0	0	0	0	
Housing: Individual schemes	115	0	527	527	









Right to buy administration costs	34	0	0	0	
Total Housing Capital Programme	4,318	6,969	8,357	1,389	
Total Housing Revenue Account Capital Programme	10,835	13,846	19,271	5,425	

Budget: CAPITAL

Regeneration & Major Projects	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Forecast £000,	2012/13 (Under)/Over Spend £000,	Alert
Civic Centre	34,042	62,393	56,033	(6,360)	
Children & Families	47,139	71,461	115,451	43,990	
Culture	(57)	0	0	0	
Adults & Social Care	0	0	0	0	
Housing	0	0	0	0	
Strategy, Partnership and Improvement	8,935	18,112	27,583	9,471	
S106 Works	0	13,986	13,986	0	
Total Regeneration and Major Projects Capital Programme	90,059	165,952	213,053	47,101	

Budget

Housing Revenue Account (HRA)	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Forecast £000,	2012/13 (Under)/Over Spend £000,	Alert
Rent and Rates	1,459	1,638	1,638	0	
Capital Financing	19,946	11,456	11,456	0	
Depreciation (MRA)	8,078	13,720	13,720	0	
General/Special Management/Services	15,005	17,345	17,345	0	
Housing Repairs	11,018	11,528	11,528	0	

Provision for Bad Debts	736	658	658	0	
HRA Subsidy	(8,000)	0	0	0	
Rent Income	(47,498)	(53,638)	(53,638)	0	
Other Income	(641)	(521)	(521)	0	
Transfer to/(from) Reserves	(676)	(1,890)	(1,890)	0	
Total	(573)	296	296	0	
Balances b/fwd	(1,695)	(2,268)	(2,268)	0	
Surplus c/fwd	(2,268)	(378)	(378)	0	

Key Financial Risks

Regeneration and Major Projects Revenue

Regeneration are now forecasting an underspend of £500k an improvement from the breakeven position reported in quarter 1

The main pressure within Regeneration and Major Projects was envisaged at the start of the year to be the housing benefit scheme changes resulting from the introduction of the Local Housing Allowance caps in April 2011. Temporary Accommodation includes growth of £1.134m in order to assist in managing the cost pressures and increased service demand. The pressures on the temporary accommodation and housing benefit budgets are not as high as projected and it is currently showing an underspend of £468k in total.

Housing Revenue Account (HRA) Revenue

The HRA forecast is currently in line with budget.

Regeneration and Major Projects Capital

£4,541k of the Civic Centre variance relates to work brought forward and completed in the 2011-12 financial year. £1,219k of the variance relates to a transfer of the Civic Centre Furniture, Fixtures and Equipment budget to Finance and Corporate Services to pay for installation of a data centre in the Civic Centre. The final £600k relates to a transfer of budget to Environment to pay for the installation of CCTV monitoring within the Civic Centre.

£14,383k of the increase in forecast Children and Families expenditure relates to expenditure rephased from

2011-12. £30,883k of the increase in forecast relates to additional Basic Need funding received from the Department for Education. Expenditure has been reduced by £1,750k to remove forecast expenditure funding by schools contribution as this value will not be known until the end of the year. £473k of additional expenditure has been included in the forecast to reflect schools contributions for works at Vernon House, Mora JMI School, Alperton school. Only £1k relates to forecast overspend unfunded by additional resources, the overspend is on Access initiatives.

£8,278k of the forecast expenditure increase reflects rephasing of expenditure from 2011-12. Forecast. £651k of additional expenditure has been agreed to refurbishment Kilburn library; this is funded by £161k of Section 106 monies, a transfer of £456k of grant from Adult Social Care, and a reduction in expenditure on Combined Property and ICT Initiatives by £35k. £460k of additional expenditure is forecast on enfranchisement; this is self-financing, and generates additional resources for the council's capital programme. Expenditure on the South Kilburn programme has been increased by £76k for loose fixtures, furniture and equipment at the John Billam Resource Centre; this is funded by a transfer of £76k of grant from Adult Social Care. Expenditure on Willesden High Street Shop Fronts is forecast to increase by £40k reflecting an the balance of the Outer London Fund Grant.

Overall, only £1k of forecast overspend is unfunded.

Housing General Fund Capital

The £862k forecast increase in expenditure on PSRSG & DFG Council is rephasing from 2011-12.

With respect to the Housing: Individual schemes £527k forecast increase in expenditure is rephasing from 2011-12.

All of the forecast increase in Expenditure is funded.

Housing Revenue Account (HRA) Capital

£4,348k of the forecast increase in HRA expenditure is rephasing from 2011-12. The remaining £1,078k increase is an increase in the baseline for the Major Repairs Allowance. These increases are funded.

CENTRAL SERVICES

Budget: GENERAL FUND

Central Services					
Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Forecast £000,	2012/13 (Under)/Over Spend £000,	Alert
Chief Executive's Office	487	479	479	0	
Customer & Community Engagement	3,577	3,752	3,752	0	
Legal and Procurement	1,245	4,978	4,978	0	
Finance & Corporate Services	21,150	21,864	21,864	0	
Strategy, Partnerships and Improvement	4,554	6,244	5,975	(269)	
Total	31,013	37,317	37,048	(269)	

Budget: CAPITAL

Unit	2011/12 Out-turn £000,	2012/13 Budget £000,	2012/13 Forecast £000,	2012/13 (Under)/Over Spend £000,	Alert
ICT schemes	1,780	400	1,619	1,219	
Property schemes	0	0	0	0	
Strategy, Partnerships and Improvement Schemes	0	0	0	0	
Central Items	2,765	50	2,319	2,269	
S106 works	0	0	0	0	
Total Corporate Capital Programme	4,545	450	3,938	3,488	

Key Financial Risks

Central Services Revenue

There is currently a breakeven forecast for central services unchanged from the 1st quarter. The main issues include:




























- Pressure on Legal and Procurement from legal disbursements offset by potential savings from the Legal Services Review and options are being explored for additional external income.
- For Finance & Corporate Services there are additional costs of £240k from extending the payroll contract offset by under spends within Customer Services.
- For Customer and Community Engagement Registrars are overachieving on their income targets which is helping to offset overspends in other areas including Design
- Strategy, Partnerships and Improvement underspending of £269k arises mainly from vacancies within policy

Central Services Capital

£400k of increased forecast spend on ICT schemes is slippage from 2011-12. £1,219k is a transfer from the Civic Centre budget held by RMP to pay for the data centre in the Civic Centre.

£956k of increased spend on central item over the budget is a rephasing from 2011-12. £1,313k is spending on Oracle as part of Project Athena.

SUMMARY

Overall Summary						
	Original Budget £000,	Latest Budget £000,	Forecast £000,	Variance £000,	Alert	
Departmental Budgets						
Adult Social Services	87,552	87,832	88,370	538		
Children and Families	51,402	48,943	48,955	12		
Environment and Neighbourhood Services	34,073	33,782	33,934	152		
Regeneration & Major Projects	33,277	33,670	33,170	(500)		
Finance & Corporate Services & Central Services	32,550	37,317	37,048	(269)		
Total	240,854	241,544	241,477	(67)		
Central Items						
Capital Financing and Other Charges	25,343	25,343	24,743	(609)		
Levies	2,579	2,579	3,120	550		
Premature Retirement Compensation	5,416	5,416	5,416	0		
Insurance Fund	1,800	1,800	1,800	0		
New Homes Bonus	(2,794)	(2,794)	(2,794)	0		
Efficiency Programme	(734)	(410)	(410)	0		
Remuneration Strategy	229	229	229	0		
South Kilburn Development	900	900	900	0		
Affordable Housing PFI	1,288	0	0	0		
Carbon Tax	304	304	304	0		
Redundancy & Restructuring Costs	4,354	4,354	4,354	0		
Inflation Provision	2,025	2,299	2,299	0		
Council Tax Freeze Grant	(2,575)	(2,575)	(2,585)	(10)		
Government Grants	(24,638)	(24,638)	(24,674)	(36)		
Transformation Enabling Fund	3,500	3,500	3,500	0		
Other Items	1,541	1,541	1,646	105		
Total central items	18,538	17,848	17,848	0		
Contribution to/(from) balances	1,000	1,000	1,067	67		
Total Budget Requirement	260,392	260,392	260,392	0		
Balances c/Fwd 1st April 2012						
Balances c/Fwd 1 st April 2012	10,080	10,080	10,316	236		
Contribution from balances	1,000	1,000	1,067	67		
Total Balances for 31st March 2013	11,080	11,080	11,383	303		

BUDGET VIREMENTS

Revenue Virement Schedule 2012/13

	Adult Social Services £000,	Children & Families £000,	Environment & Neighbourhood Services £000,	Regeneration & Major Projects £000,	Central Services £000,	Finance & Corporate Services £000,	Central Items £000,
Transitions	2,755	(2,755)					
One Print		40				(473)	433
Employer Pension Contributions	162	284	216	153	123	240	(1,178)
Digital Post Room				(300)		300	
Total	2,917	(2,431)	216	(147)	123	67	(745)

1. Transitions – The transfer of responsibilities from Children and Families to Adults for 14 – 18 year olds so the transition service now covers responsibilities for 14 -25 year olds.
2. One Print - savings resulting from the curtailment of photocopying contracts
3. Employer Pension Contributions – the additional costs being met by service areas as a result of the increase in pension oncosts in 2012/13 from 25.1% to 26.9%.
4. Digital Post Room - the transfer of responsibility from Facilities Management within Property and Asset Management to Brent Customer Service.

Capital Programme Virement and Adjustment Schedule 2012/13

	Adult Social Services £000,	Environment & Neighbourhood Services £000,	Regeneration & Major Projects £000,	Central Services £000,	Finance & Corporate Services £000,	Total General Fund £000,	Housing Revenue Account £000,
John Billam Loose FFE	(76)		76			0	
TfL increased grant		222				222	
Waste depot purchase		6,200				6,200	
Civic Centre CCTV		600	(600)			0	
Libraries Radio Frequency ID tag		100				100	
Civic Centre IT			(1,219)		1,219	0	

Additional Basic Need funding			30,883			30,883	
Forecast Schools contributions			(1,750)			(1,750)	
Actual Schools contributions			473			473	
Kilburn library refurbishment	(456)		456			0	
Willesden High Street Shop Fronts			40			40	
Major Repairs Allowance						0	1,078
Oracle				1,313		1,313	
Total	(532)	7,122	28,359	1,313	1,219	37,481	1,078

1. John Billam Loose FFE – Transfer of unallocated grant from Adult Social Services to Regeneration and Major Projects to pay for loose Fixtures, Furniture and Equipment at the John Billam Resource Centre
2. TfL increased grant – the allocation of TfL grant to borough has increased, the use of these funds is agreed with TfL
3. Waste depot purchase - the executive has approved the use of prudential borrowing to fund the purchase of a new depot to support the implementation of the waste strategy
4. Civic Centre CCTV – this is the transfer of funds allocated to the Civic Centre programme from Regeneration and Major Projects to Environment and Neighbourhood Services to pay for the installation of CCTV control room in the Civic Centre,
5. Libraries Radio Frequency ID tag – this is balance of borrowing to pay for the Radio Frequency ID tag project in Libraries. This will be financed from the revenue savings as a result of the project in future years.
6. Civic Centre IT – these funds are being transferred from Regeneration and Major Projects to Finance and Corporate Services to pay for the installation of a data centre at the Civic Centre.
7. Additional Basic Needs funding – this is additional grant funding from the Department for Education. This is being used to provide additional school places as agreed by Executive.
8. Forecast Schools contributions – this item has been removed from the capital programme
9. Actual Schools contributions – agreed schools contributions to the capital programme. These pay for works at Vernon House, Mora JMI School and Alperton lower school managed by Regeneration and Major Projects
10. Kilburn library refurbishment – this is a £651k scheme. This is funded by a transfer of £456k from Adult Social Services, and a reduction of £35k on combined Property and ICT schemes, and use of £161k Section 106 monies
11. Willesden High Street Shop Fronts – the balance of the Outer London Fund Grant will be used for further work on Willesden High Street Shop Fronts
12. Major Repairs Allowance – the baseline for Major Repairs Allowance has increased. This is self-financed from within the HRA.
13. Oracle – this capital expenditure as part of the Project Athena programme.